

CITY OF TAKOMA/PARK, MARYLAND (FINAL 5/8/92)

Budget Public Hearing and Regular Meeting of the City Council
Monday, April 13, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	Deputy City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Johnson	Public Works Dir. Knauf
Councilmember Hamilton	Dep. Director, PW Laster
Councilmember Porter	Police Chief Fisher
Councilmember Prenskey	Dep. Police Chief Wortman
ABSENT: Councilmember Leary	Library Dir. Robbins
	Corp. Coun. Perlman

The City Council convened on Monday, April 13, 1992, at 8:34 p.m., in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the following remarks were made:

Mr. Sharp announced that Councilmember Leary would not be attending the evening's meeting because he was out of town.

Mr. Sharp announced with pleasure that Mr. Hamilton had been chosen as the recipient of Montgomery County's Highest Achievement Award by the Montgomery County Community Service Partnership and the Montgomery County Volunteer and Community Service Center. Mr. Hamilton will be honored at an awards ceremony and reception to be held April 26, 1992 at 2:30 p.m. at the Montgomery College Performing Arts Center.

Mr. Sharp announced that the Council would be meeting with the residents of the B.F. Gilberts Citizens Association to discuss the FY'93 budget, on Wednesday, April 15th.

Mr. Sharp also announced that on April 14, 1992, at 7:30 p.m., there would be a public hearing held by WSSC on the hiker biker trail as well as the sewer project.

The City Council will be meeting on Thursday, April 16th, to begin it's budget discussions. Mr. Sharp noted that until the Municipal Building renovations were completed, all City Council meetings would be held in the Chambers.

Mr. Johnson announced that the traffic light at New Hampshire and Erskine Avenues was now being installed. He said he was pleased that the concerted efforts of all of his predecessors have gone through.

ADOPTION OF MINUTES

Moved by Mr. Hamilton; seconded by Ms. Porter, the Minutes of June 18, 1991, June 26, 1991, July 15, 1991, March 23, 1992 and March 30, 1992 were unanimously adopted with minor corrections noted by Mr. Sharp on the July 15th and June 18th Minutes.

ADDITIONAL AGENDA ITEMS

Mr. Sharp noted that the Council had received some adjustments on two items listed under the Consent Agenda the Earth Day Resolution and the Resolution appointing members to the Environmental Committee.

CITIZENS COMMENTS (Those Directed At Items Not On Council Agenda)

Julie Matthews, 605 Hudson Avenue expressed her frustration that she had not been able to schedule with the City Council, a budget meeting for the residents of Ward 5. She said she had talked to Mayor Sharp, two other Councilmembers, and the City Clerk, and she found out that almost every night in the next few weeks was already

booked. Ms. Matthews said that this was the second year the Council had not held a budget meeting with the residents of Ward 5 and it was unfortunate and unfair that her Ward was consistently left out of the process. She asked the Council what they could do to prevent this from happening next budget year.

Ms. Matthews also expressed concern about the 6-12 Convenience Mart's application for a liquor license. She noted that on the third try that the store had made an application, it was granted this time due in part to Montgomery County Councilmember Ike Leggett and Takoma Park Police Chief Fisher as well as others who had supported it. Ms. Matthews said that although she had a lot of respect for Chief Fisher, she felt that he was irresponsible to send a letter of support without the Council having discussed the issue. Ms. Matthews commented that it was unfortunate the Council did not take a position on the application and if there had been a coordinated effort, the City could have fought it.

Ms. Matthews then commented on the Pringle Property, four lots located between Wabash, Piney Branch, Flower and Sligo Creek. She said the owner recently submitted a subdivision plan to put in 11 houses and an additional street that would come in off Wabash Avenue. Ms. Matthews said the area was extremely overcrowded and there would be a number of trees that would be removed. She suggested that the Council take some form of action and be ready to negotiate with the owner to ensure that the environment was protected and that there would not be any over development of the land.

Mr. Elrich said he would ask for a public hearing on the Pringle Property as soon as the City received notification on it. He said that the City had asked Park and Planning to consider purchasing the properties, but was turned down due to lack of funds.

In response to Ms. Matthews' concern about scheduling a meeting with Ward 5 residents, Mr. Elrich said that he too was equally frustrated because although dates had been set, there were problems in getting meeting space at the Hospital, and flyers that were not able to be distributed in time. He said he was attempting to get a room at the College and he would find out which night was convenient for the Council to attend a meeting.

Mr. Sharp asked Mr. Knauf if the City would have to evaluate any proposals for stormwater management on the Pringle Property, and if so, that would be an area where the Council could exercise some review authority.

Public Works Director Knauf responded in the affirmative and confirmed that the authority for sediment control rested with the County and at some point, might become the City's authority depending on discussions taking place now on the County level.

Ms. Porter commented that the City also had some leverage for issuing tree permits.

Lael Parish, of CASA de Maryland introduced her co-worker, Gustavo Torres, who worked with CASA organizing the day laborer project. She explained they were asking for the Council's support in obtaining a new site for day laborers seeking employment. Ms. Parish said that CASA had been working with the day laborers out of a trailer located on the corner of University Boulevard and Piney Branch Road but the lease for this site would soon be expiring. She said CASA's option for extending their lease was revoked and they had to vacate the site on April 24th. Ms. Parish asked that the Council support CASA's efforts to obtain an alternate site located on the other side of Fontaine Bowling Alley on University Boulevard.

Mr. Sharp proposed that the Council write a letter to Park and Planning expressing their support for CASA's efforts to obtain the

alternate site. At Mr. Prensky's suggestion, Mr. Sharp said he would talk with staff about someone from the City attending the Park and Planning public hearing on April 20th to transmit the letter of Council's support.

Gustavo Torres (speaking through interpreter, Lael Parish) extended an invitation to the Council to attend a rally organized by the day laborers on April 18th to call the community's attention to their situation and their need for more work with decent pay and the need to have the temporary protected status extended by the Federal Government. He said the rally would be held on April 18th, from 9 a.m. to 12 noon at the corner of Piney Branch and University Boulevard.

Tom Anastasio, 32 Columbia Avenue proposed that the Council consider adoption of a Resolution declaring the week of May 10-16, as Violence Prevention Week in Takoma Park.

Mr. Sharp suggested the Council take up this Resolution on April 27th in order to allow more time for it to be advertised.

Naomi Turner, 7667 Maple Avenue, expressed concern that management companies in Takoma Park employed workers who were not required to be bonded by those management companies. She related to the Council a recent incident in which her apartment had been burglarized and said that she had reported the incident to her resident manager. She also said that she had specifically requested that her management company not authorize entry into her unit unless she was present, but this request had been ignored. Ms. Turner said that many residents had been subject to thefts at the Parkview Towers Apartments and she asked the Council to consider requiring all landlords to bond their staff.

Mr. Sharp noted that any tenant who requested that no one enter their apartment in their absence, except in emergencies had legal recourse if that request was ignored by the management company.

1. PUBLIC HEARING (9:18 p.m.)

Deputy City Administrator's Overview of FY'93 Budget

Ms. Habada reported that the State Legislature had just completed their budget on April 17th, and because of that, the City was not able to finalize its own budget until now.

Mr. Sharp announced that the Council would schedule another public hearing on May 4th to provide citizens with an opportunity to discuss the FY'93 Budget.

Ms. Habada noted that funding had been included in this year's budget for continuation of the tax rebate program and her recommendation was that it continue as a rebate and not tax credit program. She said staff had received many phone calls from citizens who expressed appreciation for the rebate checks.

Ms. Habada explained that the Council was receiving the General Operating Budget in notebook form without the Capital Improvement descriptions. She said particular equipment items and infrastructure items that staff was recommending as well as the Stormwater Budget would come later in the week. She said the Special Revenue Budget would be distributed by April 27th and would include all the grant funded projects, CDBG, open space and other funds the City received on occasion.

Ms. Habada gave an overview of the City's revenue picture. She said that because of the uncertainties on the State level, she had proposed an 8 cent increase in the property tax rate in lieu of two major sources of State aid that staff was not sure were going to make it in the State Budget. She said staff learned today, that the Budget did include money for state aid for police protection as well as a 5 cent gas tax so the City would be receiving another \$200,000 in State aid, therefore the 8 cents property tax increase

would be backed out of the revenue projections.

Ms. Habada said the tax rate proposed was \$1.83.2 cents of which 25 cents would go for the fire tax rate and 6 cents for the storm water budget which was down 2 cents from last year's rate of 8 cents.

Ms. Habada said the biggest drop in revenue was the result of a drop from 1.9 million to 1.5 million in revenues from other agencies; principally in the double taxation rebates from both Counties, about \$350,000 less this fiscal year.

Ms. Habada said staff was proposing a \$680,000 bond issue for major infrastructure projects that would include a half million for street improvements as well as other miscellaneous building facility improvement items. She noted that the next application deadline through the State infrastructure loan program was May 18th and the next one following sometime in November or December.

Ms. Habada said the assessable base increased on the Montgomery side--about 4% from last year and 8% on the Prince George's side. Ms. Habada pointed out that other revenues included a \$19,500 Maryland Environmental Service grant for reimbursement for last year's purchase of a leaf mulch grinder and a tractor. In addition, she said, four new revenue items were being included under service charges for Recreation revenues--fees collected for programs that they offer. She said these fees would be itemized in the Recreation Budget.

Under Miscellaneous Revenues, there were bond proceeds as well as the sale of City property and this included the trade ins on vehicles staff was planning to replace this year and staff would be asking Council's permission to sell one trash truck.

Under Appropriated Reserves, at the end of 1991, Ms. Habada said there was a fund balance of \$450,000 and she was asking to use \$415,000 to balance this year's budget. She was also including a \$100,000 carry over from this year's budget into next year.

Ms. Habada said that on the Expenditure side, she was providing for COLAs but no merit increases. The Public Works budget was the only budget that was actually seeing a reduction of a half percent due primarily to personnel changes.

She said that matching funds would be required for grants that the City applied to receive and would require a \$32,000 contribution from the General Fund which had been appropriated. Ms. Habada said that staff was recommending that matching funds be provided only for two City parks out of the 5 that were approved through Program Open Space. She said design drawings had been completed on only two of the parks and the City lacked the resources to match the funds to do all five projects.

Ms. Habada said this will be the first year the City would have to make an appropriation to the Equipment Replacement Reserve in the amount of \$67,687. In the past the City was able to live off of interest earnings and this past year, had used money already in the fund to go for the annual appropriation, primarily because the City purchased a less expensive recycling vehicle instead of a trash truck. Ms. Habada said that this could not be done this year. She said the interest earnings on the Emergency Reserve were not keeping pace with the City's requirements for the reserve and therefore they were appropriating \$24,000 to the Emergency Reserve for next year.

Ms. Habada announced that the proposed budget was available at the Library and at City Hall, and the Executive Summary would be available the week of April 20th.

Following a few Council questions of clarification on Ms. Habada's

overview of the FY'93 Budget, the Public Hearing was brought to a close at 9:45 p.m.

AGENDA

2. 1st Reading Ordinance Amending Article 7, Section 6-91(e)

Liz Tracey, COLTA Executive Director, explained that the language before the Council was proposed at first reading to fill in the reserved section of Article 7 to allow for increases or inclusion in a hardship petition, two types of mortgage expenses; due to refinancing costs and interest rate increases. Ms. Tracey also said the Council had alternative language for monitoring petitions due to adjustable interest rates that staff recommended as a way to ease the administrative burden of monitoring a rent increase given due to an adjustable rate mortgage over many years.

Ms. Tracey noted an amendment to page 1 of the Ordinance; in Section (e)(1)(c), in the second to the last line, the word "remaining" should be inserted; so that the sentence read "...payable over the remaining life...".

Following a lengthy discussion on the proposal from staff to take into consideration a decrease in interest rates on a subsequent petition rather than reviewing it every year, the Council agreed that some precise language was needed so that there would be no confusion of what was trying to be accomplished.

Ms. Porter commented that in home interest mortgages that were adjustable, many contracts were written so that the interest rates could not be adjusted every year, but every three or five years. She said if this was true for rental property also, the increase petition could be made good for the life of the interest rate and staff would not have to look at it in the intervening years. Ms. Porter suggested that Ms. Tracey find out if the interest rates were adjusted on a less frequent basis than annually, and if so, she said it might be an advantage to staff in planning their workload. She suggested that the Code be changed so that instead of reading, "that rent increases granted under this section shall be for one year period only", it would instead read, "that rent increases shall be for the period of time that the interest rate change is supposed to be effective".

The Council agreed that the language regarding rollbacks needed to be changed to something more suitable and suggested that staff also follow up on Ms. Porter's suggestion. The Council decided to continue discussion of this item in a future Worksession.

COUNCIL ACTION: Mr. Hamilton moved acceptance of the Ordinance at first reading; seconded by Mr. Johnson. The Ordinance was unanimously accepted at first reading (Absent: Mr. Leary).

ORDINANCE #1992-9 (Attached)

3. Resolution Regarding Change Order

Moved by Mr. Elrich; seconded by Mr. Hamilton. Mr. Sharp noted that the Resolution did not address the priority list of street repair work and the issue of bonds for capital improvement projects, which were separate issues. He said that the Council would take up these issues at a later worksession.

Mr. Sharp noted that the Resolution authorized the Public Works Director to proceed with change orders above the City's 25% change order limitation on an existing contract with NZI Construction, Inc., and to issue task orders for various street work up to an aggregate contract amount not to exceed \$240,000.

COUNCIL ACTION: The Resolution passed unanimously (Absent: Leary).

In response to Mr. Knauf's request, the Council authorized him to proceed with the work on the first four streets, Pine Ave.,

Columbia Ave., Tulip Ave., and Piney Branch Alley, recommended in his memo dated 3/18/92.

Ms. Porter noted the other streets listed needed to be discussed fairly soon. Mr. Knauf said that he would have this list developed in about two weeks. Mr. Sharp said that the Council would schedule the issue for discussion when the list was ready.

RESOLUTION #1992-10
(Attached)

4. 1st Reading Ordinance Amending Personnel Appeal Board Legislation. Moved by Mr. Hamilton; Mr. Johnson seconded.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading (Absent: Leary).

ORDINANCE #1992-10
(Attached)

5. CONSENT AGENDA

Moved by Mr. Johnson; seconded by Mr. Prensky. The Consent Agenda was unanimously passed.

A. Resolution Transmitting the City's Proposed Annual Program for Program Open Space - Resolution #1992-24

B. 1st Reading Ordinance Amending Pay Plan to Remove the City Administrator from the Pay Schedule - Ordinance #1992-11

C. Resolution Proclaiming April Fair Housing Month - Resolution #1992-25

D. Resolution Acknowledging Earth Day 1992 - Resolution #1992 -26

E. Resolution Appointing Members to Nuclear Free Takoma Park Committee - Resolution #1992-27

F. Resolution Appointing Initial Members to the Environmental Committee - Resolution #1992-28

(Legislation Attached)

Upon motion made by Ms. Porter; seconded by Mr. Hamilton, the Council adjourned at 10:15 p.m., to reconvene immediately following into Worksession and into Regular Session on Monday, April 27, 1992.

Following the Council's Worksession, the Council moved to convene into Executive Session for further discussion of the City Administrator contract.

Introduced by: _____

1st Reading: 4/13/92

2nd Reading:

Effective:

ORDINANCE NO. 1992 - 9

LANDLORD-TENANT RELATIONS
(CHAPTER 6, ARTICLE 7 OF THE TAKOMA PARK CODE)

WHEREAS Ordinance No. 1992-2, Chapter 6, Housing, Article 7, which made a comprehensive revision to Landlord-Tenant Relations, of the Takoma Park Code, was adopted by the Council on January 28, 1992; AND

WHEREAS Section 6-91(e) of Ordinance No. 1992-2 was reserved for further discussion; AND

WHEREAS the City Council desires to add language for inclusion in Section 6-91(e) in order to allow for the inclusion of certain mortgage expenses for rental property in a hardship rent increase petition under Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code; AND

WHEREAS the Council believes that the changes made to Article 7 by this Ordinance further improve the law and its aim of promoting fair and equitable relations between landlords and tenants in the City of Takoma Park; AND

WHEREAS for the foregoing reasons, the Council hereby adopts this Ordinance revising Chapter 6, Housing, Article 7, Landlord-Tenant Relations of the Takoma Park Code as it was enacted by Ordinance No. 1992-2; AND

WHEREAS the Council adopts, ratifies, and incorporates by reference the purposes and policies for revising the City of Takoma Park's Landlord-Tenant Relations Law set forth in the "Whereas" clauses of Ordinance 1992-2.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Takoma Park, Maryland:

SECTION ONE

Ordinance No. 1992-2 and Chapter 6, Article 7, of the Takoma Park Code is hereby amended as follows:

Introduced By: Councilmember Elrich

Resolution 1993-23

WHEREAS, bids were recently received for an Indefinite Quantities contract to accomplish various street repairs throughout the City; AND

WHEREAS, the Council accepted the low bid from NZI Construction, Inc. for this work; AND

WHEREAS, the Council authorized contract award to NZI Construction, Inc. for this work in the amount of \$54,295.50; AND

WHEREAS, the Council has expressed an interest in accomplishing additional street related work; AND

WHEREAS, the COUNCIL has expressed an interest in taking advantage of the favorable unit prices in the contract authorized for award to NZI Construction, Inc.; AND

WHEREAS, the City Procurement Regulations provide for change orders to existing contracts above a 25% limit with the approval of Council.

WHEREAS, funds in the approximate amount of \$240,000 are currently available for street related work; AND

NOW THEREFORE BE IT RESOLVED, that the Director of Public Works is authorized, pursuant to section R3-106.01 of the Regulations relating to the construction contracts, to issue task orders for various street work throughout the City for an aggregate contract amount not to exceed \$240,000; AND

BE IT FURTHER RESOLVED, that the Director of Public Works will exercise this authority only pursuant to consultation with Council, relative to the specific streets and scope of work throughout the City to be accomplished.

Dated this thirteenth (13) day of April, 1992

DRAFT ORDINANCE

Introduced by:
(Drafted by: P. Jewell)

1st Reading:4/13/92
2nd Reading:
Effective:

ORDINANCE #1992-10

AMENDING THE PERSONNEL APPEAL BOARD LEGISLATION

WHEREAS, on December 15, 1986, the City Council established by Ordinance #1986-52, the Personnel Appeal Board (PAB) to hear employee appeals and serve as the City's final arbiter in all personnel cases brought before it; AND

WHEREAS, due to the changing scope of the City's personnel matters and practices, there is a need to update the role and to expand the membership of this Board; AND

WHEREAS, the City Council desires to amend the legislation governing the Personnel Appeal Board to more accurately reflect the process for appealing employee matters.

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

SECTION 1. THAT Article 2, Section 8B-181 through 8B-183 is hereby amended as follows:

Division 15. Personnel Appeal Board.

Sec. 8B-181. Establishment and composition.

(a) There shall be a Personnel Appeal Board composed of five (5) [three (3)] members who are residents of the City.

(b) Except for the initial appointments, the City Council [Mayor] shall appoint the members for terms of three years. Initially, the City Council [Mayor] shall appoint one (1) member for a term of one (1) year, two (2) members [one (1) member] for a term of two (2) years and two members [one (1) member] for a term of three (3) years. Any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of that term.

[(c) Members of the Board shall be compensated for expenses incurred in the conduct of their role as a Board member.]

Sec. 8B-182. Meetings.

(a) The Board shall meet for the purpose of organization subsequent to appointment or reappointment of a member. At this organization meeting, the Board shall elect a Chairperson and Vice Chairperson for the ensuing year. All other meetings shall be held for the purpose of hearing employee appeals and shall be called by the Chairperson upon receipt of proper notification to convene. A quorum of the Board is three (3) members.

(b) Three-member panels.

(1) The Chairperson of the Board is hereby authorized to designate three (3) members of the Board to sit as a panel to conduct a hearing on any complaint pending before the Board. The Chairperson shall designate one (1) panel member to serve as the panel's presiding officer. The Chairperson of the Board will endeavor to rotate panel membership from time to time among members of the Board.

(2) In the event that any matter is heard by a Commission panel designated pursuant to this subsection, all panel members so designated must be present to conduct the hearing and all official action by the panel shall be taken by the vote of not less than two (2) members of the panel.

Section 8B-183. Authority.

(a) The Board shall be the final arbiter in all cases brought before it.

(b) The Board only has the authority to hear employee grievance appeals if this Article specifically authorizes the Board to file on the appeal.

Sec. 8B-184 through 8B-200. (Reserved)

SECTION 2. THAT this ordinance is effective upon adoption.

SECTION 3. THAT in this ordinance, underlining shall denote new language being added and [brackets] shall denote existing language being deleted.

Adopted by Roll Call Vote this ____ day of _____, 1992 as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced By: Councilmember Johnson

ADOPTED: APRIL 13, 1992

RESOLUTION 1992-24

A Resolution submitting the City's Montgomery County
Program Open Space FY 93 Annual Program

WHEREAS, Montgomery County has requested that the City of Takoma Park submit its proposed Program Open Space (POS) Annual Program for Fiscal Year 1993; AND

WHEREAS, there is very little likelihood that POS funds will actually be made available during FY 93 due to the State's budget crisis; AND

WHEREAS, staff has prepared recommendations based on citizen requests submitted in previous years; AND

WHEREAS, the Council has taken into consideration public comments received on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council hereby submits the following POS Annual Program:

Development

Heffner Park (Phase I): \$88,000 (\$66,000 POS; \$22,000 local match)--equipment, landscaping, general site improvements

Acquisition

Unspecified acquisition: \$100,000

BE IT FURTHER RESOLVED THAT this Annual Program is subject to amendment based on the results of City budget deliberations.

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 13TH DAY OF APRIL, 1992.

mcpo93.res

Introduced by: Councilmember Johnson

PROCLAMATION/RESOLUTION #1992-25

WHEREAS, *the City of Takoma Park, Maryland has always promoted fair housing concepts with the adoption of legislation such as the Tenant Opportunity to Purchase Law; AND*

WHEREAS, *the City of Takoma Park's Human Rights Commission ordinance governing open and fair housing gained law enforcement powers in 1974, making it illegal for a person to be discriminated against in the sale or rental of housing or property on the basis of that person's race, creed, color, sex, national origin, ancestry, marital status, disability or age; AND*

WHEREAS, *the City Council finds that discrimination in housing as in other forms of discrimination, adversely affects the health, welfare, peace and safety of the community; AND*

WHEREAS, *during the month of April, 1968, the Congress of the United States of America passed federal legislation prohibiting discrimination in housing on the basis of race, color, religion, sex or national origin otherwise known as the Civil Rights Act of 1968 or the Fair Housing Act of 1968, twenty-four years ago this month; AND*

WHEREAS, *the Takoma Park community joins in with other local civil rights communities in acknowledging and commemorating the 30th anniversary of the Suburban Maryland Fair Housing, Inc., a non-profit organization which has continuously worked to ensure that all people have equal access to housing; AND*

WHEREAS, *the City Council of Takoma Park reaffirms the commitment to fair housing as a matter of principle and will continue to work with Suburban Maryland Fair Housing towards fair and affordable housing.*

NOW THEREFORE, I EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, do hereby proclaim the month of April, 1992 Fair Housing Month in Takoma Park, commemorating the 24th anniversary of the Fair Housing Act of 1968 and the 30th anniversary of Suburban Maryland Fair Housing, Inc. for volunteer advocacy in the area of fair housing, thereby enhancing the tradition of cultural diversity in our neighborhoods and promoting the rights of all people to live free of housing discrimination.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Takoma Park to be affixed this 13th day of April 1992.

Edward F. Sharp, Mayor

*Councilmember Marc Elrich
Councilmember Gregory Hamilton
Councilmember Lloyd Johnson
Councilmember Bill Leary
Councilmember Kathy Porter
Councilmember Hank Prenskey*

Dated this 13th day of April, 1992.

Introduced By: Councilmember Johnson

RESOLUTION 1992-26

**DECLARING SUPPORT BY THE COUNCIL OF THE CITY OF TAKOMA PARK
FOR ENVIRONMENTAL ACTIVITIES DURING THE MONTH OF APRIL, 1992.**

WHEREAS, *the natural setting of what is now Takoma Park, is of primary importance to the residents in this area; AND*

WHEREAS, *the current residents of the City of Takoma Park now have the responsibility of stewardship of our natural setting -- the land, trees, public and private spaces, watershed -- to protect, preserve and enhance it for future generations; AND*

WHEREAS, *the City Council and City government recognize their own stewardship role, developing programs and administrative practices which are environmentally responsible, such as the Recycling Program, the Tree Ordinance; AND*

WHEREAS, *the residents and the City of Takoma Park recognize the importance of the concept: think globally, act locally which encourages awareness of both local and broader perspectives.*

NOW THEREFORE, BE IT SO RESOLVED *That the City Council of Takoma Park endorses the nationwide campaign of Sun Day 1992 and it's Principles and Goals for a sustainable energy future by improvement of energy efficiency and renewable energy technologies; AND*

BE IT FURTHER RESOLVED *That the City Council of Takoma Park supports and encourages the local environmental celebration called Earth Action Day! Takoma Park, both it's community celebration on April 26, 1992 as well as longer term goals to explore energy efficiency and renewable energy technologies in Takoma Park; AND*

BE IT FURTHER RESOLVED *That the City Council of Takoma Park authorizes extending the hours of closing of Laurel Avenue on the Opening Day of the Takoma Park Farmer's Market from 2:30 p.m. to 4 p.m. so that the producers can join in the Earth Action Day! Takoma Park celebration.*

Dated this 13th day of April, 1992



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

RESOLUTION NO. 1992-27

APPOINTING MEMBERS TO THE NUCLEAR FREE TAKOMA PARK

WHEREAS, Takoma Park's Nuclear Free Zone Act established a seven member Nuclear Free Takoma Park Committee; AND

WHEREAS, currently there are 3 vacancies on this Committee due to one recent resignation and two terms that have expired; AND

WHEREAS, the Council has interviewed one current member and 2 Takoma Park residents, all who have expressed an interest in the Committee.

NOW, THEREFORE, BE IT RESOLVED THAT the following residents are hereby appointed to serve on the Nuclear Free Takoma Park Committee with terms assigned opposite their names:

Name/Address	Term Expires
Dawn Martin (Re-appointment) 7223 Central Avenue	4/13/94
Tom Anastasio 32 Columbia Avenue	4/13/94
Terry Berkeley 7513 Carroll Avenue #3	4/13/94

Dated this 13th day of April, 1992

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

RESOLUTION #1992-28

ESTABLISHING AND APPOINTING MEMBERS TO TAKOMA PARK
COMMITTEE ON THE ENVIRONMENTS

WHEREAS, Local governments are responsible for protecting the health and welfare of the public; AND

WHEREAS, Takoma Park has been a leader in environmental issues such as tree and open space conservation and recycling; AND

WHEREAS, environmental protection changes U. S.- wide will undoubtedly require local governments to have foresight in planning how to be more environmentally responsible; AND

WHEREAS, the City Council of Takoma Park, Maryland desires to establish a task force of citizens to make recommendations to the Council on how the City can be more environmentally responsible.

NOW THEREFORE BE IT RESOLVED, THAT the following individuals are hereby appointed to the Committee on the Environment:

<u>Name</u>	<u>Address</u>
1. Nicholas Lenssen	22 Manor Circle #203
2. Albert Nunez	8 Sherman Avenue
3. Doug Dembling	504 Tulip Avenue
4. Catherine Tunis	907 Larch Avenue
5. Barbara Beelar	7112 Maple Avenue
6. Mike Leccese	321 Lincoln Avenue
7. Ann Hoffnar	100 Hodges Lane
8. Polly Hoppen	49 Elm Avenue
9. Barbara Glenn	409 Boston Avenue
10. Maurice Belanger	7421 Cedar Avenue
11. Beth Zilbert	6930 Carroll Avenue

Dated this 13th day of April, 1992

Single Reading: 8/12/91
(Special Session)

Introduced by: Councilmember Hamilton

ORDINANCE 1991-29

AN ORDINANCE TO MAKE A BID AWARD FOR THE PURCHASE OF AN EXPANDED TELEPHONE PBX SYSTEM, PURCHASE OF NEW TELEPHONES, AND INSTALLATION OF TEMPORARY AND NEW WORKSTATIONS RELATED TO THE RENOVATION OF THE MUNICIPAL BUILDING.

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

SECTION 1. THAT the Fiscal Year 1992 Budget set aside funds for the renovation of the municipal building which included a cost estimate of \$21,000 for purchase of telephones and installation of temporary and new workstations; AND

SECTION 2. THAT the Fiscal Year 1992 Budget was amended by enactment of Ordinance 1991-24 on July 29, 1991 and included \$20,000 for purchase of an expanded telephone PBX system; AND

SECTION 3. THAT proposals were solicited as advertised in the Montgomery Journal for purchase of an expanded Toshiba PBX telephone system, new telephones and for installation of temporary and new workstations; AND

SECTION 4. THAT a pre-bid conference was held on July 26, 1991 at which time questions from vendors regarding the Invitation to Bid issued by the City were answered; AND

SECTION 5. THAT two bids were received by 4:00 PM, August 7, 1991 for purchase of a PBX expansion cabinet, purchase of new telephones, installation of temporary stations and installation of new/relocated workstations as follows:

Squires Communications, Inc.	\$17,850
Compu-Phone, Inc.	\$24,100

SECTION 6. THAT Squires Communications submitted the lowest bid quotation; AND

SECTION 7. THEREFORE, the bid from Squires Communications, Inc., is accepted upon the condition that the bidder is able to pass a police background investigation as required by the bid specifications and the appropriate purchase agreement documents are executed by the City Administrator.

Page Two
Ordinance 1991-
Phone Bid Award

SECTION 8. THAT the cost of the expanded PBX equipment, a total of \$8,400, be charged to Account 1120-8000, Government Administration Capital Equipment; AND

SECTION 9. THAT the cost of the new telephones, installation of temporary and new workstations, a total of \$9,450, be charged to Account 9100-8001, Capital improvements, as a part of the municipal building renovation project; AND

SECTION 10. THAT this Ordinance shall become effective upon enactment.

Adopted this 12th day of August, 1991 by Roll Call Vote as follows:

AYES: Elrich, Hamilton, Moore, Porter, Prensky

NAYS: None

ABSTENTIONS: None

ABSENT: Douglas, Leary

d#O/R2
O-PHONE

Introduced by: Councilmember Leary

1st Reading: 4/8/91

2nd Reading: 4/22/91

Effective: 4/22/91

ORDINANCE #1991-7

INSTALLATION OF SPEED HUMPS

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

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

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

(a) Grant Avenue, between Hancock Avenue and Maple Avenue, two (2) speed humps to be placed adjacent to 108 and 130 Grant Avenue.

SECTION 2. THAT funds to cover these installations be appropriated from Capital Expenditures, Account 9100-8001.

SECTION 3. THAT this Ordinance becomes effective upon adoption.

ADOPTED BY THE CITY COUNCIL THIS 22nd DAY OF APRIL, 1991 BY ROLL CALL VOTE AS FOLLOWS:

AYE: Douglas, Leary, Moore, Porter, Prensky

NAY: None

ABSTAINED: None

ABSENT: Elrich, Hamilton

AMENDED TO CHANGE THE LOCATION OF 1 SPEED HUMP FROM 130 GRANT AVENUE TO JUST NORTH OF DRIVEWAY AT 120 GRANT. BY MOTION OF THE CITY COUNCIL AT THE 8/12/91 SPECIAL SESSION.

CITY OF TAKOMA PARK, MARYLAND (FINAL 5/18/92)
Budget Public Hearing and Regular Council Meeting
Monday, April 27, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Elrich	Deputy City Admin. Habada
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Corporation Counsel Silber
Councilmember Leary	Ass't. Corp. Coun. Perlman
Councilmember Porter	Police Chief Fisher
Councilmember Prensky	Dep. Police Chief Wortman
	DHCD Director Grimmer
	Recreation Dir. Ellis
	Library Director Robbins
	Finance Superv. McKenzie

The City Council convened on Monday, April 27, 1992, at 7:59 p.m., in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the following remarks were made:

Mr. Sharp noted that there were no Minutes scheduled for adoption. He asked that Councilmembers turn in any non-substantive changes to the April 13, 1992 Minutes to the City Clerk.

Mr. Sharp announced that on Wednesday, April 29, 1992, there would be a forum held by the Prince George's County Historic District Citizens Advisory Committee regarding the development of the historic district. The forum was scheduled for 7:30 p.m. in the Council Chambers.

Mr. Sharp also announced that on May 4th, there would be a second public hearing on the City's FY'93 proposed budget. He said this would be a replacement for last week's public hearing which the Council went ahead and held without having the full information on the budget available due to the delay on the General Assembly's efforts.

Mr. Hamilton commented that the Takoma Park Volunteer Fire Department celebrated its 98th anniversary on April 25, 1992. He noted that awards were given to Chief West, President Jarboe and Jerry Sanford, a City employee received the Rookie Of The Year Award.

Mr. Hamilton also announced that on April 26, 1992, the Montgomery County Community Partnership, Inc. and the Montgomery County Community Leadership held their awards presentation. He noted that Assistant Fire Chief James Jarboe received an award for his service as a Montgomery County volunteer fireman. Mr. Sharp noted that Mr. Hamilton had received the "Highest Achievement Award For An Individual" at this ceremony.

Mr. Prensky noted that on April 30, 1992, he would be meeting with the Ibero American Counselor Group; a group of the consulate generals of all the countries from Mexico South, Central America, South America, Spain and Portugal. He said the reason for the meeting was because of interest expressed by the consular generals in the City's Charter amendment that allows non citizens to vote in Takoma Park. Mr. Prensky said members of the Elections Task Force and Share The Vote Campaign would also be in attendance.

Mr. Prensky announced there would be a meeting on Sunday, May 3, 1992 for all the residents of Ward 3 to discuss community problems and ideas. The meeting was being sponsored along with the community associations of Ward 3.

Mr. Johnson announced that some agreement had been reached in Ward

6 regarding a unified approach to the installation of speed humps on Wildwood and Glenside Drive. He said both groups have agreed that speed humps would be the appropriate approach and once the matter was scheduled for public hearing, there would be opportunity for public comment.

Ms. Porter noted that the group of parents and others who had been meeting at Carole Highlands Elementary School have concluded their meetings for this school year and have reached a decision to recommend changes to the curriculum, moving to an international and theme based curriculum. She said a smaller group would be meeting in May and in early summer to implement the first small changes that would take place next year.

CITIZENS COMMENTS (On Items Not On Council Agenda)

Jim Douglas, 18 Sherman Avenue said that he was gratified to see that the Montgomery County Council would be holding a public hearing on the Montgomery County Historic District for Takoma Park; he said he hoped that the City Council would participate in that hearing to ensure that the County Council enacted the historic district plan for that portion of the City. Mr. Douglas said that he observed while visiting in Denver there was a lot of controversy about people buying up smaller houses in the older neighborhoods and putting in enormous additions to the homes. He said people were purchasing the older houses, knocking them down completely and putting up much bigger houses in these areas. He said aside from the aesthetics of historic preservation, this was an enormous effect on the socio-economic aspects of those neighborhoods and was cause for concern.

Jay Bayerl Ward 3 Resident, on behalf of the Takoma Park Peace Network, read into the record a proposed resolution declaring support for the May 16, 1992 "Save Our Cities, Save Our Children" March on Washington, being sponsored by the U.S. Conference of Mayors and the National League of Cities.

Mr. Sharp proposed that the Resolution be scheduled on the Council's agenda for May 11th. Mr. Sharp noted that the Council supported a similar march in 1991 and that this was an even more important matter this year because there was more talk about redirecting resources towards the effort.

Rino Aldrighetti, 7213 Central Avenue questioned why the Washington Adventist Hospital had converted Columbia Union College's ball field into a parking lot. He reminded the Council that the citizens were told by WAH that there would no need for additional parking and he asked whether the City was notified of a hearing process on the issue and whether this was a permanent or temporary change.

Mr. Prensky commented that he shared Mr. Aldrighetti's concern about this even though the property was not in the City. He said last year, the Adventist Church paved a huge open field along Eastern Avenue directly across the street from Takoma Park, in the District of Columbia, removing about 20 mature trees to create a parking lot. Mr. Prensky said he'd like the City Administrator to look into both matters and find out if the use of the ball field was part of their intentions for parking for the Hospital and College which they indicated they would not need.

Mr. Elrich said it was his recollection when the Hospital talked about adding parking for the Hospital, it was in the context of the lots on the City side of Flower Avenue and there was never any link between the ballfield, or talk of conversion of the ballfield.

Mr. Jarboe commented that TPVFD used the field for the last 10 years for their muscular dystrophy tournament. He said he inquired into the matter and found that this was to be a one year temporary parking area and then it would be reverted back to the ballfield.

Recreation Director Ellis confirmed that the use of the ballfield for parking was temporary. The Council requested that Staff obtain a letter from the Hospital confirming this.

AGENDA

1. Resolution Expressing Appreciation to and Noting the Retirement of City Administrator James Wilson, Jr. The Resolution was moved by Mr. Sharp and seconded by Ms. Porter.

Mr. Sharp noted that in the Resolution, there were seven Whereas clauses that set out Mr. Wilson's accomplishments in the City and in other aspects of his career. Mr. Sharp said he has worked with Mr. Wilson for the last six years on the Council and three years prior to that and he had always appreciated Mr. Wilson's patience and sensitivity of the issues.

Mr. Leary said the character of Mr. Wilson was most memorable and that he was a very good and gracious man that the City had been fortunate to have serving it for the past 8 years. He said he would most remember Mr. Wilson's unfailing courtesy and civility. Mr. Leary said that Mr. Wilson's overall demeanor that he conveyed to the City staff had been something that he personally was thankful for and had been helpful to many people over the very successful tenure of Mr. Wilson.

Ms. Porter said that she remembered vividly her first encounter with Mr. Wilson when she was a brand new council-member and he sat her down and told her the way "things really worked" in City government. Ms. Porter said she had a chance to know and appreciate his good qualities and the number of accomplishments and achievements noted in the Resolution were noteworthy but did not really get at the heart of Mr. Wilson. She said she was impressed by his very calm and steady presence and his real concern and caring about people seen through his interactions with staff and citizens, as well as his involvement with the Church. She said the City was privileged to have had Mr. Wilson as the City Administrator and she wished him well in his retirement.

Mr. Prenskey said he was grateful for the opportunity to work with Mr. Wilson in his three years as Councilmember. He said that he too, like Ms. Porter, was sat down by Mr. Wilson and told how things really ran in the City. Mr. Prenskey said that when Steve Del Giudice successfully ran for and won the seat on the County Council, he was assured by Mr. Wilson, of the City's continuity and transition. Mr. Prenskey said Mr. Wilson's tone and tenure of the City's programs and personnel was maintained over the 8 years he had been City Administrator and had made Takoma Park a better and more humane place to be. Mr. Prenskey said the words that summarize his experience of Mr. Wilson were "his calmness of manner and his sweetness of spirit" and that for which Mr. Prenskey said he was grateful.

Mr. Hamilton said one of the noteworthy points about Mr. Wilson was the influence he had on kids in the community. Mr. Hamilton said that when Mr. Wilson addressed his son's class at the Intermediate school, his son came home and commented that Mr. Wilson was "really cool". Mr. Hamilton said he has appreciated Mr. Wilson's support of the Municipal Gym and the support of community programs through the use of Cable.

Mr. Elrich said that he mostly appreciated the change in the City's financial picture during Mr. Wilson's tenure to a movement of putting the City on a sound financial basis. Mr. Elrich said that this was no small accomplishment as seen in Cities all around the State of Maryland. Mr. Elrich commented on the search process for a replacement for Mr. Wilson and said a fundamental question one asked was that with changing personnel, what else did the Council want to change. He said he reached the conclusion that the City was basically stable in terms of delivery of services. Mr. Elrich said the City enjoyed a fairly high degree of confidence from its

citizens and this was attributable largely to the way the City's mission had been carried out under the administration of Mr. Wilson.

Mr. Johnson noted that as the junior member of the Council he had ample opportunity to work with Mr. Wilson first as a citizen and later as a member and then Chair of the Commission on Landlord-Tenant Affairs. Mr. Johnson commented that Mr. Wilson's legacy was that he added strength, dignity and professionalism to this City. Mr. Johnson said he looked forward to seeing that legacy developed in the future and that everyone was richer for having Mr. Wilson as City Administrator.

Citizens Comments

Rino Aldrighetti said 8 years ago when the Council he served on hired Mr. Wilson, there was considerable hope there would be an opportunity to bridge the distance felt between the Council and its ability to translate policy to represent the citizens and staff of the City. He said Mr. Wilson had moved to professionalize the staff and it was a fulfillment of many of the reasons that the Council hired him. Mr. Aldrighetti said the average length of stay for a City Administrator was three years, and Mr. Wilson had gone through 8 years and made it to retirement. Mr. Aldrighetti said he enjoyed dealing with Mr. Wilson; he wished him well and said he hoped Mr. Wilson would be a continuing part of the City.

Chief West, TPVFD commented that he first became involved with Mr. Wilson two years when he became Fire Chief, and he was glad and appreciated the fact that Mr. Wilson had been on his side with the different struggles the City went through with Montgomery County to continue the Takoma Park Fire Stations. Chief West, on behalf of President Allen, then presented Mr. Wilson with a plaque in appreciation for his continued support of the goals and objectives of the Takoma Park Volunteer Fire Department.

Clarence Boatman, 133 Ritchie Avenue said the intelligence and devotion he saw during his interactions with Mr. Wilson have shown him to be effective as a leader and the City would be missing an important link in the administrative part of the Council. Mr. Boatman said Mr. Wilson's sensitivity for the community was very much appreciated and he wished him well.

Jim Douglas, 18 Sherman Avenue said the fact that Mr. Wilson had been a public administration professional for many years deserved the community's respect and recognition. Mr. Douglas said Takoma Park as well as himself, created a lot of challenges for Mr. Wilson and that someone who devoted his life to the kind of service that Mr. Wilson had, deserved a lot of respect. Mr. Douglas said that the period of transition was an opportunity for the Council to make a difference for the future--the Council was the policy official and the City Administrator was the administrator of that policy and that distinction should be clear in the future.

Sharon Ellis, Recreation Director thanked Mr. Wilson for his respect and support of the Recreation Department. She said when she talked to Mr. Wilson by telephone from Florida, prior to her beginning employment in Takoma Park, she found him comforting and she knew that he would be a great City Administrator. Ms. Ellis said it had been a pleasure working with Mr. Wilson.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-29
(Attached)

Mr. Wilson's Comments

Mr. Wilson remarked that when a person was about to leave someplace, they did not always have the luxury of going through things in detail; but since he announced his retirement nine months ago, he has had significant luxury in time doing this. He shared

with the Council some signs that were made a few years ago for warning public hearing speakers that their speaking time was up. Mr. Wilson said he was passing the signs onto the Council as their legacy. Mr. Sharp suggested that the signs be given to Ms. Porter who was working on the issue of Council procedures.

Mr. Wilson commented that three years was the average tenure for City Managers, but in the Maryland area, a few managers have lasted considerably longer. He said that people have marveled at his patience but if one really wanted to deal with the issue of his public calmness, they should talk with his wife, Mrs. Wilson, who had heard all of the other side of what did not get said publicly, and she had listened to it for a long time.

Mr. Wilson also said that one did not get the opportunity to find compatibility as often as he had, but if there had to be a "best" in his career, the best was saved for last--Takoma Park. He said having seen many other municipalities, he often wondered whether or not all of Takoma Park realized the preciousness of their community and their community involvement. Mr. Wilson said the public goals and policies of Takoma Park were tremendous; he said that any town that went through the trouble that this City went through to maintain stability in the area of socio-economic involvement, had to be commended.

Mr. Wilson remarked that the many plaques and documents that he had received really belonged to the community because if the community did not exist, he would have never had the opportunity to accomplish the City's goals and be able to leave a career feeling as good about things as he did leaving this one. Mr. Wilson said that whoever succeeded him, would not have any easier time than he did, but if their head and heart were in the right place, it would be worth the effort and struggle. He thanked everyone for their kindness and said much of what had been said had probably been overstated in the course of the emotion of this event. Mr. Wilson said that he and his wife were not going anywhere--they planned to spend the rest of their lives in this community and he invited everyone to write or call him at Our Lady of Sorrows Catholic Church.

Mr. Sharp announced that the Council had arrived at a decision to replace Mr. Wilson and he announced the appointment of Deputy City Administrator Beverly Habada to the position of City Administrator, effective May 1st. Mr. Sharp said Ms. Habada's five-year employment contract was agreed to in principal with a few minor details to work out.

2. FY'93 Budget Public Hearing. Mr. Sharp called the public hearing to order at 8:55 p.m.

Starting with the Public Works Budget, Ms. Habada said that overall the budget had been reduced by one-half percent. She said the Stormwater budget had been put together with the help of the Public Works Director and the bottom line was \$211,266 in expenditures for FY'93, with principally \$100,000 going for maintenance of the current system and some capital improvements; in particular, one storm drain at Ethan Allen and Jackson. Ms. Habada said that on the non departmental budget, the biggest item was the fire service amount--related to the agreement before the Council this evening. Ms. Habada said that \$691,000 out of a million dollar budget in non departmental was going toward the fire service agreement based on a 25 cents tax rate on the consolidated fire tax district that was being considered by the Montgomery County Council at the request of the County Executive.

Ms. Habada said that the Special Revenue budget was made up of the grant funds the City received, e.g., CDBG, Program Open Space, and some Federal funds for police services special grants. She said the total for this was \$795,585 in grants that she was proposing be included in the FY'93 budget.

Mr. Sharp noted that at the Budget Public Hearing scheduled for May 4th, the additional Departments' budgets would be specifically addressed: Police, Recreation, Housing & Community Development, Library, Cable, Debt Service, and Government Administration. Mr. Sharp also noted there would be a series of worksessions scheduled in May. Mr. Sharp then opened the floor to citizens comments and discussions of the FY'93 budget.

Kathy Breckbill, 7104 Woodland Avenue requested that the Council insert into the next issue of the Newsletter, a questionnaire regarding Cable television services in order to assess the amount of time that citizens view council meetings and other productions. She said this issue came up in the B.F. Gilbert Citizens Association meeting. Regarding the Fire Service Agreement, Ms. Breckbill said she was called by Montgomery County Councilmember Derrick Berlage's office this week, who informed her that the TPVFD staffing positions were being reinstated; she asked for confirmation on this.

Mr. Sharp confirmed that the latest transmission from the County Executive was that the positions were being reinstated as things currently stood.

In response to Mr. Sharp's question, Ms. Habada confirmed that there was time to prepare an insert questionnaire regarding Cable services for the next issue of the Newsletter.

The Council agreed that it would be a good idea to go forward with such a questionnaire insert.

Mr. Johnson said when the Council held previous discussions regarding Cable TV, he felt strongly that the effectiveness of Cable TV needed to be evaluated, but he said he did not want the public input to be seen as the evaluation but rather as an important component to an evaluation.

Clarence Boatman, 133 Ritchie Avenue said he was told by the City's Police Department that the Council was considering charging a service fee for answering false burglar alarms. He said he did not agree this was a good thing to do, because it did not encourage persons to protect their homes. He said he would be attending a public hearing by Montgomery County on April 30th who was proposing a similar fee and he would be stating his opposition to this proposal.

Ms. Habada said the proposal was one that came out of an employee committee who was asked to look at ways to improve revenues. She said this was suggested because there was a provision in the City Code that called for a permit fee to be charged for alarms; but this provision of the Code had never been implemented. She said the proposal was mainly to implement what was already in the Code, not to charge for false alarms and that this was not the same measure being proposed by the County.

Rino Aldrighetti, congratulated Ms. Habada on being named the City Administrator. Referring to the Executive Summary, under the Police Capital Budget, he asked if the two police cruisers were replacement vehicles and asked what the mileage was on these vehicles. Mr. Aldrighetti also commented that the Legal Expense budget was very high and he suggested it might be time to look into the idea that former Mayor Del Giudice had regarding bringing legal services in-house.

Ms. Habada responded that the cars were replacement vehicles and that the mileage threshold on each was 70,000 miles. She said the City had adopted a policy on what the threshold for replacing different types of vehicles in the City's fleet would be.

Council Comments/Questions on FY'93 Budget

Mr. Leary noted a few worthy points about this year's budget: a

proposal by the City Administrator for a \$650,000 bond issue to pay primarily for street improvements and renovations to the municipal gym. Mr. Leary said he would appreciate citizens' comment on that proposal. He also noted that the Public Works Department was proposing to reduce the amount of staff time and money spent on a very successful and popular program--the Recycling Coordinator position going from full-time to half-time. Mr. Leary noted that this was the Council's intention at the outset of the program.

Mr. Prensky noted the opening of the 1992 Farmers Market and said he saw Public Works employees working on the median strip in Old Town, e.g., planting flowers etc. He said there were no barriers preventing people from trampling over the flowers. Mr. Prensky said that one of the purposes of the \$680,000 bond was to make improvements to the Old Town median strip and he asked for clarification as to what improvements were planned in next years budget.

Mr. Knauf responded that this last year, a landscaper was consulted to enhance the aesthetics of the median strip; there were plans developed to do some brick work around the perimeter of the median strip and to put in some planting areas by September.

Mr. Sharp questioned whether this work could be started before the bond issue scheduled for November, and he asked if there was some legal constraint about this. He referenced an article in the MML Bulletin regarding paying for costs incurred before a bond issue.

Ms. Habada said according to a legal opinion by bond counsel, there may be some interim rules for doing this as long as it was within a six month period. Ms. Habada said she would check into this.

Ms. Porter said she has had conversations with citizens in her ward regarding funding for playground equipment for Jackson-Boyd Park. She said the Council had authorized in this year's budget, matching funds for Program Open Space funding for a number of parks, including three parks listed as well as two others not listed: Jackson-Boyd and the Thomas/Siegler property. She said citizens felt that since the Council authorized these funds, they should be spent. Ms. Porter commented that the playground equipment at Jackson-Boyd park was not suitable for young children; it was designed for older children and some parents felt their children were at risk playing on equipment that was not suitable for them. Ms. Porter said if the City did not put in the matching funds, they might be used up by another municipality and she suggested that the City put up the \$2,000 in matching funds to get the \$8,000 to purchase appropriate equipment for Jackson-Boyd park.

Mr. Sharp agreed that the Council ought to revisit the issue of using available open space money. Mr. Sharp commented on the scenario described by Ms. Porter described and questioned what would happen when the playground users got older and then that equipment became unsuitable for them. He wondered if the equipment was changing just because the neighborhood was changing.

Ms. Porter responded that currently the neighborhood was made up of smaller children and playground equipment did not last forever. She said that expecting children would just grow into equipment could be dangerous, but in three years or so, there would probably still be many toddlers in that area.

Mr. Sharp said that in looking at the Stormwater Management Budget, he was not able to tell if the Council had established a line item for unanticipated stormwater capital projects over the course of the year, and he said he could not tell what the reserve amount for stormwater management was.

Ms. Habada said there was no recommendation to take any funds out of the reserves. She said originally when it was set up, there was a \$25,000 amount transferred from the general fund to the

reserves, and in addition, there was an additional \$20-30,000 put into that reserve; money which has not been touched. Ms. Habada said the Council may want to address a policy decision on reserves.

Mr. Prensky noted that within the Public Works Parks Division budget, there was \$7,000 in overtime costs for support of Recreation Department programs. He said it would be more appropriate to show the real costs of the programs in the Department that was sponsoring the program. He said the current practice inappropriately inflated the Public Works budget and deflated the Recreation budget.

CITIZEN COMMENTS

Susie Murphy, Representing Takoma Old Town Business Association (TOTBA) addressed two specific concerns TOTBA had: Police Service and the issue of ongoing business development in Takoma Old Town. Ms. Murphy said that TOTBA supported the matching of funds for the Police Department's grant application for two additional police officers. In addition, Ms. Murphy said that TOTBA had offered to meet with the Council and Staff to address the issue of ongoing business development in Old Town and the possibility of funding a position that would solely be responsible for economic development in the City.

Addressing the Special Revenue budget, Mr. Hamilton said he would like to see Heffner Park made part of the Public Works budget. He said he hoped that this would be the last year that the Heffner Park Building would have to depend on block grant funding.

Mr. Sharp brought the Public Hearing to a close at 9:34 p.m.

3. Fire Service Agreement. Mr. Sharp noted that the Council had before them a Resolution in support of the Fire Service Agreement as well as a copy of the latest version of the Agreement. He said the Agreement provided for a notice provision to the City in the event the County proposed cutting back services or moving the station. Mr. Sharp noted that there was also a payment provision--the City helped to fund the station by taxing citizens in Prince George's County as well as Montgomery County and there had to be an agreement among the three counties for that legally to happen. Mr. Sharp said in particular, Prince George's County had to reduce their tax rate to the citizens on the P.G. side to enable the City to not duplicate tax for fire service. He said he understood the rate that would be reduced to P.G. citizens was 18 cents, meaning that P.G. citizens would be paying 18 cents less in taxes to the P.G. County government. Mr. Sharp said that in compensation for that those residents would be paying 25 cents to Takoma Park, who will give that money to Montgomery County. Mr. Sharp said that to make the tax rate even, Montgomery County was not assessing the fire tax rate on County taxes and the City was assessing to have a uniform tax rate.

Mr. Wilson noted that a couple of other concerns were addressed: whether the agreement was going to modify any other agreements and on page 9, in Number 13, there was an "Other Agreements" clause that covered that concern. Mr. Wilson said another concern expressed by the Volunteer Fire Department group that was expressed at the last public hearing, was that there were some provisions different from past practices regarding who was in charge when there was a major fire. Mr. Wilson said that Prince George's County tried to counter the impression that Montgomery County would have day to day responsibility for the execution of fire serve. Mr. Wilson said that in any major fire on the P.G. side, they were concerned that their position and liability would be aggravated by that provision. Mr. Wilson said that a clause was added that Montgomery County would only respond if there was a major conflagration and would only come when they were called by the fire department in charge at that time.

Mr. Wilson said that he had talked to Mr. Koligi who had prepared

the transmission of the Resolution and basic information so that it could be transported from the Executive Office building to the County Council on 4/28 if the City could assure him that pending this public hearing, the City was reasonably satisfied with this version of the Agreement.

Ms. Porter commented that Mr. Wilson had done a great job in negotiating with the County to keep the fire station operating at Philadelphia and Carroll Avenues for the next four years. She said she was confused about Section 2, between (A) (B) regarding the reasons the County could close the building due to physical deterioration of the building or if it was made uninhabitable as a result of disaster. She said the (B) section stated that the County would have to give the City not less than 120 days written notice prior to moving it. She said this was confusing and she asked if this meant that the County would have to give us 120 days notice of the disaster.

Ms. Silber responded that this was the difference between temporary and permanent accommodations in the event of a disaster rendering the station unusable; there would have to be some temporary accommodations made. She said there was still the budgetary policy decision to be made whether to put requisite money into renovating the building versus making a permanent move. Ms. Silber said that the 120 days was to allow the political process to occur in order to decide whether the building would get that infusion of funds to restore it to a building condition.

Ms. Porter noted that in subsections (i) and (ii) in Section 8(b) of the Agreement, regarding "Termination of the Agreement", both referred to various types of termination and she questioned whether the last part of (ii) actually applied to both (i) and (ii).

Ms. Silber responded that this was intended to apply to both (i) and (ii) and it actually should be a new paragraph (iii). Ms. Silber said that she and Mr. Wilson would amend this.

Chief West, TPVFD asked if the language as written in the Section regarding the location of the fire station precluded Montgomery County from determining what services were provided from Station 2 subject to the notice provision of Section 3(e). Chief West said that the way it was written, left the door open as to what the County would be able to do.

Mr. Sharp said the County would be subject to the notice provisions as well as to meet and confer and this would give the City an opportunity to petition the appropriate officials (e.g., the Chief Executive Officer and the County Council). Mr. Sharp noted that this point was raised at the last public hearing and he did not disagree with it because in following the negotiations that Mr. Wilson and Sue Silber had, it was clear that the County was not going to agree to provisions that did not give them this type of flexibility. Mr. Sharp said the City's position was to build in some notice provisions which would provide some lead time to be able to lobby the officials.

Mr. Sharp also said it occurred to him after Mr. West commented on this issue at the first public hearing that maybe Mr. West and Mr. Allen were referring to something else, e.g., that TPVFD had other contracts, informal arrangements, other procedures or understandings that they negotiated for that the City Council was intruding on. He said the Council did not want to intrude on those types of understandings. Mr. Sharp said the Agreement permitted the Council to lean on the contract for this protection--like they did when the County tried to take the truck away.

Mr. Hamilton referred to a meeting the Council had with Mr. Granadas regarding the Memorandum Of Understanding, and said this was a type of agreement that the Council did not want to touch that spoke to how operations worked between the Chief and the County.

Addressing Section 3(1), Mr. West asked if there had been any type of disagreement about who was to provide primary first due fire and rescue services.

Mr. Wilson responded that the Fire and Rescue Commission could move it's singular pieces of rescue equipment any where they wanted, but the City was supposed to get first due services from its fire station. Mr. Wilson said the City separated the location from the service provisions in order to save the location. He said as long as the location was there and the services were to be provided on a first due basis, there was no other station that could provide first due service to Takoma Park as long as the station was there. He said the Council decided at the Fire and Rescue Commission meeting the other night to leave the truck alone because they realized they would be in constant conflict over the next four years if they tried to move it as long as that truck stayed there and the engine and ambulance was going to be there. Mr. Wilson said that this all added up to first due service from the Takoma Fire Station.

Mr. Hamilton commented that Section 2(a) of the Agreement clarified this point and already provided for this protection

Mr. Sharp asked the Council if they felt the Agreement was provisionally acceptable, conditional upon the amendment to Section 8(b), publication of the Agreement in the Newsletter and the Public Hearing scheduled for May 26.

Mr. Hamilton moved passage of the Resolution; seconded by Ms. Porter. Upon motion by Mr. Sharp; seconded by Mr. Prensky, the Council moved to delete the last Resolved clause pertaining to the Mayor executing the Agreement. The motion carried.

Mr. Sharp commented that the Council would schedule a second public hearing on the Fire Service Agreement on May 26, 1992. He asked that the City Clerk make arrangements for advertising this Hearing and publishing the Agreement in the Newsletter.

Council Action: The Resolution, as amended, passed unanimously.

RESOLUTION #1992-30
(Attached)

4. Sidewalk Vending. Moved by Mr. Prensky; seconded by Mr. Hamilton.

Mr. Prensky noted that the cover memo indicated that the ordinance reflected the direction of the Council, but also the outcome of a meeting that took place between representatives of TOTBA, DHCD, the Police Department, the City Clerk and Corporation Counsel's office. Mr. Prensky said that he was reassured that the temporary nature of the ordinance and the details worked out with the parties involved gives it a much greater chance of success. He asked about the sunset date of September 30th and said it was his understanding that the issue would be revisited at the first Council worksession in September.

Ms. Perlman responded that the sunset date of September 30th would leave the Council some time for discussion and she did not think the Council wanted the ordinance to go out of effect, since the Council planned to take it up in early September. Ms. Perlman also said September 30th was the end of the calendar quarter which seemed to be a more natural date.

Ms. Porter asked what in the definition of Section 1 would not apply to someone selling items from a mobile location.

Ms. Perlman responded that the Section referred to persons who operated permanent retail businesses, year round and not temporarily. Ms. Perlman said a definition could be added, but she

did not think it was necessary to clarify the language to have it apply to persons who owned and operated street level businesses from a permanent location because the definition of retail businesses was commonly understood.

Ms. Porter asked Corporation Counsel if the language remained as it was, would it clearly not apply to someone whose business was mobile?

Ms. Perlman responded that the merchants would only be allowed to operate on the sidewalk in front of the retail business; if they were operating from a pushcart, they weren't considered to have a permanent business location.

Ms. Porter gave the example of one particular vendor who sold from a rented private property in Old Town and she asked if this person could sell from the sidewalk in front of that rented private property.

Ms. Perlman said it was her understanding that it was not the owner's intent to allow businesses to sell on the sidewalk there; the deck he rented out was in lieu of the sidewalk. Ms. Perlman said Susie Murphy had contacted the owner and he confirmed that he had no intent to rent to anyone on the sidewalk. Ms. Perlman also said she was told by TOTBA that this instance was not going to come to an issue.

Ms. Porter again asked if there wasn't a need to clarify this in the law because there could be other situations similar to this one that might come up.

Ms. Perlman said an attempt was made to try and define retail businesses; the definition became complicated but it was commonly understood. She said vendors would have to certify that they were validly licensed, e.g., had a trader's license and occupancy license and whatever else was required from the County in order to get a sidewalk sales permit. Ms. Perlman said a huckster was not supposed to have a permanent location and therefore would not have anything to sell on the sidewalk in front of them. Ms. Perlman said that it was not the intention of the Ordinance to permit people without a permanent location to sell on the sidewalk.

Mr. Elrich said he would leave the language as it was currently proposed; he was not troubled if that one vendor decided to sell something in front of the retail space he was currently renting, and he was not interested in the City figuring out every possible problem and solution in advance. He said the council had the remedy of amending the Ordinance to deal with specific situations.

Mr. Elrich said that he was interested in some description of size limitation of the external vending devices and he noted that the Ordinance contained none. He said there was some virtue in not filling the store fronts with massive exterior displays. He said as he read the Ordinance, as long as a merchant did not block five feet of the sidewalk, they could line the entire storefront with external shelves or piles of merchandise from inside the store. He said that some limitation on what went outside was reasonable.

Ms. Linda Perlman said that this was discussed and everyone thought that if the display was required to be right up against the building, it would not allow a table that a merchant could stand behind to operate a cash box which was more secure. She said that the real issue was access for people walking on the sidewalk, going in and out of stores, etc.; not the size of the display.

Mr. Prenskey asked for a clarification on the nontransferability of permits and asked if this meant they were nonassignable and the person who owned or rented the store could not obtain a permit and rent or sell that permit to someone else.

Ms. Perlman confirmed that this was correct.

Mr. Leary said that he agreed with Mr. Elrich's point--that with the sunset provision less than six months from now, it was not feasible to try to anticipate every possible problem in this Ordinance. He said these discussions helped to inform TOTBA about the concerns of the Council and he was sure they understood that if the result of this was an unending phalanx of sidewalk displays, the Council would not want to renew the Ordinance after the sunset date.

There was no second to Ms. Porter's proposed amendment to Section 1(a) to clarify that ordinance applied to anyone who owned or operated a permanently located street level business.

Mr. Johnson asked that Ms. Porter consider working with Corporation Counsel to propose some alternative language.

Susie Murphy, Representative of TOTBA commented that the issue of a limitation on the size of the display was discussed at the meeting with Staff. She said the decision was made to address the sidewalk clearance issue instead because a number of businesses had a small section of private property in front of their store and part of the display would be on that private property. She said it was questionable whether the Council could legislate what was on private property, and it would place a burden on the Police Officers to determine whether the display was on private or public property.

Council Action: The ordinance carried unanimously at first reading.

5. Resolution Setting Public Hearing Date of May 11, 1992 Regarding Proposal to Levy Special Assessment on Houston Court Properties. Moved by Mr. Elrich, seconded by Mr. Johnson. Mr. Sharp noted that notice of this meeting had been mailed out to the Houston Court property owners and the tenants.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-31
(Attached)

6. Revised Stormwater Management Ordinance (1st Reading). Upon motion by Mr. Prensky; seconded by Ms. Porter, the Council convened as the Stormwater Management Board. The Ordinance was moved for acceptance at first reading by Mr. Hamilton and seconded by Ms. Porter.

Ms. Porter referred to Section 10-C.21 regarding ownership and maintenance of stormwater management facilities and asked whether it was a problem having types of facilities that were not addressed in the Ordinance. Ms. Porter said that it was her understanding that there are or would be stormwater management facilities that would serve multiple owner lots and the Council needed to be clear about who was responsible for maintaining these.

Mr. Knauf said there could some doubt about this but he would interpret it as part of a facility if it were a multiple unit operation. He said he did not think the City would assume that responsibility, and in subparagraph (c), they attempted to clarify this where it was indicated what would be public ownership and the City's responsibility for maintaining it.

Council Action: The Ordinance was accepted at first reading.

ORDINANCE #1992-13
(Attached)

The Stormwater Management Board adjourned at 10:35 and reconvened sitting as the City Council.

7. Ordinance Amending City's Pay Plan. Moved by Mr. Hamilton and duly seconded. The Ordinance amends the City's Pay Plan to remove the City Administrator's salary from the pay scale and provide that the salary be determined by the Council under a separate ordinance.

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

ORDINANCE #1992-11
(Attached)

8. Ordinance Amending Personnel Appeal Board Legislation. Moved by Mr. Hamilton, seconded by Mr. Prenskey. The Ordinance expands the Personnel Appeal Board from three to five members and provides that hearings be held in panels of three.

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

ORDINANCE #1992-10
(Attached)

9. Violence Prevention Week. Moved by Mr. Prenskey, seconded by Mr. Hamilton. The Resolution declares May 10-16 as "Violence Prevention Week" in Takoma Park. The community forum on violence prevention sponsored by the Takoma Park Violence Prevention Project is scheduled to take place on May 14, 1992, at 7:30 p.m. in the Council Chambers.

Ms. Porter encouraged all citizens to attend the forum. She noted that within the last week, there were two incidents in her neighborhood of guns being fired in the street. Ms. Porter said that the only way to beat this issue was for the citizens to work together in developing a solution.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-32
(Attached)

10. Budget Amendment #2. The Ordinance was moved by Mr. Leary; seconded by Mr. Johnson. Upon motion by Mr. Leary, duly seconded, the Council voted to delete Section I(a)(2), an expenditure amendment of \$15,000 to cover the costs of installing a remote cable television camera system.

Mr. Prenskey asked if the issue of "dead spots" in Police antenna ranges was solved. Ms. Habada said she will follow up on this with Chief Fisher and report to the Council by second reading of the Ordinance.

ORDINANCE #1992-14
(Attachment)

Mr. Johnson moved adjournment; the motion was duly seconded and the Council adjourned at 10:45 p.m. to reconvene in Regular Session on May 11, 1992.

Introduced by: Mayor Sharp

RESOLUTION 1992-29
EXPRESSING APPRECIATION TO JAMES S. WILSON, JR.

WHEREAS, *In March 1984, James S. Wilson, Jr. began his employment with the City of Takoma Park as City Administrator; AND*

WHEREAS, *Jim Wilson came to Takoma Park after having served as assistant City Manager in Richmond, Virginia, City Manager in Compton, California, Director of Housing and Community Development in San Diego County, California, Director of Model Cities Commissions in North Carolina, and many other noteworthy achievements in the management field; AND*

WHEREAS, *Jim Wilson has overseen many aspects of the professionalizing of Takoma Park's government , such as the adoption of an employee classification and pay plan system, the formation of collective bargaining units, the automation of City departments for word processing and the Police Department and Finance Division for record keeping; AND*

WHEREAS, *Under Jim Wilson's administration, the City was involved in a number of significant events which include but in no way are limited to the negotiation of the first tri-party fire service agreement with Montgomery and Prince George's counties, participation in the Maryland Municipal League insurance liability Pool, the Health Benefits Pool, and the Local Government Insurance Trust, establishment of a successful recycling program, the issuance of bonds for the Washington Adventist Hospital and for street improvements and library renovations; AND*

WHEREAS, *the many "hats" Jim Wilson has worn during his tenure as City Administrator include that of City Clerk, Acting Director of the Housing and Public Works Departments, Acting Newsletter Editor and Acting Cable Coordinator; AND*

WHEREAS, *all of Mr. Wilson's many accomplishments cannot ever be set forth in any single Resolution; AND*

WHEREAS, *on Friday, May 1st, 1992, James S. Wilson will retire as City Administrator of Takoma Park, Maryland and he will be sorely missed.*

NOW THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, hereby expresses appreciation and gratitude to James S. Wilson, Jr. for his efforts on behalf of the City; AND

BE IT FURTHER RESOLVED, THAT the Council joins in with the Deputy City Administrator and the City employees of Takoma Park, in wishing Mr. Wilson the best of luck in his Retirement and all future endeavors; AND

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to spread a copy of this Resolution over the permanent records of the City of Takoma Park.

April 27, 1992

ATTEST:

Edward F. Sharp
Mayor

Paula S. Jewell, CMC/City Clerk

Introduced by: Councilmember Hamilton

RESOLUTION # 1992-30

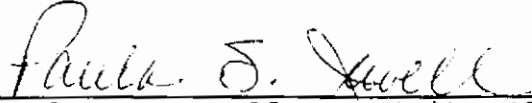
In support of and for becoming a party to a
Tri-Party Agreement between Takoma Park, Montgomery and
Prince George's Counties pertaining to fire and rescue services
for the City of Takoma Park

- WHEREAS, at the direction of the Chief Executive Officers of Takoma Park, Montgomery County, and Prince George's County, senior staff from the respective jurisdictions convened for the purpose of preparing an agreement for the delivery of fire and rescue services to all of Takoma Park; AND
- WHEREAS, said staff have drafted a fire service agreement that provides first-due response fire and rescue services to the entire City of Takoma Park and provides partial reimbursement to Montgomery County, Maryland, for the cost and expense of providing these services in accordance with all provisions of Chapter 21 of the Montgomery County Code, "Fire and Rescue Services,"; AND
- WHEREAS, the City Council of Takoma Park has reviewed, revised, and re-reviewed the several drafts required to develop the final agreement; AND
- WHEREAS, the agreement secures the delivery of fire and rescue services from the Takoma Park Volunteer Fire Department's present location for a minimum of four years, and a taxing mechanism that will allow the City to equitably and uniformly tax its citizens for fire and rescue services, as are all other services provided by the City; AND
- WHEREAS, provisions are made in the agreement for Community service fire inspections, Fire Marshall services, and the inclusion of the entire City of Takoma Park in Montgomery County fire and rescue service planning; AND
- WHEREAS, prior notification and meet and confer in good faith must precede any major change as to how services are delivered to the City of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland hereby agrees to and confirms the terms and conditions set forth in the draft agreement as amended, a copy of which is attached hereto and hereby made part of this resolution.

Dated this 27th day of April, 1992

ATTEST:



Paula S. Jewell, CMC/City Clerk

Introduced by: Councilmember Elrich

Resolution Date: 4/27/92

Drafted by:
Linda S. Perlman
Assistant Corporation Counsel

RESOLUTION NO. 1992 - 31

A Resolution setting a public hearing on the levying of special assessment charges against Houston Court properties for the cost of resurfacing the parking area, outside the City right-of-way, of Houston Court, Takoma Park, Maryland.

WHEREAS, Section 13.01 of the Municipal Charter provides that the City of Takoma Park has the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of municipal improvements and to provide for the payment of all or part of the costs of the improvement project to be paid out of the proceeds of such special assessment; and

WHEREAS, the City of Takoma Park is undertaking a project to resurface Houston Court; and

WHEREAS, a portion of the roadway of Houston Court is outside the City of Takoma Park's right-of-way and is used as a parking area by the property owners or residents of Houston Court; and

WHEREAS, the City's resurfacing of this parking area of Houston Court will confer a special benefit on the owners of property known as 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8210, 8212, and 8214 Houston Court, Takoma Park, MD 20912; and

WHEREAS, before levying any special assessment charges, the Council will hold a public hearing concerning the proposed resurfacing of Houston Court project and the special assessment at which time all persons interested may appear before the Council and be heard concerning the proposed project and special assessment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK that the Council shall hold a public hearing at which all interested persons may appear before the Council and be heard concerning the proposed resurfacing of Houston Court in the City of Takoma Park and a special assessment against the properties on Houston Court for the costs of resurfacing the parking area of Houston Court which is outside of the City right-of-way. The public hearing shall be held on Monday, May 11, _____, 1992 at 8:00 p.m., in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, MD 20912.

AND BE IT FURTHER RESOLVED that the City Administrator shall cause notice of this public hearing to be given to the owners of record of each parcel of property on Houston Court which is proposed to be assessed and to each person in whose name such property is assessed for tax purposes and by publication of a copy of the notice at least once in a newspaper of general circulation in the City, in accordance with the requirements of Section 13.02(d) of the Municipal Charter.

This Resolution is adopted this 27th day of April, 1992, by roll call vote, and is effective on the same date.

Aye:

Nay:

Abstained:

Absent:

corr149/kw
houston.res

Introduced by: Councilmember Elrich

1st Reading: 4/27/92

2nd Reading: 5/11/92

Effective Date: 5/11/92

ORDINANCE NO. 1992 - 13

STORMWATER MANAGEMENT

WHEREAS, House of Delegates Bill No. 971 (Chapter 369, Acts of Maryland 1990) transferred to the City of Takoma Park, as of July 1, 1990, the authority of the Washington Suburban Sanitary Commission ("WSSC") for stormwater management in the City of Takoma Park; and

WHEREAS, the City of Takoma Park is now responsible for stormwater management activities and for the review and approval of stormwater management facilities constructed within the City of Takoma Park; and

WHEREAS, the City of Takoma Park deems it necessary and in the public interest to establish minimum stormwater management requirements and procedures and provide for a stormwater management permit process applicable to development occurring within the City of Takoma Park by enacting a new chapter of the Takoma Park Code dealing with stormwater management.

NOW, THEREFORE, BE IT ORDAINED BY THE STORMWATER BOARD AND THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. The Takoma Park Code is amended by adding a new Chapter 10C, Stormwater Management, as follows:

CHAPTER 10C. STORMWATER MANAGEMENT.

Sec. 10C-1. Title.

The provisions of this Chapter 10C shall be known as the "Stormwater Management Act of the City of Takoma Park" (hereinafter "Act").

Sec. 10C-2. Purpose and Authority.

(a) The purpose of this Act is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse results of stormwater runoff within the City of Takoma Park. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, reduce local flooding, and maintain, as nearly as possible, the pre-development runoff characteristics of the area.

(b) The provisions of this Act are adopted pursuant Title 4, Subtitle 2, Environment Article, Annotated Code of Maryland, 1987 replacement volume, and shall apply to all development occurring within the City of Takoma Park.

(c) The application of this Act and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation of any authority or powers granted by State law. The Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this Act.

Sec. 10C-3 Definitions.

For the purposes of this Act, the following words and phrases shall have the meanings indicated:

(a) "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(b) "Applicant" means a land owner, contract purchaser or other person, partnership, corporation, other legal entity, or agent thereof which assumes the legal responsibility for stormwater management or land development subject to this Act.

(c) "City" means the City of Takoma Park, Maryland.

(d) "City Administrator" means the City Administrator for the City of Takoma Park or a duly authorized agent.

(e) "Clearing" means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

(f) "Department" means the Department of Public Works.

(g) "Detention structure" means a permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

(h) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

(i) "Development" means the process of changing the use of land, including the construction or alteration of buildings, structures, other improvements on the land.

(j) "Director" means the Director of the Department of Public Works or a duly authorized agent.

(k) "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

(l) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Act.

(m) "Impervious" means the condition of being impenetrable by water.

(n) "Imperviousness" means the degree to which land is impervious.

(o) "Infiltration" means the passage or movement of water into the soil sub-surface.

(p) "Maintenance" means any action necessary to preserve storm water management facilities in proper working condition, in order to serve their intended purposes and to prevent structural failure of such facilities.

(q) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.

(r) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.

(s) "Retention structure" means a permanent structure that provides for the storage of runoff and is designated to maintain a permanent pool of water.

(t) "Sediment and Stormwater Administration" means the State of Maryland, Department of the Environment, Sediment and Stormwater Administration.

(u) "Site" means any tract, lot or parcel of land or combination of tracts, lots, or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

(v) "Stormwater concept plan" means the overall proposal for a storm drainage system, including stormwater management structures, and supporting documentation as specified in the Stormwater Management Design Manual for all proposed developments.

(w) "Stormwater design plan" means the set of drawings and other documents that comprise all of the information and specifications for the systems, structures, concepts and techniques that will be used to control stormwater as required by any approved stormwater concept plan and the Stormwater Management Design Manual.

(x) "Stormwater Management" means:

(1) For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and

(2) For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

(y) "Stormwater Management Design Manual" means the Prince George's County Stormwater Management Design Manual, a manual of design, performance, and review criteria for stormwater management practices.

(z) "Stormwater management plan" means a set of representations, drawings or other documents submitted by an applicant in order to obtain a stormwater management permit and containing the information and specifications as required by the Department by any regulations adopted under this Act and by the provisions of this Act. Stormwater management plan includes both a stormwater concept plan and a stormwater design plan.

(aa) "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed.

(bb) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of the Act.

(cc) "Waiver" means the relinquishment for stormwater management requirements by the Department for a specific development on a case by case review basis.

(dd) "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto, which is subject to inundation by reason of overflow or flood water.

(ee) "Watershed" means the total drainage area contributing runoff to a single point.

(ff) "Wetlands" means an area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.

Sec. 10C-4. Scope of Act.

No person shall develop any land without having provided for appropriate stormwater management measures that control or manage runoff from the proposed development and without having obtained a stormwater management permit, except as provided by this Act.

Sec. 10C-5. Adoption of Stormwater Management Design Manual.

(a) The "Prince George's Country Stormwater Management Design Manual, April 1991", as amended, published by the Prince George's County Department of Environmental Resources, Division of Environmental Management, Watershed Protection Branch, and the "Standard Details for Stormwater Management Construction, December, 1990", as amended, published by the Prince George's County Department of Environmental Resources, are hereby adopted as the design, performance, and review criteria for stormwater management practices in the City. A copy of the Stormwater Management Design Manual and Standard Details for Stormwater Management Construction are on file in the Office of the Director for public inspection and use.

(b) The following chapters of the Stormwater Management Design Manual are deleted: Chapter II (Permit Processing); Chapter VI (Bonding); and Chapter IX, 9.2.0 - 9.5.0 (Inspection and Enforcement Procedures).

(c) References in the Stormwater Design Manual to Prince George's County or to agencies, departments, or County officials within the County shall be deemed to be references to the City, the Department, or City officials as the context and common sense requires.

Sec. 10C-6. Exemptions from Requirements.

The following development activities are exempt from the provisions of this Act and the requirements of providing stormwater management.

(a) Additions or modifications to existing detached one-family dwellings, except where the applicant proposes to connect directly to the public stormwater drain system;

(b) Developments that do not disturb more than five thousand (5,000) square feet of land area, except where the applicant proposes to connect directly to the public stormwater drain system; or

(c) Land development activities which the Sediment and Stormwater Administration determines will be regulated under specific State laws which provide for managing stormwater runoff.

Sec. 10C-7. Variances.

The Director may grant a written variance from any requirement of Section 10C-14, Minimum Requirements, of this Act if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Act will result in unnecessary hardship and not fulfill the intent of the Act.

(a) A written request for variance shall be provided to the Department and shall state the specific variances sought and reasons for their granting.

(b) The Director shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant developing land.

Sec. 10C-8. Waivers.

The Department may grant a waiver of stormwater management requirements for individual developments provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed development. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver.

(a) A development is eligible for a waiver of stormwater management for quantitative control if the applicant can conclusively demonstrate that the first one-half inch of runoff shall be managed according to the infiltration standards and specifications promulgated by the Sediment and Stormwater Administration. Alternate water quality facilities shall be provided when the required soils tests eliminate infiltration as a viable practice.

(b) A stormwater management waiver for qualitative control may be granted if water quality controls are provided and the applicant demonstrates that:

(1) The proposed development will not generate more than a 10 percent increase in the 2-year pre-development peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse, or water body; or

(2) The site is completely surrounded by existing developed areas which are served by an existing network of public

storm drainage systems of adequate capacity to accommodate the runoff from the additional development.

Sec. 10C-9. Stormwater Concept Plans.

(a) The purpose of a stormwater concept plan is to ensure that quality control and proper disposition of stormwater is considered in the planning stage of the development process.

(b) Every proposed development in the City, unless otherwise exempted, must receive stormwater concept plan approval from the Department. Stormwater concept plans shall follow the guidelines set forth in Chapter III (Stormwater Management Concept Plan) of the Stormwater Management Design Manual.

(c) All preliminary plats of subdivisions shall be consistent with any City approved stormwater concept plan.

(d) If any plan involves any stormwater management facilities or land to be dedicated to public use, the same information shall also be submitted for review and approval to the Department and any other appropriate agencies or departments identified by the Director for review and approval. This plan shall serve as the basis for all subsequent construction.

Sec. 10C-10. Stormwater Design Plans.

(a) A stormwater management plan or an application for waiver shall be submitted to the Department by the applicant for review and approval for any proposed development, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Department shall review the plan to determine compliance with the requirements of this Act prior to approval. The plan shall serve as the basis for all subsequent construction.

(b) Stormwater design plans shall meet the criteria and requirements set forth in Chapter IV (Stormwater Management Design) of the Stormwater Management Design Manual.

(c) Stormwater design plans are reviewed on a first-come, first-serve basis. At its option, the City may establish a priority designation for certain plans to be reviewed on an expedited basis. A stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Director on the plan.

Sec. 10C-11. Permit Requirements.

(a) A stormwater management permit shall not be issued unless a stormwater management plan has been approved as meeting all requirements of this Act or a waiver has been granted by the Department. A stormwater management permit shall not be issued without the following, as applicable:

(1) A performance bond acceptable to the City Administrator, if such a bond is required under Section 10C-16 of this Act;

(2) Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;

(3) A recorded stormwater management maintenance agreement; and

(4) A certification by the applicant that all land clearing, construction, development, and drainage will be done according to the stormwater management plan and all applicable City laws, including but not limited to, Chapter 12, Article 4 (Urban Forest) of the Takoma Park Code.

(b) Notwithstanding any of the provisions herein, the Director may accept a stormwater concept plan in lieu of a stormwater design plan if the stormwater concept plan identifies the location and type of facilities to be constructed in sufficient detail to accurately estimate construction costs.

(c) In no event shall a grading or building permit be issued for any property or construction or any other land development subject to the provisions of this Act begin prior to the issuance of a stormwater management permit.

(d) Stormwater management permits shall be valid for one year from the date the permit is issued.

Sec. 10C-12. Fees.

There are four types of fees an applicant may be required to pay before receiving a stormwater management permit or waiver. These are: (1) review fee; (2) revision fee; (3) update fee; and (4) waiver fee. These fees must be paid prior to the issuance of the stormwater management permit or waiver.

(a) Review fee. A nonrefundable application and plan review fee shall be paid at the time the stormwater management plans are first submitted for technical review. The amount of the review fee shall be as follows:

(1) Residential development.

(a) Single family dwellings: \$75.00.

(b) Multi-family dwellings: Two to six units - \$25.00 per unit, with a \$75.00 minimum fee; Seven to twenty units - \$20.00 per unit; and Twenty-one or more units - \$15.00 per unit.

(2) Commercial, industrial, and institutional development: \$.05 per square foot of impervious area. By way of example, impervious area includes the roof of a building and paved parking area.

(b) Revision fee. No charge shall be made for the first plan revision submitted for review. The charge for the second and all subsequent plan revisions submitted for review shall be 50% of the original fee.

(c) Update fee. A plan update is required if a stormwater management permit is not obtained within twenty-four (24) months after the approval of the stormwater management plans. A fee of \$100.00 will be charged for reviewing the updated plans.

(d) Waiver fee. When an applicant obtains a waiver of stormwater management requirements pursuant to Section 10C-8 of this Act, the applicant shall be assessed a waiver fee of \$.05 per square foot of impervious area.

(1) Imperviousness is determined for the area being developed and for contiguous existing developed areas owned by the applicant which contribute to the stormwater flow through the area being developed or through which stormwater from the area being developed will flow. Imperviousness of areas dedicated on a plat to open space is not included.

(2) The waiver fee must not exceed the cost of providing on-site stormwater management. If the applicant can provide evidence, acceptable to the Department in its sole discretion, that on-site stormwater management can be provided at lower cost (including the cost of land and long-term maintenance) than the total waiver fee, the Director shall adjust the total waiver fee to be no greater than the applicant's estimated cost (including land cost and long-term maintenance) of providing on-site stormwater management.

(3) In lieu of all or part of the waiver fee, the City may enter into an agreement with the applicant for a land conveyance, other specific improvements, the granting of an easement or the dedication of land by the applicant to be used for the construction, operation, and maintenance of an off-site stormwater management facility.

Sec. 10C-13. Permit Suspension and Revocation.

A stormwater management permit may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

(a) Any violation(s) of the conditions of the stormwater design plan approval.

(b) Changes in site runoff characteristics upon which a waiver was granted;

(c) Construction not in accordance with the approved plans;

(d) Noncompliance with correction notice(s) or stop work order(s); or

(d) The existence of an immediate danger in a downstream area in the opinion of the Director.

Sec. 10C-14. Minimum Requirements.

(a) The minimum stormwater control requirements shall provide management measures necessary to maintain the post-development peak discharges for a 24-hour, two (2) and ten (10) year frequency storm events at a level that is equal to or less than the respective two (2) and ten (10) year pre-development peak discharge rates.

(b) Stormwater concept and design plans, where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the State of Maryland Department of Natural Resources in accordance with the Flood Hazard Management Act of 1976 (Title 8, Subtitle 9A, Natural Resources Article, Annotated Code of Maryland, as amended).

Sec. 10C-15. Stormwater Management Measures.

(a) Stormwater management measures may include both structural and nonstructural elements. Natural swales and other natural runoff conduits shall be retained where practicable.

(b) Where additional stormwater management measures are required to satisfy the minimum control requirements, the order of preference of the measures to be used is as follows:

(1) Infiltration practices;

(2) Stormwater retention structures; and

(3) Stormwater detention structures.

(c) Infiltration practices shall be utilized to reduce volume increases to the extent possible as determined in accordance with infiltration standards and specifications established by the Sediment and Stormwater Administration. A combination of successive practices may be used to achieve the applicable minimum control requirements.

(d) All stormwater management measures shall be designed in accordance with the criteria and guidelines set forth in Chapter IV (Stormwater Design Plan) of the Stormwater Management Design Manual.

Sec. 10C-16. Performance Bond.

(a) The applicant may be required to provide a cash bond, irrevocable letter of credit, certificate of guaranty, or other means of security acceptable to the City Administrator prior to the issuance of any stormwater management permit for development requiring a public stormwater management facility.

(b) If security is required, the amount of the security shall not be less than the total construction cost of the stormwater management facility as estimated by the Department.

(c) Any security required pursuant to this Section 10C-16 shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater design plan, compliance with all the provisions of this Act and other applicable laws and regulations, and any time limitations.

(d) If security is required, the security shall not be fully released without final inspection of completed stormwater management facility and the acceptance of "As-Built" plans.

(e) A provision may be made for partial release of the amount of the security.

Sec. 10C-17. Inspection Schedule and Reports.

(a) Prior to the issuance of a stormwater management permit, the applicant shall submit to the Department a proposed schedule for staged inspection and construction control as provided for in Section 10C-18 of this Act.

(b) The Department or its authorized representative shall conduct inspections and file reports for periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved stormwater management plans.

(c) No stage of work shall proceed until the work previously completed is inspected and approved. The permittee shall be

furnished with the results of the of the inspection reports as soon as possible after completion of each required inspection.

(d) Any portion of the work which does not comply with the approved stormwater management plan shall be promptly corrected by the permittee, after written notice from the Department. The notice shall set forth the nature of corrections required and the time within which corrections will be made.

(e) The permittee shall notify the Department before commencing any work under the stormwater management permit and upon completion of the work when a final inspection will be conducted.

Sec. 10C-18. Inspection Requirements During Construction.

After commencing initial site operations, in addition to any inspections by the Department, the permittee shall provide for regular inspections to be certified by a registered professional engineer at the following construction stages:

(a) Infiltration systems--at the beginning, during, and upon completion of construction.

(b) Porous paving infiltration systems--at the following stages so as to ensure proper placement and allow for infiltration into the subgrade:

(1) Upon completion of stripping, stockpiling, the construction of temporary sediment control and drainage facilities;

(2) Upon completion of subgrade section;

(3) Upon completion of reservoir base course;

(4) Upon completion of the top crushed stone course; and

(5) Throughout the placement of the porous asphaltic concrete surface course to ensure proper laying temperatures and compaction.

(c) Flow attenuation divides, such as open vegetated swales--upon completion of construction.

(d) Detention and retention structures--at the following stages:

(1) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:

(i) Core trenches for structural embankments,

(ii) Inlet-outlet structures and anti-seep structures, watertight connectors on pipes, and

(iii) Trenches for enclosed storm drainage facilities;

(2) During placement of structural fill, concrete, and installation of piping and catch basins;

(3) During backfill of foundations and trenches;

(4) During embankment construction; and

(5) Upon completion of final grading and establishment of permanent stabilization.

Sec. 10C-19. Final Inspection Reports.

(a) The permittee shall provide "As Built" plans certified by a registered professional engineer to be submitted upon completion of a stormwater management facility.

(b) A registered professional engineer shall certify that the stormwater management facility has been constructed as shown on the "As Built" plan and meets the approved stormwater design plan and specifications.

(c) A final inspection shall be conducted upon completion of the stormwater management facility to determine if the completed work is constructed in accordance with the approved stormwater design plan and this Act.

(d) The Department shall maintain a file of all inspection reports.

Sec. 10C-20. Acceptance of Certification in Lieu of Inspections.

The Director, in his or her sole discretion, may accept the certification of a registered professional engineer licensed in Maryland in lieu of any inspection during construction required by this Act.

Sec. 10C-21. Ownership and Maintenance of Stormwater Management Facilities.

(a) Any stormwater management measure which serves a single lot or facility shall be privately owned and maintained.

(b) All stormwater management measures relying on vegetated areas or site features shall be privately owned and maintained.

(c) All stormwater management facilities serving the general City stormwater management system which are constructed by the City or other public or governmental body or which are conveyed or dedicated to the City shall be publicly owned and maintained.

Sec. 10C-22. Maintenance Agreement.

(a) An inspection and maintenance agreement shall be executed for all private stormwater management facilities prior to the issuance of a stormwater management permit. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department.

(b) The agreement shall be recorded by the applicant in the land records of the County prior to the issuance of a stormwater management permit.

(c) The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within ten (10) days after notice thereof, the Department may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work. The costs of the work shall be a lien on the property, which may be placed on the tax bill and collected as property taxes by the City.

Sec. 10C-23. Inspection for Preventive Maintenance.

(a) Preventive maintenance inspections of infiltration systems, retention, or detention structures shall be made by the Department. The inspection schedule shall include an inspection during the first year of operation and at least once every three (3) years thereafter.

(b) The Department shall maintain a file of all preventive maintenance inspection reports.

(c) Inspection reports for detention and retention structures shall include the following:

(1) The date of inspection;

(2) Name of inspector;

(3) The condition of vegetation, fences, spillways, embankments, reservoir area, outlet channels, underground drainage, sediment load, or any other item that could affect the proper function of the stormwater management system; and

(4) Description of needed maintenance.

(d) If, after an inspection, the condition of a stormwater management facility presents an immediate danger to the public

health or safety, because of an unsafe condition or improper maintenance, the Department shall take such action as may be necessary to protect the public and make the facility safe. The owner(s) of the facility shall be assessed any costs of such action and the cost shall be a lien on the property, which may be placed on the tax bill and collected as property taxes by the City.

Sec. 10C-24. Unsafe Condition; Entry onto Property.

(a) If stormwater runoff in the City causes or threatens to cause an unsafe condition, then the Director is authorized to enter onto property for the purpose of determining the cause of the runoff, inspecting the condition causing the runoff, determining whether the runoff is being properly managed or contained, and/or correcting the condition.

(1) For purposes of this section, an "unsafe condition" means damage to property or to the public health or safety.

(2) Any entry onto property shall be made at reasonable times and in a reasonable manner.

(b) If the Director determines that stormwater runoff in the City causes or threatens to cause an unsafe condition then the Director may correct the condition or may issue a violation notice to the property owner.

(1) The violation notice shall specify the problem, the corrective action which is required, and the time within which corrective action must be taken. A property owner shall be given not less than two weeks to complete the corrective action in a good and workerlike manner, unless, because of the nature of the unsafe condition, a shorter time is deemed appropriate by the Director in his or her sole discretion.

(2) Failure to perform corrective action within the time specified in the violation notice shall be a violation of this Act.

(3) If the Director corrects the condition, then the property owner may be assessed the costs of the corrective action. If assessed to the property owner, the costs of the corrective action shall be a lien on the property, which may be placed on the tax bill and collected as property taxes by the City.

Sec. 10C-25. Appeals.

(a) Any violation notice issued pursuant to this Act may be appealed in writing to the City Administrator within ten (10) days of the date of the violation notice.

(b) Any party aggrieved by the decision of the Director denying a waiver or a variance of the requirements of this Act may

appeal such decision to the City Administrator, in writing, within ten (10) days of the date of the written denial.

(c) An appeal to the City Administrator pursuant to this Section is a prerequisite to any court action by the aggrieved party.

Sec. 10C-26. Penalties.

(a) Any violation of any of the provision of this Act shall be a Class A offense as set forth in Section 1-19 of the Takoma Park Code (Municipal Infractions).

(b) Each day that the violation continues shall be a separate offense.

(c) If the violation causes or has caused substantial danger to the public health or safety, then the Director may deem the violation a Class A misdemeanor offense as set forth in Section 1-20 of the Takoma Park Code (Misdemeanors).

(d) In addition, the City may institute injunctive, mandamus, or other appropriate actions or proceedings for the enforcement of this Act or to correct violations of this Act and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or other appropriate forms of remedy or relief.

Sec. 10C-27. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this act is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Act, it being the intent of the City of Takoma Park that this Act shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 2. This Ordinance shall be effective immediately.

Adopted the 11th day of May, 1992 by roll call vote as follows:

Aye: Sharp, Elrich, Johnson, Leary, Porter, Prensky

Nay: None

Abstained: None

Absent: Hamilton

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Introduced by: Councilmember Hamilton

First Reading: 04/13/92
Second Reading: 04/27/92
Effective: 05/01/92

ORDINANCE NO. 1992-11

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 92, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City Administrator's Salary will henceforth be established by the Council as a separate matter;

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1991-14 is hereby amended to delete the City Administrators Position and provide that the City Administrator's Salary shall henceforth be determined by the City Council under a separate Ordinance; and the following pay scale is adopted as the new Pay Scale Plan for the City for the Fiscal Year beginning July 1, 1991 and ending June 30, 1992. This Pay Scale Plan will become effective July 1, 1991, and will remain in effect until amended or repealed by the City Council:

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

STEP	A	B	C	D	E	F
	11,746	12,168	12,654	13,058	13,526	14,018
	G	H	I	J	K	
	14,523	15,051	15,595	16,163	16,777	

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

STEP:	A	B	C
	\$9.54/hour	\$10.31/hour	\$11.14/hour

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

(d) 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, as it was adopted by Council pursuant to the provisions in Article 2 of Chapter 8B of the City Code.

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

Adopted this 27th day of April, 1992 by roll call vote as follows:

AYES: Sharp, Elrich, Hamilton, Johnson, Leary, Porter, Prensky.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

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

DRAFT ORDINANCE

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 4/13/92
2nd Reading: 4/27/92
Effective: Upon adoption

ORDINANCE #1992-10

AMENDING THE PERSONNEL APPEAL BOARD LEGISLATION

WHEREAS, on December 15, 1986, the City Council established by Ordinance #1986-52, the Personnel Appeal Board (PAB) to hear employee appeals and serve as the City's final arbiter in all personnel cases brought before it; AND

WHEREAS, due to the changing scope of the City's personnel matters and practices, there is a need to update the role and to expand the membership of this Board; AND

WHEREAS, the City Council desires to amend the legislation governing the Personnel Appeal Board to more accurately reflect the process for appealing employee matters.

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

SECTION 1. THAT Article 2, Section 8B-181 through 8B-183 is hereby amended as follows:

Division 15. Personnel Appeal Board.

Sec. 8B-181. Establishment and composition.

(a) There shall be a Personnel Appeal Board composed of five (5) [three (3)] members who are residents of the City.

(b) Except for the initial appointments, the City Council [Mayor] shall appoint the members for terms of three years. Initially, the City Council [Mayor] shall appoint one (1) member for a term of one (1) year, two (2) members [one (1) member] for a term of two (2) years and two members [one (1) member] for a term of three (3) years. Any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of that term.

[(c) Members of the Board shall be compensated for expenses incurred in the conduct of their role as a Board member.]

Sec. 8B-182. Meetings.

(a) The Board shall meet for the purpose of organization subsequent to appointment or reappointment of a member. At this organization meeting, the Board shall elect a Chairperson and Vice Chairperson for the ensuing year. All other meetings shall be held for the purpose of hearing employee appeals and shall be called by the Chairperson upon receipt of proper notification to convene. A quorum of the Board is three (3) members.

(b) Three-member panels.

(1) The Chairperson of the Board is hereby authorized to designate three (3) members of the Board to sit as a panel to conduct a hearing on any complaint pending before the Board. The Chairperson shall designate one (1) panel member to serve as the panel's presiding officer. The Chairperson of the Board will endeavor to rotate panel membership from time to time among members of the Board.

(2) In the event that any matter is heard by a Commission panel designated pursuant to this subsection, all panel members so designated must be present to conduct the hearing and all official action by the panel shall be taken by the vote of not less than two (2) members of the panel.

Section 8B-183. Authority.

(a) The Board shall be the final arbiter in all cases brought before it.

(b) The Board only has the authority to hear employee grievance appeals if this Article specifically authorizes the Board to file on the appeal.

Sec. 8B-184 through 8B-200. (Reserved)

SECTION 2. THAT this ordinance is effective upon adoption.

SECTION 3. THAT in this ordinance, underlining shall denote new language being added and [brackets] shall denote existing language being deleted.

Adopted by Roll Call Vote this 27th day of April, 1992 as follows:

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

NAY:

ABSTAINED:

ABSENT:

Introduced by: Councilmember Prensky

RESOLUTION #1992 - 32

RESOLUTION TO DECLARE THE WEEK OF MAY 10-16, 1992 AS
VIOLENCE PREVENTION WEEK IN TAKOMA PARK.

- WHEREAS, the City Council of Takoma Park has formally endorsed the work of the Takoma Park Violence Prevention Project and encouraged City residents to join in the effort to reduce acts of violence in the community; AND
- WHEREAS, the Takoma Park Violence Prevention Project is sponsoring a Community Forum on Violence Prevention on May 14, 1992; AND
- WHEREAS, The Community Forum will summarize work already done by the Project and will provide an opportunity for the development of ongoing Community coalitions for violence prevention; AND
- WHEREAS, additional City Council recognition of, and focus on, the Forum and the work of the Violence Prevention Project can increase participation and interest in the Forum; AND
- WHEREAS, declaration of a Violence prevention Week in Takoma Park will help focus attention on issues related to violence prevention and foster involvement with the Forum; AND
- NOW BE IT THEREFORE RESOLVED that the week of May 10 through May 16, 1992 is declared to be Violence Prevention Week in Takoma Park.

Dated this 27th day of April, 1992.

First Reading: April 27, 1992
Second Reading: May 11, 1992

Upon motion by Councilmember Leary, duly seconded by Councilmember Johnson, the following Ordinance was introduced.

**ORDINANCE #1992-14
FY 92 BUDGET AMENDMENT NO. 2**

AN ORDINANCE TO AMEND THE FISCAL YEAR 1992 BUDGET

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

SECTION 1. that the Fiscal Year 1992 Budget be amended as follows:

EXPENDITURE AMENDMENTS

- a. Transfer [\$63,200] \$48,200, from Account 9000-7010, General Contingency to the following accounts:
- 1) \$9,000 to Account 1120-6140, Contracts, to cover State Retirement actuarial costs.
 - [2] \$15,000 to Account 1120-8000, Government Administration Capital Equipment, to cover costs of installation of remote cable TV camera system].
 - [3)] 2) \$10,000 to Account 1140-6123, Litigation
 - [4)] 3) \$3,200 to Account 2100-8000, to cover costs of extension of police antenna.
 - [5)] 4) \$2,000 to Account 2300-4030, Patrol Overtime.
 - [6)] 5) \$4,500 to Account 2400-4030, CID Overtime.
 - [7)] 6) \$8,000 to Account 4000-6140, Recreation Contracts, for Class instructor fees.
 - [8)] 7) \$1,500 to Account 4000-6505, Recreation Copying/Printing, to cover costs of printing the Spring and Summer Recreation program.

[9)] 8) \$2,000 to Account 4000-7110, Recreation Special Programs, for funding of remaining programs for FY 92.

[10)] 9) \$8,000 to Account 1110-7015, City Council expense.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

a. A new Special Revenue line item is created, Account 0010-3711, 801 Colby Avenue, and an appropriation of \$6,000 to account for receipt of federal Community Development Block Grant funds from Prince George's County for the 801 Colby project, a housing replacement project.

b. An appropriation of \$6,000 is made to Special Revenue line item 0010-3387, P.G. Health Department Drug Awareness Grant, to account for funds received for the Youth Outreach drug and alcohol prevention program.

c. An appropriation of \$2,000 is made to Special Revenue line item 0010-3389, Montgomery County Drug Awareness Mini-Grant, to account for grant funds received for the Youth Outreach drug and alcohol prevention program.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

a. A new Special Revenue expenditure line item is created, Account 0010-6906, 801 Colby Avenue project, with an expenditure appropriation of \$6,000 for pre-development costs associated with plans to construct replacement housing at 801 Colby Avenue.

b. An appropriation of \$6,000 to Account 0010-7220, P.G. Health Department Grant, is authorized for expenditures associated with the Youth Outreach Drug and Alcohol Awareness program.

- c. An appropriation of \$7,000 to Account 0110-7249, Montgomery County Drug Awareness Grant, is authorized for expenditures associated with the Youth Outreach Drug and Alcohol Awareness Program.

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

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

AYE: Sharp, Elrich, Johnson, Leary, Porter, Prenskey
NAY: None
ABSTAIN: None
ABSENT: Hamilton

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O-92BA2

Underlining indicates amendments added at first reading, shading is proposed amendments for second reading.

[Brackets] indicates matter being deleted at first reading.