

Budget Public Hearing and Special Session of the City Council
Monday, May 4, 1992

CITY OFFICIALS PRESENT:

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

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TAKOMA PARK MD. LIBRARY

City Administrator Habada
City Clerk Jewell
Police Chief Fisher
Deputy Chief Wortman
Lt. John Gowin
Corporation Counsel Silber
Personnel Officer Hobbs
DHCD Director Grimmer
Acting Supv. McKenzie
COLTA Ex. Dir. Tracey
Dep Dir Public Wrks Laster

The City Council convened on Monday, May 4, 1992, at 8:10 p.m., in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Mr. Sharp explained that the Council had just finished meeting in Executive Session to discuss the contract being negotiated with the Local 400 representing the sworn police officers in the City.

The public hearing was called to order at 8:10 p.m. Mr. Sharp explained that this was the second public hearing of the City Council pertaining to the FY'93 budget. The budgets the Council would hear presentations on were Police Department, Housing and Community Development, Library, Cable, Debt Service, and Government Administration. Mr. Sharp explained that citizens would have the opportunity to speak on any aspect of the FY'93 budget.

Deputy City Administrator's Presentation of the FY'93 Budget

Ms. Habada addressed what the revenue base would be for FY'93. She said that 51% of the City's revenue base comes from property taxes which included both personal and real property. She said the proposal was for a tax rate of the same as the last year--\$1.75.2 per \$100 assessed value which included 6 cents for stormwater management, 25 cents for fire service which was contingent upon execution of a Fire Service Agreement with Montgomery County and \$1.44 for general City operations. Ms. Habada said that the revenues have seen some shifts and reductions including the income tax revenues which would have stayed about the same as last year until the piggyback tax passed the General Assembly allowing Counties to raise the piggyback tax from 50 percent up to 60 percent.

Ms. Habada said it looked like Montgomery County was considering a 55 percent increase this year and another five percent increase to 60% next year. Ms. Habada said she understood that Prince George's County did not yet have the votes to go up to 60 percent. Ms. Habada said that the City's increase in income tax would depend largely on what the Counties do on the piggyback tax. Ms. Habada said she had included in the revenue estimates the full 60 percent piggyback but that they would now have to be reduced due to the uncertainty with the Counties.

Ms. Habada reported that another area where the City would lose money this year would be in intergovernmental revenues received from the State and both Counties. She said last year the City received a 25 percent cut in State aid for police protection; which amounted to about \$35-36,000.

Regarding tax duplication rebates the City receives from both counties, Ms. Habada said that the Prince George's County tax differential was going from \$547,000 this year to \$398,000 next year. The County rebate from Montgomery County were going down in

various categories, but one of the steepest reductions would be in road maintenance rebates; the City had received about \$179,000 in the past and would only get about \$145,000.

Ms. Habada said she was proposing to fund the Capital Budget with a \$680,000 bond issue for road maintenance. Ms. Habada said that the only way the City could fund capital infrastructure improvements this year would be by borrowing money. She noted that in previous years, the City allocated about \$250,000 a year for road and facility improvements, but this year the City did not have the cash to do this.

Mr. Leary, presiding as Mayor Pro Tem, asked for citizen comments on any aspect of the FY'93 budget.

Citizen Comments

Jennifer Magnus, 7310 Cedar Avenue spoke in support of the Police Department budget; more particularly the tactical crime interception team. Ms. Magnus said she was one of six police volunteers, who provide the time equivalent to over \$20,000 per year to the Police Department. She said it would be wonderful if other City departments utilized a volunteer program like the Police Department.

Jim Douglas, 18 Sherman Avenue said that he was increasingly concerned that the Council was not doing enough of the pre-planning that needed to go into the City's budgets. He said there was no sufficient way of measuring accomplishments of the City's programs and that fundamental questions needed to be asked about the new proposals, e.g., the tactical crime intervention team and the reconfiguration of the recycling coordinator and street supervisor positions. Mr. Douglas commented that the size of the budget document utilized too much of staff's time and the City's resources and he suggested that a budget with less detail and more programmatic information would be more useful. Mr. Douglas said the Council needed to continue as a policy making body and give the primary responsibility of implementing the goals to the City Administrator. He suggested the Council read a book entitled Re-Inventing Government which made one think about different ways to conduct the City's business.

At Mr. Leary's request, Police Chief Fisher explained that the department had applied for a two person tactical crime intervention team through the State of Maryland Drug and Alcohol Commission. He said if the grant was approved, the State would fund 75% of the salary of two officers; the City would pick up the other 25%. Mr. Fisher reported that the City had experienced a tremendous increase in stolen vehicles, street robberies, burglaries and drug activities, and did not have the resources for surveillance, investigations, and street enforcement that would help the department increase the number of arrests associated with those particular crimes. Mr. Fisher said approval of the grant would provide the Police with the opportunity to concentrate on crime problems brought to their attention by citizens as well as that identified through Police computer generated analysis.

Bob Lindsay, 909 Davis Avenue said it was great to have officers in uniform to make persons feel safe; however, he wondered what goals the Department had. He said there was a tremendous increase in the City's population and crime was on the increase. He cited some of the problems in his own neighborhood. Mr. Lindsay said that one needed to look at the morale of the Police Department's employees as well.

Dawn Lindsay, 909 Davis Avenue spoke in support of the Police Department budget. She said that she had never felt better since the implementation of the Community Oriented Policing (COP) program which not only provided the visibility of Police in the neighborhood, but also gave her reassurance that someone on the Police force would get back to her when she had a complaint or

problem.

Mr. Johnson asked Ms. Lindsay if she had a choice of having two additional police officers or fewer hours for the City Library, which would she support.

Ms. Lindsay responded that an additional two or more police officers would be an excellent idea if they were used for surveillance or a tactical unit as Chief Fisher had indicated. She said a lot of the crime, particularly in her neighborhood would be prevented. She said closing the Library or reducing the number of hours was unfortunate; however personal safety and safety of one's property was more important than long hours at a Library--a person could always use another library.

Nancy Weil, President of South Of Sligo Citizens Association asked that the City provide the \$2,000 match to the \$6,000 open space funding currently available to Jackson-Boyd Park. She said the Park could use the equipment recommended by Recreation Director Ellis to add on to current Park equipment which was unusable by Park users. Ms. Weil also asked that the City fund the reconstruction of the Ethan Allen avenue road bed which was suffering from a crumbling substructure.

Sam Petuchowski, 7401 Jackson Avenue seconded Ms. Weil's comments regarding funding for Jackson-Boyd Park. He said he appreciated the budgetary constraints but said that parks were very important to the citizenry and he agreed to accompany Recreation Director Ellis to Annapolis in support of funding for parks.

Mary Sinclair Jacobs, 7777 Maple Avenue spoke in support of the Police Department budget and said that she hoped the City would not have to witness another Los Angeles fiasco.

Barbara Beelar, 7112 Maple Avenue said she had worked with many different City departments and staff and she hoped the Council would keep the morale of City staff in mind in planning this budget. Ms. Beelar said that energy conservation initiatives should be developed by the Environment committee appointed by the Council within the next few months and purchasing alternatively fueled vehicles should be looked at very seriously. Regarding the DHCD budget, Ms. Beelar said one of Council's objectives should be to assign staff to work with TOTBA in forming a Commercial District Management Authority within the next year. Regarding the tree ordinance, Ms. Beelar said the Council should assign more appropriate fines for illegally cutting down trees and that those fines should be reverted back into a general tree planting fund. She suggested that the City retain an arborist consultant to the City to ensure protection and beautification of the City's trees. Ms. Beelar, commenting on the proposal to reduce the recycling coordinator position, noted that the recycling coordinator would be taking on more work by staffing the Environment Committee and she hoped that the Council was not short-changing a potential cost saving initiative for the City by overloading good, existing staff.

Fran Hayward, 8 Montgomery Avenue spoke in support of the Police Department budget as recommended by the City Administrator, with the exception of the parking enforcement vehicle--she said if they wanted to ticket her, let them do it on foot. Ms. Hayward said her street was generally quiet but there had been some incidents. Ms. Hayward congratulated Ms. Habada on being named City Administrator.

Naomi Turner, 7667 Maple Avenue said she hoped the Council would support the Police Department because she would not want to imagine what Takoma Park or Maple Avenue would be like if it weren't for the police officers. She said she was proud of what the police have accomplished.

Tom Nulty, 8107 Roanoke Avenue, said he felt strongly about living in Takoma Park because the City had its own Police force and fire

department. He said that two people were murdered in his neighborhood in the last 18 months. Mr. Nulty said there were some things he like to see the Police Department do better, but the citizens would stand behind the police force.

Jay Bayerl, 6773 Eastern Avenue, spoke in support of the Police initiative for a two person tactical team. He said even though the Takoma Park Violence Prevention Project had not had a chance as a group to address the tactical program, he, as an individual and a member of TPPN, was in favor of it. He noted there seemed to be some dissatisfaction among some Ward 3 neighborhood leaders and residents regarding the effectiveness of the COP program in getting suitable responsiveness from their beat officers.

Rino Aldrighetti, 7213 Central Avenue cited a front page article in Sunday's Washington Post about the Seat Pleasant youngster killed in a gun crossfire. He said the youngster was a student at the junior high school that his daughter would be attending in a couple of years. Mr. Aldrighetti said that things were getting closer every year and stability at different times meant different things--today stability meant a police force that was capable, well-equipped and felt good about what it was doing in difficult circumstances and those circumstances will get worse before they get better. Mr. Aldrighetti said he was glad to see the officers present at the public hearing but he commented that flyers regarding support for the department that were distributed by the Police Department should not be done on City expense and time.

Margie Garey, 7018 Poplar Avenue spoke in favor of the Police budget. She also commented that she would like to see Spring Park improvements put back into the budget, and said that it would cost the City more if the back wall of the Park collapsed.

Lynne Bradley, 8112 Flower Avenue commented that it was her husband's view that the tactical program should not be supported--his concern was what were the underlying causes of the drug and crime problem. Ms. Bradley said that she was undecided on this issue, she questioned whether this was an approach that should be taken on by the City or whether other jurisdictions, e.g., Federal, County, etc. should be handling the causes and solutions to these problems. She said that while she believed that the City's police should be supported more, she was concerned about abuses by police.

Condie Clayton, 7710 Maple Avenue said that the Police Department budget was reasonable and do-able. He said he had talked with the younger members of the community who expressed a major concern that there was not enough police visibility on the street. Mr. Clayton said the tactical program would address some of these concerns. Regarding the issue of abuse of the program, he said he felt these were concerns to be looked at but could be addressed by the department.

Kay Dellinger, 7667 New Hampshire Avenue asked what the statistics were regarding crime in the City. She asked how much money the City's match of 25% would mean and asked if there had been any analysis on the results of the K-9 program. Ms. Dellinger said that the lack of affordable housing had caused homelessness, and a massive recession resulted in more people out of work. Ms. Dellinger said she was interested in seeing programs that addressed the causes of crime.

Denise Walker, Maple Avenue spoke in support of the Police Department request for funding for the addition of two officers. As a hospital employee, she said she saw more incidents of violent crime related injuries. Ms. Walker said she would support the Department's request with the understanding that the Police would be working more in the community and she agreed that the causes of crime must be dealt with. She commented that the police would be under more stress as we approached the summer months because there were kids who would not have summer jobs and there was more

potential for problems.

Bob Padula, 515 Boyd Court said he was as a former teacher and he recently joined the Recreation Department as a volunteer and was impressed with the activities that they provided. He said he was impressed with the involvement of the Police Department in Recreation Department programs because that connection was very important.

Mr. Sharp brought the public hearing to a close at 9:25 p.m.

2. Special Session. Resolution Appointing Beverly Habada to the Position of City Administrator and Authorizing the Mayor to Execute An Employment Contract. The Resolution was moved by Mr. Elrich; seconded by Mr. Hamilton. Mr. Sharp noted that the particulars of the Contract had been discussed, and the contract would be effective May 1st.

Mr. Johnson commented that the Resolution spoke to the City Administrator selection process that was conducted with the assistance of Personnel Officer Wayne Hobbs. He said that Mr. Hobbs did a very professional, helpful, timely job and was an absolute resource to the Council and to the Search Committee as well.

Ms. Porter seconded Mr. Johnson's comments and noted that the Council received a lot of help from the citizens in reviewing the candidates and making the preliminary selections. Ms. Porter also noted that the City had hired its first female City Administrator.

Mr. Hamilton said the Council came together and participated very well in developing the selection process. He said it was a learning experience that showed that each Councilmember collectively in their experiences away from the Council in their daily jobs, were able to bring those experiences together and develop a process that worked very well.

Council Action: The Resolution passed unanimously (Prensky absent for vote).

Resolution #1992-33
(Attached)

Ms. Habada noted the presence of her mother and father, Pat and Paul Habada, visiting from Pennsylvania, as well as a family member, Karen Lum who was present.

Mr. Sharp commented to Mr. and Mrs. Habada that the Council was very glad to have their daughter as a continuing long term employee of the City.

Upon motion by Mr. Hamilton, the Council adjourned the Special Session at 9:35 p.m.

Introduced By: Councilmember Elrich
(Drafted by Paula Jewell)

RESOLUTION # 1992-33
APPOINTING A CITY ADMINISTRATOR AND
AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT CONTRACT

- WHEREAS, Effective April 30, 1992, James S. Wilson retired as the City Administrator for Takoma Park; AND
- WHEREAS, Article VIII, Section 801 of Takoma Park's Charter sets out the provisions for a City Administrator who is appointed by the Council and serves as the chief administrative officer of the City; AND
- WHEREAS, In October, 1991 after three months of holding worksessions, consulting with other former and current municipal officials, meeting with representatives of executive search firms, and seeking out and considering input from the citizens of Takoma Park, the City Council adopted by Resolution, a detailed and thorough process for recruiting and selecting a new City Administrator; AND
- WHEREAS, a 12 member City Administrator Selection Committee, with support being provided by the Personnel Officer, reviewed over 120 applications and recommended the names of the best qualified candidates to be interviewed by the Council; AND
- WHEREAS, the Council conducted interviews and re-interviewed the most highly qualified candidates and arrived at the conclusion that Takoma Park's Deputy City Administrator, Beverly K. Habada, possesses the necessary qualifications and skills required to serve as Takoma Park's City Administrator.
- NOW THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby appoint Beverly K. Habada to the position of City Administrator; effective May 1st, 1992; AND
- BE IT FURTHER RESOLVED THAT the Mayor of Takoma Park, Maryland is hereby authorized to execute an Employment Contract with Ms. Habada.

Dated this 4th day of May 1992

CITY OF TAKOMA PARK, MARYLAND (FINAL 6/5/92)
Public Hearing Re: Houston Court Special Assessment
and Regular Council Meeting
Monday, May 11, 1992

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TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Johnson	Public Works Director Knauf
Councilmember Leary	Assistant Corp. Counsel Perlman
Councilmember Porter	
Councilmember Prensky	

ABSENT: Councilmember Hamilton

The City Council convened on Monday, May 11, 1992, at 8:04 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 Mr. Leary would be late arriving due to a family responsibility.

Mr. Sharp provided information about the Save Our Cities March on May 16th.

Mr. Johnson announced that the traffic light at New Hampshire and Erskine Avenues would be operative by Friday, May 15, 1992.

ADOPTION OF MINUTES

Upon motion by Mr. Prensky; seconded by Ms. Porter, the Minutes of the August 12, 1991 Special Session and the April 13, 1992 Regular Meeting were unanimously adopted.

CITIZENS COMMENTS (FOR ITEMS NOT ON COUNCIL'S AGENDA)

Kirby Matson, Sligo Creek Parkway at Domer Avenue said that last year, when he found out to his surprise that the Parkway was to be closed the first Sunday of every month, he was upset but he decided to live with it. Mr. Matson said that once a month was tolerable but that every Sunday was a tremendous inconvenience. He said people who drive down Domer find the Parkway gates closed and come back up Domer and turn around in his driveway, causing damage to the driveway. He said the residents were not notified about this and he asked what could be done to reverse the Parkway's closing on every Sunday.

Mr. Sharp asked the City Administrator to find out what Park & Planning did to notify the residents. Ms. Habada and Mr. Prensky confirmed that a hearing was held by the Planning Commission. Ms. Habada said some owners on Sligo Creek Parkway were notified because discussions took place about exiting onto Brighton Avenue. Mr. Prensky added that the hearing was attended by Mr. Elrich.

Mr. Sharp asked if Park & Planning could do something about diverting traffic before it got to Domer.

Mr. Prensky acknowledged that the original request came from the Between the Creeks Neighborhood Association, and the Council had in fact passed a Resolution supporting the closing of the Parkway for all Sundays.

Kay Dellinger, Hampshire Towers asked the City Council to write a letter to the Attorney General of the United States condemning the decision to move the trial of the four Los Angeles police officers to Simi Valley, condemning the result of the jury as a miscarriage of justice, and asking that the Department of Justice restore Rodney King's civil rights by prosecuting the police officers under the Civil Rights Laws. Ms. Dellinger said she felt the City of Takoma Park should take a strong position against what happened. Ms. Dellinger commented on the Save Our Cities March and

noted that a local march was gathering to leave from Banneker High School, at Georgia Avenue and Euclid Street in Washington, D.C. at 9:00 a.m. Ms. Dellinger said that the City Council should be supporting the march publicly by issuing a press release and leading a Takoma Park delegation in the march.

AGENDA

1. Public Hearing Regarding Proposal to Levy Special Assessment on Houston Court Properties.

Mr. Sharp called the public hearing to order at 8:17 p.m. He noted that the City was proposing to do some street repair work on Houston Court that would also repave the private property.

Mr. Knauf confirmed that the City would not have to repave the private property in order to complete the City work.

Ms. Habada said it would make sense to do this rather than stopping in the cul-de-sac and not going up to the curb area.

Mr. Sharp said that after the public hearing, the Council could choose to consider an Ordinance that would levy a special assessment on those properties. He said the assessment would apply to eleven properties and would be prorated over those properties for a total cost of \$8500; which meant each property would be assessed \$800 to \$900.

CITIZEN COMMENTS

Dave Deppner, Representing Mapalad Development, Inc., owning properties at 8204 and 8206 Houston Court said it would not be necessary to pave the private property areas where cars were parked. He pointed out that the condition of the pavement where cars parked was pretty good; however, the drive through part of Houston Court was in poor condition because of the tremendous amount of traffic going through. Mr. Deppner said that 65% of the total traffic on that street was not caused by residents or visitors to the Houston Court properties and there was a misconception that Houston Court was a cul-de-sac for the benefit of those eleven properties. Mr. Deppner said this was not the case; Houston Court allowed a thru-access to 636 Houston Avenue where there seemed to be a lot of activities going on not related to renting. Mr. Deppner also said if the City paved in the front parking places and raised the street in order to do the paving, it would present stormwater drainage problems because there was only one storm drain on the West side which could not accommodate the water for all eleven properties. He said the street should be paved, the asphalt should be feathered down in the general area of the private property, and the private property should not be paved. Mr. Deppner suggested that if the Council decided to go forward on paving the area, the property at 636 Houston should be assessed as well to pay a share of the assessment.

Herbert Rothfeld, Property Owner of 8201 Houston Court said he felt paving in front of his building might be necessary. He said at 606 and 636 Houston Avenue which used the access of Houston Court should be assessed as well. He said he had not experienced any problems with drainage in his building but the two buildings on Houston Avenue were not well kept. Mr. Rothfeld said that the wall at the Houston Avenue building which abutted his property was crumbling and falling into the parking lot. He said that two years ago the City was supposed to have the owners rebuild the wall but nothing had been done. Mr. Rothfeld questioned whether the parking spaces were going to be relined by the City if the repaving took place or would this be left to individual property owners.

Susan Bringham, 8207 Houston Court commented that by repaving Houston Court, the City would be taking out the inverted speed humps created by the poor condition of the road. She asked that speed humps be installed on Houston Court to protect the many children who lived and played in the area.

COUNCIL QUESTIONS/COMMENTS

Mr. Sharp asked for Mr. Knauf's reaction on the types of water runoff problems that would be created by paving the private property.

Mr. Knauf said that this was a new issue to him but he would look into it.

Mr. Prenskey asked that if paving did lead to greater water runoff, would it be normally part of the process to scrape the road bed and repave it so it would be the same height as it was now, or were the costs estimates provided for only putting on an overlay.

Mr. Knauf responded that work being considered now was some substantial patch work and an overlay, not a milling or scraping off, although this was a possibility.

In response to Mr. Prenskey's question about the costs for doing this, Mr. Knauf said the basic costs for the overlay would be about the same in both cases. He said the added costs for milling would add approximately \$3,000. Mr. Knauf said that there might be a difference in the impact on drainage depending on whether the City paved across the private property or just stopped at the City's right of way.

Mr. Prenskey asked if it was a viable proposal to repave the City's road and not the private property or would it create a 2-3 inch step and whose liability would it become if someone were to trip on that step.

Mr. Knauf responded that the paving could be feathered out to the right of way or the City could end up with a little step that could indeed be hazardous. Mr. Knauf said that a similar approach had been done using an overlay up on Roanoke Avenue where private property areas had not been paved. Mr. Knauf said it made sense to pave the entire area. Responding to earlier comments by speakers, Mr. Knauf said the assessment was not an assessment for the traffic that traveled through Houston Court, but an assessment for the properties that were adjacent to the street. Mr. Knauf also pointed out that \$8500 was only an estimate at this time which would be prorated depending on the actual bid amount; the likelihood of the costs to be shared by private property owners could possibly be less than the \$8500 estimate.

Mr. Knauf acknowledged that the public right of way was in definite need of repaving; he said that most parking areas, with the exception of a few, were not in as bad condition. He said it was prudent to repave both areas at this time.

Ms. Habada asked Assistant Corporation Counsel to confirm that the reason the assessment was being structured as it was, was because it was done on the basis of the property fronting on Houston Court which was City right of way.

Ms. Perlman said this was correct; the proposal was not to assess the private property owners for the repaving of the street, just the part beyond the City right of way based on the frontage of the property being improved.

Additional Comment by Citizen

Mr. Rothfeld said that the private property owners were being charged for excavating and patching certain parts that would not be necessary on the individual parking lots. He said that 606 and 636 Houston Avenue used this as a right of way and Houston Court owners would be paying for that usage of the road. He said property owners were being assessed on a prorated basis per square foot; the square footage was being divided by the cost of the proposal which also included the costs of patching the road. (Mr. Knauf confirmed Mr. Rothfeld's comments). Mr. Rothfeld said that this affirmed his position that they would be paying more than their fair share than if they were to do the paving themselves only on

the private property without excavating and patching. He said they were being charged \$1.25 per square foot for the topping which normally costs 90 cents to \$1.00 per foot. He said property owners might be assessed unfairly as far as the amount of dollars and square footage they were paying for and the fact that potholes and cracks being patched were on City property.

Mr. Sharp brought the Public Hearing to a close at 8:35 p.m.

2. 1st Reading Ordinance for Special Assessment Levy on Street Improvements.

Responding to the speaker who had requested speed humps, Ms. Porter said that the City had a procedure which involved getting 60% of the people who resided on the affected street to sign a petition in support of speed hump placement, which then would be brought before the Council for consideration.

Ms. Porter asked Mr. Knauf whether the property owners were being assessed in any way for work being done on the City right of way.

Mr. Knauf responded that they were and said that in a sense, the way the City proposed to prorate this, there was an element of costs associated with the roadway work that was indirectly being applied to the private properties. He said this could be easily corrected so that when adjustments were made, the costs for the private portion of that work were clearly identified and not married in any way to the right of way work. Mr. Knauf said this could result in the assessment being less, although not by much. Mr. Knauf said that his recommendation would be that the Council approve the project, using a different formula to ensure that the assessment was directly related to work being done on the private property. Mr. Knauf said that bids on this project were being opened on May 13th. He proposed to meet with the City's engineer on May 12th to try to make adjustments in identifying the private property work in the bid.

Mr. Prenskey spoke to the issue of the two apartment buildings not located on Houston Court, and said that it occurred to him that in essence, everyone in the City was being assessed for the City's paving, and their use of the roadway was not a private benefit. He said reading the information from staff, the only private benefit was to the private parking areas that were contiguous with the roadway. Mr. Prenskey said he was not convinced that the assessment could be applied to the buildings that people drive through Houston Court to get to.

Ms. Porter asked if there was a time sensitivity on this and she questioned whether the drainage problem would be made worse by paving Houston Court.

Mr. Knauf responded that staff was currently in the bidding process for this project, but the more general time sensitivity issue was that the street had been recognized as a high priority street requiring attention prior to his coming to Takoma Park. Mr. Knauf said if there was an element of concern with the drainage, he could not imagine it being so overwhelming that it could not be resolved in the design of the overlay.

Ms. Porter moved the Ordinance for the sake of discussion; the motion was seconded by Prenskey.

Mr. Prenskey asked if Council were to pass the Ordinance, could the formulation be changed and made more equitable and the issue of drainage be looked into by second reading. Mr. Prenskey also asked for confirmation that the costs could not be passed onto the tenants unless those landlords decided to apply for a special hardship increase through the rent petition process to get an increase greater than the City's 2.7 stabilization rate.

Ms. Habada confirmed that this was correct.

Mr. Deppner said the Mr. Prenskey would have a good point, except for the fact that the City was trying to sell the property owners something they did not need and did not want. He said that only since 1988, the issue of whether Houston Court was private or public property had just been clarified. Mr. Deppner again pointed out the one storm drain to service all the properties on Houston Court and said that in 1987, three of the apartment buildings were being flooded and the owners of 8204, 8206 and 8208 Houston Court had to spend their own money to raise the curb three inches. He invited the Council to visit the site to look at the condition of the pavement and the height of the storm drain.

Mr. Sharp said he planned to vote on the Ordinance at first reading and he intended to go to Houston Court and Roanoke Avenue to look at the street and driveways to make a comparison.

Mr. Johnson said he would vote on the Ordinance at first reading on the assumption that the concerns raised by citizens would be addressed by staff before second reading.

Mr. Prenskey said he would also examine the situation on Roanoke and Houston Court. He said the Council had heard from two property owners--one who felt this was not necessary and the other who felt that it was desirable that the condition of the areas would warrant repaving. He said Council had not heard an overwhelming negative response from the property owners and comments were only heard from two of the dozen property owners who were sent notices on the matter. Mr. Prenskey said he hoped that Mr. Elrich could let the Council know at second reading, what the opinions were of others residing in that area.

Ms. Porter asked that prior to second reading of the Ordinance on 5/26/92, Mr. Knauf provide the Council with new cost figures excluding the work not strictly applied to that area, as well as some information on the drainage issue.

The Council asked that the information be provided by May 20th, in case second reading scheduled for May 26th had to be postponed based on that information. Mr. Prenskey asked if the Council could also be given the exact address on Roanoke Avenue to do a comparison visit.

Council Action: The Ordinance passed unanimously at first reading. (Absent: Hamilton and Elrich)

ORDINANCE #1992-15
(Attached)

3. Resolution Supporting The Save Our Cities March and Rally on May 16, 1992. Moved by Mr. Prenskey; seconded by Mr. Johnson.

Mr. Sharp said that the City had prepared a press release to go out on 5/12 regarding this. Mr. Johnson suggested that the announcement be broadcast over the Cable Bulletin Board as well.

Mr. Prenskey pointed out that the Resolution referenced the 1991 Save Our Cities March that the Council supported last year. He said most people would agree that the timing and significance of saving our cities was very appropriate at this time when the world and the Federal government was trying to determine what to do about urban decay. Mr. Prenskey said that it was ironic to him that the Bush Administration seemed to imply that the failed policies of the 1960s led to civil disorder in Los Angeles, when in fact, it seemed to him that the failed policies of the late 1970s-1980s have been the precursors of the loss of urban sanity that was being witnessed all around. Mr. Prenskey said he supported the March and the principles behind it.

Ms. Porter said she was happy to endorse the Save Our Cities Resolution and she hoped that the proposal for a balanced budget

constitutional amendment would be one of the focuses of this March. She said the amendment appeared to have a good chance of passing in the House and Senate this year, but as currently drafted, it would be the most severe threat to fully funding a domestic agenda the country had ever seen--requiring a fully balanced budget--in essence, to eliminate the entire deficit in two years after ratification by the states. She said the amendment was written in a way that would make it easier to cut programs than it would be to raise revenues. Ms. Porter said several other aspects of the proposed balanced budget amendment would destroy many of the programs that low income people and the Cities relied on.

Mr. Johnson said he supported the Save Our Cities March as well and called attention to the Violence Prevention Forum scheduled for May 14th at 7:30 p.m. in City Hall. He said the most pressing issue was how to resolve conflict without violence. He said this issue was discussed on many occasions and he hoped that in addressing some of the broader and national problems, the imperative of the problems facing us today would not be ignored.

Jay Bayerl, 6733 Eastern Avenue thanked the Council for supporting the Resolution. He said there was a definite connection between the thrust of the Save Our Cities Resolution and the whole issue of violence, and what happened in Los Angeles was a perfect example of this. Mr. Bayerl said he appreciated Ms. Porter's remarks about the dangers of the balanced budget amendment. He reminded the audience that the thrust of what the Conference of Mayors and National League of Cities analysis of the problem was, where the money would come from to rebuild our cities given the budget deficit and the desire of the American public not to undergo further taxation. Mr. Bayerl said that one question asked for a number of years in the peace community was why the Country was continuing to maintain a nearly 300 billion dollar defense budgets, especially since the Cold War was over. He said there seemed to a fear that cutting the defense budget would erode jobs desperately needed. He said this assumption ignored the research and study done on economic conversion plans that show the Country needed a jobs program, not the excuse of a big defense budget to sponsor a jobs program.

Council Action: The Resolution passed unanimously. (Absent: Hamilton)

RESOLUTION #1992-34
(Attached)

4. Admission and Amusement Tax. The Ordinance was moved by Mr. Elrich and seconded by Ms. Porter.

Mr. Sharp explained that the Ordinance would amend the City's Code to allow for an increase in the tax for admissions and amusements from 4.5% to 10% which would bring the tax rate in line with most municipalities in Maryland. Mr. Sharp noted that coin operated amusement devices in Takoma Park would be affected by this increase. Second reading is scheduled for 5/26/92.

Council Action: The Ordinance passed unanimously at first reading. (Absent: Hamilton)

ORDINANCE #1992-16
(Attached)

5. FY'92 Budget Amendment No. 2. The amendments at second reading were moved by Mr. Prensky; seconded by Ms. Porter and adopted unanimously.

Council Action: The Ordinance, as amended at second reading, was adopted unanimously. (Absent: Hamilton)

In response to a question from Mr. Prenskey, Ms. Habada confirmed that the issue of police radio "dead spots" in the Takoma Old Town area had been resolved and there were no other known problems of "dead spots" in the City.

ORDINANCE #1992-14
(Attached)

6. Stormwater Management Ordinance. Mr. Sharp noted that the Ordinance would permit Takoma Park to conduct its own stormwater management plan reviews and maintenance of existing stormwater systems. He asked whether this Ordinance gave the City the same authority to review existing stormwater systems in Takoma Park as it did to do stormwater systems that the Council approved through the stormwater management plan process. He cited as an example, the Hampshire Place property which had a stormwater management system that needed to be cleaned and maintained periodically.

Ms. Perlman responded that she believed this was so; the question in the Ordinance was whether the City would be required to inspect the system at least once every three years. She said this would be required for new systems and was mandated by State requirements. Ms. Perlman said the City did have the authority to inspect and require corrections, but she would confirm this with Mr. Knauf.

Mr. Sharp asked what was the status of Washington Adventist Hospital's stormwater request.

Ms. Habada responded that when WAH originally went to the County to get their permits, there was a review by Henry Guilford at that time which coincided with the bond issue. She said that Mr. Knauf would have to confirm whether there had been any contact with the Hospital since then.

Mr. Sharp moved to convene as the Stormwater Management Board; the motion was seconded by Mr. Elrich.

Council Action: The Board unanimously adopted the Ordinance at second reading. The Board then reconvened as the Council and adopted the Ordinance at second reading. (Absent: Hamilton)

ORDINANCE #1992-13
(Attached)

Following a discussion on procedure for convening simultaneously as the Council and the Stormwater Management Board to consider and adopt such ordinances, Mr. Sharp said that he would discuss with Corporation Counsel, a simpler procedure for accomplishing the Council/Stormwater Management Board's business.

7. Westmoreland Avenue Drainage Improvements. Mr. Sharp made a motion to simultaneously convene as the Council and the Stormwater Management Board. Mr. Prenskey moved adoption of the Ordinance at single reading; duly seconded by Mr. Elrich.

Mr. Sharp commented that the Ordinance would award a bid to Commander construction for \$43,081 to extend the City's storm drainage piping system to Upper Westmoreland Avenue.

Mr. Prenskey commented that the storm drainage problems on Westmoreland were long standing and he was glad to see the project getting underway.

Ms. Habada noted that the Account number listed in the Ordinance should read 0020-9100-8001.

Council Action: The Ordinance was adopted at single reading.

ORDINANCE #1992-17
(Attached)

Mr. Sharp moved adjournment of Stormwater Management Board at 9:15 p.m.; this was duly seconded by Mr. Elrich.

8. Sidewalk Vending Activities. Moved by Mr. Prensky; seconded by Mr. Johnson. Mr. Sharp said that the Ordinance would amend the City Code to allow Takoma Park retail business owners to sell merchandise on the sidewalk until September 30, 1992. He said the Council planned to revisit this issue after that date to determine whether to reinstate the Ordinance. Mr. Sharp also noted that the cost of the permits was \$25.00

Mr. Prensky commented that if the Council decided to reinstate the Ordinance after 9/30/92, the permit fees for the remainder of the year could be waived.

Council Action: The Ordinance was adopted unanimously on second reading. (Absent: Hamilton).

Ordinance #1992-12
(Attached)

Upon Motion by Ms. Porter, duly seconded, the Council adjourned at 9:20 p.m. and immediately moved to convene into Execution Session to continue discussions on the Local 400 Police Union Contract.

CITY OF TAKOMA PARK, MARYLAND (FINAL 6/5/92)
Public Hearing Re: Houston Court Special Assessment
and Regular Council Meeting
Monday, May 11, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Johnson	Public Works Director Knauf
Councilmember Leary	Assistant Corp. Counsel Perlman
Councilmember Porter	
Councilmember Prenskey	

ABSENT: Councilmember Hamilton

The City Council convened on Monday, May 11, 1992, at 8:04 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 Mr. Leary would be late arriving due to a family responsibility.

Mr. Sharp provided information about the Save Our Cities March on May 16th.

Mr. Johnson announced that the traffic light at New Hampshire and Erskine Avenues would be operative by Friday, May 15, 1992.

ADOPTION OF MINUTES

Upon motion by Mr. Prenskey; seconded by Ms. Porter, the Minutes of the August 12, 1991 Special Session and the April 13, 1992 Regular Meeting were unanimously adopted.

CITIZENS COMMENTS (FOR ITEMS NOT ON COUNCIL'S AGENDA)

Kirby Matson, Sligo Creek Parkway at Domer Avenue said that last year, when he found out to his surprise that the Parkway was to be closed the first Sunday of every month, he was upset but he decided to live with it. Mr. Matson said that once a month was tolerable but that every Sunday was a tremendous inconvenience. He said people who drive down Domer find the Parkway gates closed and come back up Domer and turn around in his driveway, causing damage to the driveway. He said the residents were not notified about this and he asked what could be done to reverse the Parkway's closing on every Sunday.

Mr. Sharp asked the City Administrator to find out what Park & Planning did to notify the residents. Ms. Habada and Mr. Prenskey confirmed that a hearing was held by the Planning Commission. Ms. Habada said some owners on Sligo Creek Parkway were notified because discussions took place about exiting onto Brighton Avenue. Mr. Prenskey added that the hearing was attended by Mr. Elrich.

Mr. Sharp asked if Park & Planning could do something about diverting traffic before it got to Domer.

Mr. Prenskey acknowledged that the original request came from the Between the Creeks Neighborhood Association, and the Council had in fact passed a Resolution supporting the closing of the Parkway for all Sundays.

Kay Dellinger, Hampshire Towers asked the City Council to write a letter to the Attorney General of the United States condemning the decision to move the trial of the four Los Angeles police officers to Simi Valley, condemning the result of the jury as a miscarriage of justice, and asking that the Department of Justice restore Rodney King's civil rights by prosecuting the police officers under the Civil Rights Laws. Ms. Dellinger said she felt the City of Takoma Park should take a strong position against what happened. Ms. Dellinger commented on the Save Our Cities March and

noted that a local march was gathering to leave from Banneker High School, at Georgia Avenue and Euclid Street in Washington, D.C. at 9:00 a.m. Ms. Dellinger said that the City Council should be supporting the march publicly by issuing a press release and leading a Takoma Park delegation in the march.

AGENDA

1. Public Hearing Regarding Proposal to Levy Special Assessment on Houston Court Properties.

Mr. Sharp called the public hearing to order at 8:17 p.m. He noted that the City was proposing to do some street repair work on Houston Court that would also repave the private property.

Mr. Knauf confirmed that the City would not have to repave the private property in order to complete the City work.

Ms. Habada said it would make sense to do this rather than stopping in the cul-de-sac and not going up to the curb area.

Mr. Sharp said that after the public hearing, the Council could choose to consider an Ordinance that would levy a special assessment on those properties. He said the assessment would apply to eleven properties and would be prorated over those properties for a total cost of \$8500; which meant each property would be assessed \$800 to \$900.

CITIZEN COMMENTS

Dave Deppner, Representing Mapalad Development, Inc., owning properties at 8204 and 8206 Houston Court said it would not be necessary to pave the private property areas where cars were parked. He pointed out that the condition of the pavement where cars parked was pretty good; however, the drive through part of Houston Court was in poor condition because of the tremendous amount of traffic going through. Mr. Deppner said that 65% of the total traffic on that street was not caused by residents or visitors to the Houston Court properties and there was a misconception that Houston Court was a cul-de-sac for the benefit of those eleven properties. Mr. Deppner said this was not the case; Houston Court allowed a thru-access to 636 Houston Avenue where there seemed to be a lot of activities going on not related to renting. Mr. Deppner also said if the City paved in the front parking places and raised the street in order to do the paving, it would present stormwater drainage problems because there was only one storm drain on the West side which could not accommodate the water for all eleven properties. He said the street should be paved, the asphalt should be feathered down in the general area of the private property, and the private property should not be paved. Mr. Deppner suggested that if the Council decided to go forward on paving the area, the property at 636 Houston should be assessed as well to pay a share of the assessment.

Herbert Rothfeld, Property Owner of 8201 Houston Court said he felt paving in front of his building might be necessary. He said at 606 and 636 Houston Avenue which used the access of Houston Court should be assessed as well. He said he had not experienced any problems with drainage in his building but the two buildings on Houston Avenue were not well kept. Mr. Rothfeld said that the wall at the Houston Avenue building which abutted his property was crumbling and falling into the parking lot. He said that two years ago the City was supposed to have the owners rebuild the wall but nothing had been done. Mr. Rothfeld questioned whether the parking spaces were going to be relined by the City if the repaving took place or would this be left to individual property owners.

Susan Bringham, 8207 Houston Court commented that by repaving Houston Court, the City would be taking out the inverted speed humps created by the poor condition of the road. She asked that speed humps be installed on Houston Court to protect the many children who lived and played in the area.

COUNCIL QUESTIONS/COMMENTS

Mr. Sharp asked for Mr. Knauf's reaction on the types of water runoff problems that would be created by paving the private property.

Mr. Knauf said that this was a new issue to him but he would look into it.

Mr. Prenskey asked that if paving did lead to greater water runoff, would it be normally part of the process to scrape the road bed and repave it so it would be the same height as it was now, or were the costs estimates provided for only putting on an overlay.

Mr. Knauf responded that work being considered now was some substantial patch work and an overlay, not a milling or scraping off, although this was a possibility.

In response to Mr. Prenskey's question about the costs for doing this, Mr. Knauf said the basic costs for the overlay would be about the same in both cases. He said the added costs for milling would add approximately \$3,000. Mr. Knauf said that there might be a difference in the impact on drainage depending on whether the City paved across the private property or just stopped at the City's right of way.

Mr. Prenskey asked if it was a viable proposal to repave the City's road and not the private property or would it create a 2-3 inch step and whose liability would it become if someone were to trip on that step.

Mr. Knauf responded that the paving could be feathered out to the right of way or the City could end up with a little step that could indeed be hazardous. Mr. Knauf said that a similar approach had been done using an overlay up on Roanoke Avenue where private property areas had not been paved. Mr. Knauf said it made sense to pave the entire area. Responding to earlier comments by speakers, Mr. Knauf said the assessment was not an assessment for the traffic that traveled through Houston Court, but an assessment for the properties that were adjacent to the street. Mr. Knauf also pointed out that \$8500 was only an estimate at this time which would be prorated depending on the actual bid amount; the likelihood of the costs to be shared by private property owners could possibly be less than the \$8500 estimate.

Mr. Knauf acknowledged that the public right of way was in definite need of repaving; he said that most parking areas, with the exception of a few, were not in as bad condition. He said it was prudent to repave both areas at this time.

Ms. Habada asked Assistant Corporation Counsel to confirm that the reason the assessment was being structured as it was, was because it was done on the basis of the property fronting on Houston Court which was City right of way.

Ms. Perlman said this was correct; the proposal was not to assess the private property owners for the repaving of the street, just the part beyond the City right of way based on the frontage of the property being improved.

Additional Comment by Citizen

Mr. Rothfeld said that the private property owners were being charged for excavating and patching certain parts that would not be necessary on the individual parking lots. He said that 606 and 636 Houston Avenue used this as a right of way and Houston Court owners would be paying for that usage of the road. He said property owners were being assessed on a prorated basis per square foot; the square footage was being divided by the cost of the proposal which also included the costs of patching the road. (Mr. Knauf confirmed Mr. Rothfeld's comments). Mr. Rothfeld said that this affirmed his position that they would be paying more than their fair share than if they were to do the paving themselves only on

the private property without excavating and patching. He said they were being charged \$1.25 per square foot for the topping which normally costs 90 cents to \$1.00 per foot. He said property owners might be assessed unfairly as far as the amount of dollars and square footage they were paying for and the fact that potholes and cracks being patched were on City property.

Mr. Sharp brought the Public Hearing to a close at 8:35 p.m.

2. 1st Reading Ordinance for Special Assessment Levy on Street Improvements.

Responding to the speaker who had requested speed humps, Ms. Porter said that the City had a procedure which involved getting 60% of the people who resided on the affected street to sign a petition in support of speed hump placement, which then would be brought before the Council for consideration.

Ms. Porter asked Mr. Knauf whether the property owners were being assessed in any way for work being done on the City right of way.

Mr. Knauf responded that they were and said that in a sense, the way the City proposed to prorate this, there was an element of costs associated with the roadway work that was indirectly being applied to the private properties. He said this could be easily corrected so that when adjustments were made, the costs for the private portion of that work were clearly identified and not married in any way to the right of way work. Mr. Knauf said this could result in the assessment being less, although not by much. Mr. Knauf said that his recommendation would be that the Council approve the project, using a different formula to ensure that the assessment was directly related to work being done on the private property. Mr. Knauf said that bids on this project were being opened on May 13th. He proposed to meet with the City's engineer on May 12th to try to make adjustments in identifying the private property work in the bid.

Mr. Prenskey spoke to the issue of the two apartment buildings not located on Houston Court, and said that it occurred to him that in essence, everyone in the City was being assessed for the City's paving, and their use of the roadway was not a private benefit. He said reading the information from staff, the only private benefit was to the private parking areas that were contiguous with the roadway. Mr. Prenskey said he was not convinced that the assessment could be applied to the buildings that people drive through Houston Court to get to.

Ms. Porter asked if there was a time sensitivity on this and she questioned whether the drainage problem would be made worse by paving Houston Court.

Mr. Knauf responded that staff was currently in the bidding process for this project, but the more general time sensitivity issue was that the street had been recognized as a high priority street requiring attention prior to his coming to Takoma Park. Mr. Knauf said if there was an element of concern with the drainage, he could not imagine it being so overwhelming that it could not be resolved in the design of the overlay.

Ms. Porter moved the Ordinance for the sake of discussion; the motion was seconded by Prenskey.

Mr. Prenskey asked if Council were to pass the Ordinance, could the formulation be changed and made more equitable and the issue of drainage be looked into by second reading. Mr. Prenskey also asked for confirmation that the costs could not be passed onto the tenants unless those landlords decided to apply for a special hardship increase through the rent petition process to get an increase greater than the City's 2.7 stabilization rate.

Ms. Habada confirmed that this was correct.

Mr. Deppner said the Mr. Prensky would have a good point, except for the fact that the City was trying to sell the property owners something they did not need and did not want. He said that only since 1988, the issue of whether Houston Court was private or public property had just been clarified. Mr. Deppner again pointed out the one storm drain to service all the properties on Houston Court and said that in 1987, three of the apartment buildings were being flooded and the owners of 8204, 8206 and 8208 Houston Court had to spend their own money to raise the curb three inches. He invited the Council to visit the site to look at the condition of the pavement and the height of the storm drain.

Mr. Sharp said he planned to vote on the Ordinance at first reading and he intended to go to Houston Court and Roanoke Avenue to look at the street and driveways to make a comparison.

Mr. Johnson said he would vote on the Ordinance at first reading on the assumption that the concerns raised by citizens would be addressed by staff before second reading.

Mr. Prensky said he would also examine the situation on Roanoke and Houston Court. He said the Council had heard from two property owners--one who felt this was not necessary and the other who felt that it was desirable that the condition of the areas would warrant repaving. He said Council had not heard an overwhelming negative response from the property owners and comments were only heard from two of the dozen property owners who were sent notices on the matter. Mr. Prensky said he hoped that Mr. Elrich could let the Council know at second reading, what the opinions were of others residing in that area.

Ms. Porter asked that prior to second reading of the Ordinance on 5/26/92, Mr. Knauf provide the Council with new cost figures excluding the work not strictly applied to that area, as well as some information on the drainage issue.

The Council asked that the information be provided by May 20th, in case second reading scheduled for May 26th had to be postponed based on that information. Mr. Prensky asked if the Council could also be given the exact address on Roanoke Avenue to do a comparison visit.

Council Action: The Ordinance passed unanimously at first reading. (Absent: Hamilton and Elrich)

ORDINANCE #1992-15
(Attached)

3. Resolution Supporting The Save Our Cities March and Rally on May 16, 1992. Moved by Mr. Prensky; seconded by Mr. Johnson.

Mr. Sharp said that the City had prepared a press release to go out on 5/12 regarding this. Mr. Johnson suggested that the announcement be broadcast over the Cable Bulletin Board as well.

Mr. Prensky pointed out that the Resolution referenced the 1991 Save Our Cities March that the Council supported last year. He said most people would agree that the timing and significance of saving our cities was very appropriate at this time when the world and the Federal government was trying to determine what to do about urban decay. Mr. Prensky said that it was ironic to him that the Bush Administration seemed to imply that the failed policies of the 1960s led to civil disorder in Los Angeles, when in fact, it seemed to him that the failed policies of the late 1970s-1980s have been the precursors of the loss of urban sanity that was being witnessed all around. Mr. Prensky said he supported the March and the principles behind it.

Ms. Porter said she was happy to endorse the Save Our Cities Resolution and she hoped that the proposal for a balanced budget

constitutional amendment would be one of the focuses of this March. She said the amendment appeared to have a good chance of passing in the House and Senate this year, but as currently drafted, it would be the most severe threat to fully funding a domestic agenda the country had ever seen--requiring a fully balanced budget--in essence, to eliminate the entire deficit in two years after ratification by the states. She said the amendment was written in a way that would make it easier to cut programs than it would be to raise revenues. Ms. Porter said several other aspects of the proposed balanced budget amendment would destroy many of the programs that low income people and the Cities relied on.

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Jay Bayerl, 6733 Eastern Avenue thanked the Council for supporting the Resolution. He said there was a definite connection between the thrust of the Save Our Cities Resolution and the whole issue of violence, and what happened in Los Angeles was a perfect example of this. Mr. Bayerl said he appreciated Ms. Porter's remarks about the dangers of the balanced budget amendment. He reminded the audience that the thrust of what the Conference of Mayors and National League of Cities analysis of the problem was, where the money would come from to rebuild our cities given the budget deficit and the desire of the American public not to undergo further taxation. Mr. Bayerl said that one question asked for a number of years in the peace community was why the Country was continuing to maintain a nearly 300 billion dollar defense budgets, especially since the Cold War was over. He said there seemed to a fear that cutting the defense budget would erode jobs desperately needed. He said this assumption ignored the research and study done on economic conversion plans that show the Country needed a jobs program, not the excuse of a big defense budget to sponsor a jobs program.

Council Action: The Resolution passed unanimously. (Absent: Hamilton)

RESOLUTION #1992-34
(Attached)

4. Admission and Amusement Tax. The Ordinance was moved by Mr. Elrich and seconded by Ms. Porter.

Mr. Sharp explained that the Ordinance would amend the City's Code to allow for an increase in the tax for admissions and amusements from 4.5% to 10% which would bring the tax rate in line with most municipalities in Maryland. Mr. Sharp noted that coin operated amusement devices in Takoma Park would be affected by this increase. Second reading is scheduled for 5/26/92.

Council Action: The Ordinance passed unanimously at first reading. (Absent: Hamilton)

ORDINANCE #1992-16
(Attached)

5. FY'92 Budget Amendment No. 2. The amendments at second reading were moved by Mr. Prensky; seconded by Ms. Porter and adopted unanimously.

Council Action: The Ordinance, as amended at second reading, was adopted unanimously. (Absent: Hamilton)

In response to a question from Mr. Prensky, Ms. Habada confirmed that the issue of police radio "dead spots" in the Takoma Old Town area had been resolved and there were no other known problems of "dead spots" in the City.

ORDINANCE #1992-14
(Attached)

6. Stormwater Management Ordinance. Mr. Sharp noted that the Ordinance would permit Takoma Park to conduct its own stormwater management plan reviews and maintenance of existing stormwater systems. He asked whether this Ordinance gave the City the same authority to review existing stormwater systems in Takoma Park as it did to do stormwater systems that the Council approved through the stormwater management plan process. He cited as an example, the Hampshire Place property which had a stormwater management system that needed to be cleaned and maintained periodically.

Ms. Perlman responded that she believed this was so; the question in the Ordinance was whether the City would be required to inspect the system at least once every three years. She said this would be required for new systems and was mandated by State requirements. Ms. Perlman said the City did have the authority to inspect and require corrections, but she would confirm this with Mr. Knauf.

Mr. Sharp asked what was the status of Washington Adventist Hospital's stormwater request.

Ms. Habada responded that when WAH originally went to the County to get their permits, there was a review by Henry Guilford at that time which coincided with the bond issue. She said that Mr. Knauf would have to confirm whether there had been any contact with the Hospital since then.

Mr. Sharp moved to convene as the Stormwater Management Board; the motion was seconded by Mr. Elrich.

Council Action: The Board unanimously adopted the Ordinance at second reading. The Board then reconvened as the Council and adopted the Ordinance at second reading. (Absent: Hamilton)

ORDINANCE #1992-13
(Attached)

Following a discussion on procedure for convening simultaneously as the Council and the Stormwater Management Board to consider and adopt such ordinances, Mr. Sharp said that he would discuss with Corporation Counsel, a simpler procedure for accomplishing the Council/Stormwater Management Board's business.

7. Westmoreland Avenue Drainage Improvements. Mr. Sharp made a motion to simultaneously convene as the Council and the Stormwater Management Board. Mr. Prensky moved adoption of the Ordinance at single reading; duly seconded by Mr. Elrich.

Mr. Sharp commented that the Ordinance would award a bid to Commander construction for \$43,081 to extend the City's storm drainage piping system to Upper Westmoreland Avenue.

Mr. Prensky commented that the storm drainage problems on Westmoreland were long standing and he was glad to see the project getting underway.

Ms. Habada noted that the Account number listed in the Ordinance should read 0020-9100-8001.

Council Action: The Ordinance was adopted at single reading.

ORDINANCE #1992-17
(Attached)

Mr. Sharp moved adjournment of Stormwater Management Board at 9:15 p.m.; this was duly seconded by Mr. Elrich.

8. Sidewalk Vending Activities. Moved by Mr. Prensky; seconded by Mr. Johnson. Mr. Sharp said that the Ordinance would amend the City Code to allow Takoma Park retail business owners to sell merchandise on the sidewalk until September 30, 1992. He said the Council planned to revisit this issue after that date to determine whether to reinstate the Ordinance. Mr. Sharp also noted that the cost of the permits was \$25.00

Mr. Prensky commented that if the Council decided to reinstate the Ordinance after 9/30/92, the permit fees for the remainder of the year could be waived.

Council Action: The Ordinance was adopted unanimously on second reading. (Absent: Hamilton).

Ordinance #1992-12
(Attached)

Upon Motion by Ms. Porter, duly seconded, the Council adjourned at 9:20 p.m. and immediately moved to convene into Execution Session to continue discussions on the Local 400 Police Union Contract.

(2) The sidewalk display and sale of merchandise occurs at a time when the retail business is open for business.

(3) All fixtures used for sidewalk displays and sales of merchandise are removable and no such fixtures remain on the sidewalk when the retail business is closed.

(b) All sidewalk displays and sales of merchandise shall be at the sole risk of the retail business and the City shall not be responsible for any injuries to persons or damage to property which result from such sidewalk displays and sales of merchandise.

(c) A violation of this Section is a Class C offense.

Section 2. Removal of Merchandise.

(a) Any person who displays or sells merchandise on the sidewalk in violation of this Article shall immediately desist from such display or sale and remove the merchandise and all fixtures used for the display, sale, or storage of such merchandise from the sidewalk upon the direction of a police officer.

Section 3. Sidewalk Sales Permits Required.

(a) No person shall display or sell any merchandise on the sidewalk without first having obtained a sidewalk sales permit from the City.

(b) Application for a sidewalk sales permit shall be made to the City Clerk on a form to be furnished by the Clerk.

(1) The sidewalk sales permit application shall require the applicant:

(i) To certify that the applicant is the owner or operator of the retail business for which the sidewalk sales permit is sought and that the business is validly licensed under all applicable city, county and state laws;

(ii) To specify the type of merchandise which will be displayed and sold on the sidewalk in front of the retail business and to certify that all merchandise which will be displayed and sold on the sidewalk will be a regular part of the inventory of the retail business;

(iii) To indemnify and hold the City harmless for any personal injuries or property damage which result from the sidewalk sale or display of merchandise;

(iv) To certify that the applicant shall comply with all applicable City, county, state and federal laws and with any City rules and regulations which are adopted to carry out the provisions of this Article.

(2) The fee for a sidewalk sales permit shall be \$25.00, which shall be paid at the time an application for the permit is made.

(c) Sidewalk sales permits are nontransferable and shall be effective until September 30, 1992.

(d) Sidewalk sales permits shall be displayed prominently, either on the sidewalk display of merchandise or in the retail business.

(e) A violation of this section is a Class C offense.

Section 4. Denial or Revocation of Sidewalk Sales Permits.

(a) A sidewalk sales permit may be denied or revoked for any of the following reasons:

(1) The applicant has failed to completely and accurately complete the sidewalk sales permit application.

(2) The applicant has failed to pay any personal property tax applicable to the retail business.

(3) The applicant has previously violated any provision of this Article or has failed to pay any assessed fine for a violation of this Article.

(4) The applicant has previously failed to comply with the direction of the police officer to desist from the sidewalk sale of merchandise or to remove any merchandise and display fixtures from the sidewalk.

(b) Prior to the denial or revocation of a sidewalk sales permit, the City Clerk shall give written notice to the applicant, by regular first-class mail to the address set forth in the permit application or to the applicant's last known address, setting forth the basis of the permit denial or revocation.

(c) Any applicant whose sidewalk sales permit has been denied or revoked may appeal the denial or revocation to the City Administrator in writing within fourteen (14) calendar days after the date of the written notice of the permit denial or revocation.

Section 5. Effective Date and Termination Provision.

This Ordinance shall be effective immediately and shall terminate and be of no effect after September 30, 1992.

Adopted this 11th day of June, 1992 by roll call vote as follows:

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

Nay: None

Abstained: None

Absent: Hamilton

corr158/mb-kw
sidewalk.sal

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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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 \$2,000 to Account 0010-7249, 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 Prensky , duly seconded by Councilmember Porter, the ordinance was adopted by roll call vote as follows:

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

Introduced by:

First Reading: 5/11/92

Second Reading:

Drafted by:

Linda S. Perlman

Asst. Corporation Counsel

ORDINANCE NO. 1992 -15

AN ORDINANCE LEVYING 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 1301 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, the resurfacing of Houston Court is a part of the City of Takoma Park's overall street improvements program and will benefit the citizens of the City who use that street; 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, it is impractical and inefficient not to resurface the parking area of Houston Court outside of the City right-of-way at the same time as the roadway of Houston Court is being resurfaced; 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, Montgomery County MD 20912; and

WHEREAS, on April 27, 1992, the Council passed Resolution No. 1992 - 31 setting a public hearing for May 11, 1992 at 8:00 p.m. in the Council Chambers of the Municipal Building concerning the proposed resurfacing of Houston Court and the proposed special assessment against the above-listed properties on Houston Court for the costs of resurfacing the parking area of Houston Court which is outside of the City right-of-way; and

WHEREAS, in accordance with Section 1302(d) of the Municipal Charter, the City Administrator caused notice to be given by mail to the owners of record, as shown in the property tax records of the City, of each parcel of property proposed to be assessed and to the tenants living in these properties concerning the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the time and place at which all interested persons may appear before the Council and be heard concerning the proposed project and special assessment; and

WHEREAS, such notice also was published on Friday, May 1, 1992, in the Montgomery/P.G. Journal, a newspaper of general circulation in the City; and

WHEREAS, at the May 11, 1992 public hearing, the City Clerk presented a certificate of publication and of the mailing of copies of the notice; and

WHEREAS, on May 11, 1992, the Council held a public hearing concerning the proposed resurfacing of Houston Court project and the special assessment at which time all persons interested were given the opportunity to appear before the Council and be heard concerning the proposed project and special assessment.

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

SECTION 1. Levy of Special Assessment; Project Cost; and Method of Apportionment.

The Council hereby levies special assessment charges against the properties known as 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8210, 8212, and 8214 Houston Court, Takoma Park, Montgomery County, Maryland 20912 to pay for the cost of resurfacing the parking area on Houston Court which is outside of the City right-of-way. The estimated cost of resurfacing the parking area of Houston Court which is outside the City right-of-way is 25.6% of the total estimated project cost or \$8,500.00. This \$8,500.00 shall be assessed to the owners of the above-listed properties on Houston Court. The \$8,500.00 cost shall be apportioned according to the square footage of each property owner's property outside of the City right-of-way which will be resurfaced.

SECTION 2. Special Assessment Payments; Interest and Penalties; Collections.

The special assessment charges levied by this Ordinance shall be payable in semi-annual installments over a two year period, with the first installment due and payable on July 1,

1992. Each special assessment installment shall be overdue six months after the date on which the installment became due and payable. Interest and penalties shall be imposed on overdue special assessment installments at the rate of one and two-thirds percent (1.667%) for each month or fraction of a month until paid. The special assessment charges levied by this Ordinance shall be liens on the property and overdue special assessments shall be collected in the same manner as City property taxes or by suit at law. The special assessment charges shall be billed and collected by the City Treasurer.

This Ordinance is adopted this _____ day of _____, 1992, by roll call vote as follows:

Aye:
Nay:
Abstained:
Absent:

corr164/kw-mb
houston.ord

Introduced by:

First Reading: 5/11/92

Second Reading:

Drafted by: Linda S. Perlman

Asst. Corporation Counsel

Effective Date:

Draft Date: April 16, 1991

ORDINANCE NO. 1992-16

Admissions and Amusement Tax

WHEREAS, by Resolution No. 2, adopted June 12, 1972 the City of Takoma Park levied a 4½% admissions and amusement tax; and

WHEREAS, The General Assembly of Maryland has recodified former Sections 402 to 411 of Article 81 of the Annotated Code of Maryland, the authority under which the City of Takoma Park's admissions and amusement tax has been levied, into the Tax-General Article of the Annotated Code of Maryland, effective January 1, 1989; and

WHEREAS, the Council of the City of Takoma Park, wishes to increase its admissions and amusement tax rate to 10% and to conform its levy of an admissions and amusements tax with the recodified statute.

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

SECTION ONE. The Takoma Park Code is amended by adding an Article 4, Admissions and Amusement Tax, to Chapter 11A, Taxation, as follows:

Chapter 11-A. Taxation.

Article 4. Admissions and Amusement Tax.

Sec. 11A-7. Definitions.

The term "admission and amusement charge", unless expressly provided otherwise, means a charge for:

- A. admission to a place, including any additional separate charge for admission within an enclosure;
- B. use of a game of entertainment;
- C. use of a recreational or sports facility;
- D. use or rental of recreational or sports equipment; and
- E. merchandise, refreshments, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music or other entertainment is provided.

Sec. 11A-8. Admissions and Amusement Tax Levy.

F. There is hereby levied a tax at the rate of 10% of gross receipts derived from any admission and amusement charge in the City of Takoma Park.

G. If gross receipts subject to the admissions and amusement tax are also subject to the State of Maryland sales and use tax, the total combined admissions and amusement tax and sales and use tax shall not exceed 10% of the gross receipts.

H. The admissions and amusements tax levied by this Article shall be collected by the Comptroller of the State of Maryland.

Sec. 11A-9. Additional Tax for Reduced Charge or Free Admissions.

I. There is hereby levied an admission and amusement tax on a reduced charge or free admission at the following rates:

- 1. 5 cents, if the charge for any other admission is 50 cents or less;

2. 10 cents, if the charge for any other admission is more than 50 cents, but does not exceed \$1.00; and

3. 15 cents, if the charge for any other admission is more than \$1.00.

J. The additional tax levied by this section shall be collected by the Comptroller of the State of Maryland.

Sec. 11A-10. Exemptions.

No admissions and amusement tax shall be levied or collected on gross receipts: derived from any charge for merchandise, refreshments, or a service sold or served at a place wherea) dancing is prohibited and the only entertainment provided is mechanical music, radio, or television;

(b) derived from any charge for admission to:
a live boxing or wrestling match; or a concert or theatrical event presented or offered by a non-profit group that is organized and operated to present or offer an annual series of scheduled musical concerts or is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

K. derived from any charge for admission to or use of:

1. a facility or equipment in connection with a bingo game that is operated in accordance with Article 27, §260 of the Annotated Code of Maryland;

2. a bowling alley or lane; or

3. a charter fishing boat;

L. derived from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for:

1. a charitable, educational, or religious purpose;
2. a volunteer fire company or nonprofit rescue squad;
3. a fraternal, service, or veterans' organization chartered by a grant of Congress; or
4. the improvement, maintenance, or operation of an agricultural fair, if no net earnings inure to the benefit of any stockholder or member of the association that conducts the fair.

M. derived any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for community or civic improvement by a non-profit community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association.

N. derived from any charge for admission to a concert or theatrical event of a non-profit organization that is organized to present or offer any of the performing arts.

SECTION TWO. Effective Date and Notification.

This Ordinance shall be effective on July 1, 1992. The City Clerk is directed to advise the Comptroller of the State of Maryland of the passage of this Ordinance.

ADOPTED THE _____ DAY OF _____, 1992 BY ROLL

Introduced by: Councilmember Prensky

Adopted: 5/11/92
(Single Reading)

ORDINANCE NO. 1992-17

WESTMORELAND AVENUE DRAINAGE IMPROVEMENTS

WHEREAS, \$65,000 was earmarked in the FY-92 budget for extending the City Storm Drainage Piping System to upper Westmoreland Avenue; AND

WHEREAS, in accordance with City procurement procedures a Request For Bids was advertised in the Washington Post, Baltimore Sun, Dodge Report and Blue Reports; AND

WHEREAS, bids were publicly opened at 2:00 p.m., April 15, 1992 with eight (8) bids being received; AND

WHEREAS, the Director of Public Works has determined that the apparent low bidder is considered to be responsive and responsible.

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

SECTION 1. THAT the low bid being received from Commander Construction, Inc. in the amount of FORTY THREE THOUSAND AND EIGHTY ONE DOLLARS (\$43,081) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of FORTY THREE THOUSAND AND EIGHTY ONE DOLLARS (\$43,081) be charged to Capital Expenditures Account No. 3700-8001.

Adopted this 11th day of May, 1992

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

Introduced By: Councilmember Prensky

RESOLUTION# 1992-34

**In Support Of The "Save Our Cities. Save Our Child
March on Washington, May 16, 1992**

- WHEREAS,** the cities and towns of the United States are vital centers of commerce, and culture; and
- WHEREAS,** our local governments are caught in a web of declining and increasing economic and social burdens; and
- WHEREAS,** one in five American children are now growing up in poverty;
- WHEREAS,** the greatest threat to America's security comes not from terrorism, but from inadequate nutrition, housing, education, health care, infrastructure, and
- WHEREAS,** only the federal government has the necessary resources to reverse the decline of America's cities and towns; and
- WHEREAS,** the U.S. Conference of Mayors and the National League of Cities organized a bipartisan march on Washington, D.C. on May 16, 1992, with the theme "Save Our Children"; and
- WHEREAS,** the purpose of this march is to focus the attention of Congress on the plight of America's cities and towns, particularly as they relate to
- WHEREAS,** with the end of the Cold War, the U.S. Conference of Mayors urges the federal government to reorder its budget priorities away from military expenditures and towards the desperate domestic agenda.
- NOW THEREFORE BE IT RESOLVED,** that the City of Takoma Park endorses the purposes of the May 16 march on Washington; and
- BE IT FURTHER RESOLVED,** that the City of Takoma Park urges its citizens to participate in the "Save Our Cities, Save Our Children" rally at the Washington Monument on May 16, 1992.

Dated this 11th day of May, 1992.

CITY OF TAKOMA PARK, MARYLAND (FINAL 6/5/92)
Regular Meeting and Public Hearing of the City Council
Tuesday, May 26, 1992

CITY OFFICIALS PRESENT:

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

PROPERTY OF
TAKOMA PARK MD. LIBRARY
City Administrator Habada
City Clerk Jewell
Personnel Officer Hobbs
Recreation Dir. Ellis

The City Council convened on Tuesday, May 26, 1992, at 8:02 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 welcomed back City Clerk Jewell, who recently returned from Salt Lake City, Utah where she attended the 46th Annual International Institute of Municipal Clerks Convention.

Mr. Sharp announced that the Recreation Department's Youth Outreach Program was named "Top Recreation Program" by the Prince George's County Federation of Parks and Recreation Council for an Outstanding Recreation Program Of The Year. A Resolution honoring the program was presented by the Senate and the House of Delegates and a citation is expected from the Governor. Youth Outreach Worker, Calvin Avant commented that the award was basically because of the drug and alcohol prevention programs and they were proud to be recognized by Prince George's County. Youth Outreach Worker Yolanda McLaughlin added that they had been working very hard to bring the City's teenagers--both young men and women into their programs and she thanked the Council for recognizing them as well. Recreation Director Sharon Ellis said that the outreach activities were part of the City's programs that the Council has supported and if it weren't for that funding and support by the Council, the award would not have been possible.

Mr. Johnson expressed his displeasure about the inoperable traffic light at the intersection of Erskine Avenue and New Hampshire Avenue because electrical power has not yet been connected. Mr. Johnson said that a serious accident occurred at this intersection this morning and the victims were seriously injured. He said this accident could have been avoided and that it could be another few weeks before the light is connected with electricity. Mr. Johnson said his sadness of the accident itself is exceeded only by the knowledge that the accident was preventable. He called on the State and on PEPCO to get the light working.

Ms. Porter acknowledged the presence of Mr. Fred Sissine, Councilmember from Mt. Rainier, who was in attendance at the Council Meeting this evening.

Additional Agenda Item

Ms. Habada noted a Resolution before the Council to appoint an additional member to the Environmental Committee.

Jim Martin, Ward 3, asked the Council to support and approve the Recreation Department budget for Fiscal Year 1993. He said everything the Department requested made good sense and he urged the Council to approve their budget.

AGENDA

1. Public Hearing on Fire Service Agreement

Mr. Sharp said that the Agreements the City had with Prince George's County and Montgomery County regarding the fire station in Takoma Park expire at the end of June 1992. He said the Agreement provides that the fire station will provide first due fire service from the location in Takoma Park, and that neither County would tax for fire service in the City and instead the City would levy one unified City-wide tax at the rate of the Montgomery County fire tax rate for collection and remittance to Montgomery County. Mr. Sharp said the City had been in protracted negotiations with Montgomery County over the extension of the Agreement. He said the City received an agreement that in his opinion, was not the ideal agreement or as good as the one the City previously had; however it was the best Agreement the City was able to get at this point. Mr. Sharp said a copy of the Agreement was published in the most recent City Newsletter and this was the second public hearing the Council held on the Agreement. He said at the time the first hearing was held last month, the City had negotiated approximately 95% of the Agreement.

Ms. Habada noted that the Montgomery County Public Safety Committee was planning to take up the Agreement in worksession on June 11th and the full Montgomery County Council would be reviewing and voting on it June 16th.

Mr. Sharp asked Ms. Habada to confirm with Prince George's Councilmember Steve Del Giudice when that County would be meeting on this.

There being no citizens who wished to comment on the Fire Service Agreement, Mr. Sharp called the public hearing to a close.

2. Resolution Authorizing Mayor to Execute Fire Service Agreement.

Ms. Habada noted that the Council had before them a revised Resolution which reflected the actual number of years for the term of the Agreement--four years, not six years. The Resolution was moved by Mr. Hamilton and seconded by Mr. Johnson.

Mr. Sharp emphasized that the intent of the Agreement was not to give any privileges to Montgomery County with regard to their operation of the station; it was not a recognition on the City's part that the County had any greater authority vis-a-vis the fire company than they have ever had. Mr. Sharp said this was not something that the City, in this Agreement, was trying to alter in any way. He said the City was trying to ensure to the best they were able to and based on what the County had been willing to agree to, that the fire station would stay in its present location and the services provided from that station stay what they were at this point.

Mr. Sharp said because of fiscal constraints over the last couple of years, the County had been looking at Takoma Park's station as a way of saving funds. He said the City was interested in maintaining the station at its current level and because of the nature of a lot of the City's structures, i.e., wood frame houses, high rise apartment buildings, the hospital, college dormitories, etc., the location of that station was extremely important for the safety of the citizens. Mr. Sharp also said the agreement was the basis of authorization for the County not to impose county taxes on the City. Prince George's residents would be paying 18 cents per \$100 of assessed valuation if they were served by Prince George's fire service. He said the Montgomery County fire rate was 25.5 cents--the rate Prince George's County residents were also being assessed and was an additional payment that the majority of Prince George's County residents were willing to pay to have the station remain in its present location.

Mr. Hamilton added there was a draft being considered regarding how the station was to operate from day to day; he said this was an internal agreement between the Chief, the President of the TPVFD and the Council would be receiving a copy of this agreement.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-35
(Attached)

3. Constant Yield Tax Rate Hearing. Mr. Sharp said the City of Takoma Park was proposing to increase property taxes. For FY'93, the estimated assessable base will increase by 5.3%, from \$262,507,820 to \$276,543,220. He said if the City maintains the current tax rate of \$1.752 per \$100 of assessment, property tax revenues will increase by 5.3%, resulting in \$245,900 of new property tax revenues. In order to fully offset the effect of increasing assessments, the property tax rate would need to be reduced to \$1.663, the constant yield tax rate. Mr. Sharp said the City is considering not reducing its property tax rate enough to offset increasing assessments. The City proposes to adopt a tax rate of \$1.757 per \$100 of assessment and this tax rate is 5.7% higher than the constant yield tax rate and will generate \$259,727 in additional property tax revenues.

There were no citizens to comment on this matter; Mr. Sharp brought the public hearing to a close at 8:32 p.m.

4. Second Reading Ordinance - FY'93 City Property Tax Rate
Moved by Ms. Porter; seconded by Mr. Prensky.

Mr. Prensky pointed out that the 1.757 tax rate was an increase from last year's tax rate of 1/2 a cent per \$100 assessed valuation. He said this occurred partially because of the late receipt of information from Montgomery County that their fire tax rate would be 25.5 cents rather than 25 cents as originally told to the City. Mr. Prensky said the 1/2 cent was necessary to continue to balance the budget after the City Council following many worksessions, public hearings and public meetings, went through all the items proposed in the budget for the fiscal year and felt they had probably arrived at the final formulation of the budget only to learn that Montgomery County decided at the last minute an additional 1/2 cent more.

Council Action: The Ordinance was adopted at first reading.

ORDINANCE #1992-18
(Attached)

5. First Reading Ordinance of FY'93 City Budget. Moved by Mr. Elrich; seconded by Ms. Porter.

Mr. Johnson asked for a summary of the City Budget for the benefit of Cable viewers.

Ms. Habada noted that the major changes from the proposed budget was the deduction of \$680,000 in revenues for a proposed bond issue and postponing a decision to issue a bond for capital improvement projects until later in the year once the street priority projects had been reviewed and concurred on by the Council.

Ms. Habada said that in the Revenue section of the Budget, the local taxes included \$1.757 tax rate for property taxes and personal property taxes, and anticipated approximately \$16,000 revenues from delinquent payments on taxes. She said the State shared taxes included funding for income tax anticipating the piggyback tax to be approved in both counties; she said this was approved by Montgomery County and was pending in front of the Prince George's Council this week. Ms. Habada said the State shared revenues also included highway user revenues which were

funds derived from the gasoline tax and distributed in accordance with the number of motor vehicles registered in the City and the amount of miles maintained in roads in the City. She said Licenses and Permits was a small amount of revenue for the City--\$13,800 and included tree permits, business licenses, parking permits, etc. Revenue from other agencies included intergovernmental transfer payments from both counties; the biggest amount from tax differential payments which are payments in recognition of double taxation on City residents for services they were taxed for by the counties for which the City actually provided the service. Ms. Habada said there was a rebate from both counties to the City for police services, road maintenance, the Library and other similar services the City provided.

Ms. Habada said revenue from other agencies also included some miscellaneous revenue transfers, i.e., cable franchise fees from Montgomery County in the amount of \$28,000 and revenues from the State on police protection--\$177,000 which accounts for the monies the City receives for providing the police service.

Ms. Habada said other revenue included the fees the Recreation Department charges participants for activities such as the Super Camp, a new program for this summer; fines and forfeitures (parking fines and municipal infractions). She said under Miscellaneous revenues, \$680,000 was removed for the bond issue and what remained was a balance of various amounts of money including interest earnings on idle City cash. In addition to other revenues that will be raised, Ms. Habada said the budget reflects pulling \$515,000 from the City's reserves to balance the FY'93 budget.

Referring to the Expenditure side, Ms. Habada said the largest amount of money was going to Public Works for the services they provided--streets, garbage collection, road maintenance parks, maintenance of public facilities, etc. She said the next largest budget was for the Police Department which provided funding for 36 officers (funding for two officers is reflected in the Special Revenue Fund from grants the City would be receiving from the State of Maryland). Ms. Habada then explained the breakdown of the Police Department Divisions.

Ms. Habada said the largest portion (\$700,000) of the Nondepartmental Budget would go toward the fire service agreement. She said Government Administration included running the City administration office and the funding for Council, Accounting Division and legal services.

Ms. Habada said that the Department of Housing and Community Development budget provided funding for the code enforcement function, Commission on Landlord-Tenant Affairs and the planning and community development functions.

Ms. Habada explained that the Recreation Department budget provided for several new programs (midnight basketball league and the Super Camp) beginning in June and carried throughout the summer.

The Library budget was approved as proposed with no changes in Library operations. The Cable budget would provide for funding for a contract with the Takoma Park Community Television, Inc. to operate the cable television station for the City and would eliminate the position of the cable coordinator.

Ms. Habada said that Debt Service was revised to remove a partial year funding of the new bond issue originally scheduled for 1993, pending an actual review of projects that might be funded out of a bond issue. Ms. Habada said that this would be done in accordance with the City Charter which required a public hearing prior to any issuance of a bond.

Ms. Habada said that the General Fund Transfer was the amount of money provided to the Special Revenue Fund as a match to meet the requirements of grants the City received for which there may be a 25% matching requirement, i.e., funding included in the budget for \$11,000 match for Spring Park improvements, \$2,000 match for Jackson-Boyd Park improvements, \$2,000 match for Colby Park improvements, \$9500 match for the police grant to continue the youth officer program. Ms. Habada said that the City's request for a grant for the tactical team was not chosen to be funded by the Governor's Commission.

Ms. Habada noted the final notation on page 2 of the Budget Ordinance was the contribution to the Equipment Replacement Reserves.

Mr. Elrich suggested that for future presentations and overview of the budget, Staff prepare some documents that can be presented using an overhead projection so that the in-person and television audience could follow along with. It was also suggested that Staff arrange to broadcast the FY'93 budget on cable television over the next few weeks.

Mr. Sharp proposed an amendment to add, as Section 9 of the Ordinance, a provision to show that the City's emergency reserves are used to cover stormwater emergencies, renumber the remaining sections.

Mr. Prensky suggested that a similar notation be added to the FY'93 Stormwater Budget.

Mr. Johnson asked that a one page fact sheet explaining the bond be prepared for the citizens at the time the Council deliberated the bond issue. Staff will also arrange for information about the proposed bond issue to be published in the City Newsletter and Takoma Voice.

Council Action: The Ordinance was accepted at first reading.

ORDINANCE #1992-19
(Attached)

6. 1st Reading Ordinance FY'93 Employee Pay Plan. Mr. Hobbs explained that the Ordinance amends the City employee's pay plan to incorporate a 3% cost of living adjustment in accordance with the current AFSCME Contract. He said that the second Ordinance also provides for a separate pay scale for police officers that incorporates the 3% market adjustment, includes an additional 2% market adjustment and a 3% cost of living adjustment. Mr. Hobbs said the current negotiations with the Police Union were at the basic agreement. Local 400 was scheduled to take the agreement before their members on June 4th and there would be a Resolution recommending ratification of the Contract before the Council on June 8th.

Council Action: The Ordinances were accepted at first reading.

ORDINANCE #1992-20
ORDINANCE #1992-21
(Attached)

7. 1st Reading of Executive Pay Plan. Mr. Hobbs said that this Ordinance amends the pay plan to provide for a 3% COLA for senior management staff and department heads.

Council Action: The Ordinance was accepted at first reading.

ORDINANCE #1992-22
(Attached)

8. FY'93 Stormwater Budget

Mr. Sharp declared that the City Council and Stormwater Management Board were now convened in session simultaneously. The Ordinance was moved by Mr. Hamilton and seconded by Ms. Porter.

Ms. Habada said that the FY'93 Stormwater Budget provided for \$211,000 worth of revenues and expenditures and the largest amount on the expenditure side (\$100,000) was for cleaning and maintaining existing storm sewers and there was also money being proposed for one storm drain installation at Ethan Allen and Jackson.

Board Action: The Ordinance was accepted unanimously at first reading. The meeting of the Stormwater Management Commission was then adjourned.

ORDINANCE #1992-23
(Attached)

9. 2nd Reading Ordinance Re: Admission and Amusement Tax. Moved by Mr. Johnson; seconded by Ms. Porter, the Ordinance increasing this tax from 4 1/2% to 10% was adopted unanimously at second reading. (Absent for vote: Mr. Hamilton)

ORDINANCE #1992-16
(Attached)

10. Program Year 17 Community Development Block Grant (CDBG) Street and Draining Improvements. Moved by Mr. Elrich, seconded by Mr. Prensky.

Mr. Leary said the low bid was about \$30,000 less than what was made available to the City by Montgomery and Prince George's Counties and he asked what happens to those remaining monies. Ms. Habada said this was not yet determined but there was a list the Public Works Director was working from regarding CDBG eligible streets that staff would be considering.

In response to a question from Mr. Leary, Mr. Knauf responded that the City could propose a plan fairly quickly but he would not recommend the City make a commitment too quickly before the list of eligible streets were considered.

Mr. Prensky asked if the City would be able to add the small project known as the Old Allegheny Triangular Park improvements which had originally been proposed as part of the CDBG funding but were deleted since the Council had other plans for the funding.

Mr. Knauf responded this was a good possibility, but while the project was a longstanding concern of the citizens in that area, it had not been determined in the past to be a high priority project.

Ms. Habada reminded the Council that Allegheny was one of the few remaining eligible CDBG streets in Prince George's section of the City and the City would spend the money on the Allegheny Triangle improvements.

Mr. Prensky said that the resurfacing of the street listed between Second Avenue and Highland Avenue were in Prince George's County but the triangle itself may not be.

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

ORDINANCE #1992-24
(Attached)

11. 2nd Reading Ordinance Levying Special Assessment on Houston Court Properties. Moved by Mr. Elrich; seconded by Mr. Hamilton. Mr. Sharp explained that the Council held a public hearing on May 11th and accepted tentatively at first reading an ordinance levying

a special assessment on the properties on the private areas--the parking lots adjacent to the road. Mr. Sharp said a few Councilmembers visited the location to compare it with portions of Roanoke Avenue the City resurfaced but had not resurfaced the private areas adjacent to the City areas, in order to get a better sense of what this would look like if they decided not to resurface both areas.

Mr. Sharp said the Council had before them an ordinance to levy a special assessment which they believe would be no more than and probably less than \$1,000 per property and the owners would have two years to pay this back.

Ms. Habada suggested the Council amend Section 2 of the Ordinance to change the repayment schedule from two years to a one year period since it would not be difficult given the revised cost figures of the assessment (e.g., the highest lot cost estimate was \$348 based on the current unit bid price).

Ms. Porter moved the amendment; it was seconded by Mr. Hamilton and carried unanimously.

Ms. Porter noted for the record that there were some objections brought up at the public hearing. One objection was that the resurfacing of the road and parking area would impede drainage. Ms. Porter said that the City Engineer reviewed this and determined that raising the level by a couple of inches would not impede drainage. She said the second issue raised was that the owners did not want to pay a per unit cost which was average for the entire area. It was determined that the roadway in the middle and the non parking area was in worst shape and would be costlier on a per square basis. She said the way the Public Works Director originally proposed to assess costs was in fact correct and property owners would not be charged for the costs of the additional repairs needed in the City's right of way.

Mr. Sharp noted that he had visited the site and it was clear the area needed to be repaved and the parking areas outside the City's right of way would need to be resurfaced as well. He said in comparing this area to Roanoke Avenue, it was clear that deterioration would develop fairly rapidly if resurfacing was not done. He said while some property owners were not interested in bearing this cost, he believed that on balance it was sensible to assess them for this cost.

Mr. Prenskey said he too visited the Roanoke site and he agreed with Mr. Sharp's assessment that the parking areas were significantly deteriorated; all of the apparent roads needed to be treated in an equal fashion to not allow for deterioration to occur and he said that he supported the proposal to resurface the entire area. Mr. Prenskey said the assessments on the property owners will not be directly passed onto the tenants of the multi-family dwellings because of the rental housing stabilization law which stated that only a 2.7% increase may be allowed this year unless the landlords considered themselves to be in a special hardship, which they needed to prove to the Commission on Landlord-Tenant Affairs (COLTA) through a special hearing process, that their costs have increased significantly and their profits decreased significantly below those in their base year.

Council Action: The Ordinance was adopted by unanimous vote. (Absent for vote: Mr. Hamilton)

ORDINANCE #1992-15
(Attached)

12. Resolution Appointing Additional Member to Environment Committee. Mr. Sharp noted that he had received a letter from a citizen who asked to be considered for appointment to the Environment Committee.

Mr. Prensky noted that the applicant's Circle Avenue address may not actually be located in the City; he suggested that the Clerk verify the applicant's address and then distribute his letter and background data. The Council will take up at the June 1st Worksession, the issue of whether non City residents should be appointed to serve on Council appointed committees.

Motion was made to reconsider the Resolution after June 1st.

13. Additional Agenda Item for Discussion - Piggyback Taxes. Mr. Sharp commented that the Prince George's County Municipal Association (PGCMA) met last week to oppose the County Council's proposal to adopt the piggyback tax. Mr. Sharp said he understood there was currently a 5 to 4 vote against passing this but there was also some discussion about ways that perhaps some Councilmembers might vote in favor of it. Mr. Sharp said his concern was that the PGCMA has gone on record at the urging of the Chairman of Prince George's County Council opposing the increase. Mr. Sharp commented that he did not attend that meeting, but the issue was not listed on the agenda for the meeting; the issue was significant enough item for the PGCMA to list on their agenda and if they were planning to discuss it and take a position. He said PGCMA's action called into question the validity in terms of representing the Prince George's County municipalities on the position taken. Mr. Sharp said this was not reflective of the citizenry of Takoma Park nor of the Council, and he proposed writing a letter to the County Council with a copy to PGCMA letting them know about the Association's action.

Ms. Porter said there were two issues regarding the vote taken by PGCMA; had she been at the meeting, she would not have been in accord with the position PGCMA took. She said the City was assuming in its FY'93 budget, that the piggyback tax increase from 50% to 60% above the State tax rate would be passed and some of that income would be coming to the City as revenue. She said that the City held a public forum at the end of last year where many citizens from the Prince George's County and Montgomery County portion of the City came to speak to the Takoma Park's State legislators from both counties regarding the importance of funding for education. She said one of the ways Prince George's County will or will not be able to fund education was based on whether they passed the additional piggyback tax. Ms. Porter said the Council and legislators heard very strongly that education was an important item which needed to be funded more adequately than it had been in the past, and if it required tax increases to fund it, then it should be done. She said the Council passed a resolution last year supporting an increase in the Prince George's County tax to more adequately fund education and she urged the Council to take on the educational issue in addition to the issue of whether the Council was represented by PGCMA.

Mr. Sharp said he would talk to Staff about drafting a letter for his signature, on behalf of the Council, noting these issues and the concern raised about the PGCMA vote which could be sent to the Prince George's County Council.

The Council adjourned at 9:30 p.m. to reconvene in Regular Session on June 8, 1992.

Introduced by: Councilmember Hamilton

Adopted: May 26, 1992

RESOLUTION NO. 1992-35

A Resolution 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 service 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 equitable agreement for the delivery of fire service to all of Takoma Park; AND

WHEREAS, said staff have drafted a fire service agreement that meets the requirements stipulated by the respective Chief Executive Officers; AND

WHEREAS, The City Council of Takoma Park have reviewed, revised, and re-reviewed the several drafts required to develop the final agreement; AND

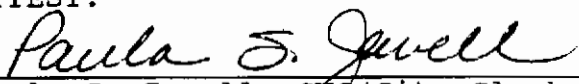
WHEREAS, the agreement meets the basic requirements of the City, namely securing the delivery of fire service from the Takoma Park Volunteer Fire Department's present locations for a minimum of four years, and a taxing mechanism that will allow the City to equitably and uniformly tax its citizens for fire service, as well as all other services provided by the City.

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

BE IT FURTHER RESOLVED THAT the Mayor is hereby authorized to execute this agreement on behalf of the Council at a time and place mutually agreed to by the other parties to this agreement.

Adopted this 26th day of May, 1992.

ATTEST:



Paula S. Jewell, *CMC*/City Clerk

Introduced by:

1st Reading: 5/26/92

2nd Reading:

ORDINANCE NO. 1992-18

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1993 BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993.

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

WHEREAS, the Council sitting as the Water and Sewer Board, by Ordinance No. 1992-23 set an ad valorem tax on property at 6 cents per \$100 assessed valuation for storm water management.

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

SECTION 1. THAT Section 11A-2, Chapter 11A, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended as follows:

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

(a) Effective July 1, 1992, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of \$1.757 per \$100.00 assessed valuation, including an equivalent of 25.5 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 6 cents per \$100.00 assessed valuation for storm water management to be distributed to the Storm Water Management Fund.

SECTION 2. THAT this Ordinance shall be effective July 1, 1992.

Adopted this _____ day of June, 1992.

AYES:

NAYS:

ABSTAIN:

ABSENT:

O-92TXRA

SECTION 3. THAT there shall be, and hereby are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1992-93 Fiscal Year:

Public Works	\$ 2,467,531
Police Department	\$ 2,363,010
Non-Departmental	\$ 1,034,810
Government Administration	\$ 958,162
Housing & Community Development	\$ 677,740
Recreation	\$ 447,307
Library	\$ 422,666
Cable	\$ 50,000
Debt Service	\$ 180,084
General Fund Transfer to Special Revenue Fund	\$ 25,100

TOTAL EXPENDITURES \$ 8,626,410

Contribution to Equipment
Replacement Reserve 67,687

AUTHORIZED FY 93 EXPENDITURES \$ 8,694,097

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the NonDepartmental Budget, a General Contingency Account appropriation of FORTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500);

SECTION 5. THAT in accordance with Article IX of the City Charter, Section 904 (b) the City Administrator is hereby authorized to allocate SIXTY SEVEN THOUSAND SIX HUNDRED EIGHTY SEVEN DOLLARS (\$67,687) to the Equipment Replacement Reserve;

SECTION 6. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects with Revenues of [SEVEN HUNDRED SIXTY EIGHT THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS (\$768,464)] SEVEN HUNDRED SEVENTY THREE THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS (\$773,464) inclusive of a General Fund Transfer of TWENTY FIVE THOUSAND ONE HUNDRED DOLLARS (\$25,100) and an Expenditure appropriation of [TWENTY FIVE THOUSAND ONE HUNDRED DOLLARS (\$25,100)] SEVEN HUNDRED SEVENTY THREE THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS \$773,464; AND

SECTION 7. THAT the Council hereby ratifies the stormwater management budget for FY 1993 adopted by the Stormwater Board by Ordinance #1992-23.

SECTION 8. THAT the approved FY 93 Budget Document is to be made a part of this Ordinance by reference.

SECTION 9. THAT stormwater management projects that are declared to be emergencies as defined by the City Council, in accordance with the definition of emergency in the City Charter, may be funded through the Emergency Reserve.

SECTION [9] 10. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION [10] 11. THAT this Ordinance shall become effective July 1, 1992.

Adopted this _____ day of June, 1992, by Roll Call Vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

d#O/R3
O-93BUD

Introduced by: Councilmember Hamilton

First Reading: 5/26/92
Second Reading:
Effective: July 1, 1992

ORDINANCE NO. 1992-20

Short Title: Pay scale for Employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 93, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City has negotiated a contract with AFSCME Local 3399, that includes a 3% cost-of-living adjustment for FY 1993;

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 and the following pay scale is adopted as the new Pay Scale Plan for the City for the Fiscal Year beginning July 1, 1992 and ending June 30, 1993. This Pay Scale Plan will become effective July 1, 1992, 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
	<u>12,098</u>	<u>12,533</u>	<u>13,034</u>	<u>13,450</u>	<u>13,932</u>	<u>14,439</u>
	G	H	I	J	K	
	<u>14,959</u>	<u>15,503</u>	<u>16,063</u>	<u>16,648</u>	<u>17,280</u>	

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

STEP:	A	B	C
	<u>\$9.83/hour</u>	<u>\$10.62/hour</u>	<u>\$11.47/hour</u>

Page Two
FY 91 Pay Plan Ordinance

(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.

(e) Police officers, previously included on this scale, shall henceforth be paid on a separate pay scale as established under a separate ordinance, and as agreed upon by the terms of a collective bargaining agreement negotiated with Local 400.

Adopted this day of June, 1992 by roll call vote as follows:

AYES:
NAYS:
ABSTAIN:
ABSENT:

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

O-93PYP

FY - 93 PAY PLAN (3%)

		A	B	C	D	E	F	G	H	I	J	K
GRADE	Starting Pay	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
Percentage Increase		4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	\$15,500.60	\$16,159.38	\$16,805.75	\$17,435.97	\$18,046.21	\$18,632.72	\$19,191.70	\$19,719.48	\$20,212.46	\$20,667.25	\$21,101.25
	Weekly	\$298.09	\$310.76	\$323.19	\$335.31	\$347.04	\$358.32	\$369.07	\$379.22	\$388.70	\$397.45	\$405.79
	Hourly	\$7.45	\$7.77	\$8.08	\$8.38	\$8.68	\$8.96	\$9.23	\$9.48	\$9.72	\$9.94	\$10.14
2	Annual	\$16,662.52	\$17,370.67	\$18,065.51	\$18,742.97	\$19,398.96	\$20,029.43	\$20,630.32	\$21,197.65	\$21,727.58	\$22,216.46	\$22,683.00
	Weekly	\$320.43	\$334.05	\$347.41	\$360.44	\$373.06	\$385.18	\$396.74	\$407.65	\$417.84	\$427.24	\$436.21
	Hourly	\$8.01	\$8.35	\$8.69	\$9.01	\$9.33	\$9.63	\$9.92	\$10.19	\$10.45	\$10.68	\$10.91
3	Annual	\$17,912.49	\$18,673.77	\$19,420.72	\$20,149.00	\$20,854.21	\$21,531.98	\$22,177.93	\$22,787.82	\$23,357.52	\$23,883.06	\$24,384.61
	Weekly	\$344.47	\$359.11	\$373.48	\$387.48	\$401.04	\$414.08	\$426.50	\$438.23	\$449.18	\$459.29	\$468.93
	Hourly	\$8.61	\$8.98	\$9.34	\$9.69	\$10.03	\$10.35	\$10.66	\$10.96	\$11.23	\$11.48	\$11.72
4	Annual	\$19,256.70	\$20,075.11	\$20,878.11	\$21,661.05	\$22,419.18	\$23,147.80	\$23,842.23	\$24,497.90	\$25,110.35	\$25,675.32	\$26,214.52
	Weekly	\$370.32	\$386.06	\$401.50	\$416.56	\$431.14	\$445.15	\$458.50	\$471.11	\$482.89	\$493.76	\$504.13
	Hourly	\$9.26	\$9.65	\$10.04	\$10.41	\$10.78	\$11.13	\$11.46	\$11.78	\$12.07	\$12.34	\$12.60
5	Annual	\$20,700.12	\$21,579.87	\$22,443.07	\$23,284.69	\$24,099.65	\$24,882.88	\$25,629.37	\$26,334.18	\$26,992.53	\$27,599.85	\$28,179.46
	Weekly	\$398.08	\$415.00	\$431.60	\$447.78	\$463.45	\$478.52	\$492.87	\$506.43	\$519.09	\$530.77	\$541.91
	Hourly	\$9.95	\$10.37	\$10.79	\$11.19	\$11.59	\$11.96	\$12.32	\$12.66	\$12.98	\$13.27	\$13.55
6	Annual	\$22,252.66	\$23,198.40	\$24,126.34	\$25,031.07	\$25,907.15	\$26,749.13	\$27,551.61	\$28,309.28	\$29,017.01	\$29,669.90	\$30,292.95
	Weekly	\$427.94	\$446.12	\$463.97	\$481.37	\$498.21	\$514.41	\$529.84	\$544.41	\$558.02	\$570.57	\$582.56
	Hourly	\$10.70	\$11.15	\$11.60	\$12.03	\$12.46	\$12.86	\$13.25	\$13.61	\$13.95	\$14.26	\$14.56
7	Annual	\$23,921.76	\$24,938.44	\$25,935.97	\$26,908.56	\$27,850.37	\$28,755.51	\$29,618.17	\$30,432.67	\$31,193.49	\$31,895.34	\$32,565.15
	Weekly	\$460.03	\$479.59	\$498.77	\$517.47	\$535.58	\$552.99	\$569.58	\$585.24	\$599.87	\$613.37	\$626.25
	Hourly	\$11.50	\$11.99	\$12.47	\$12.94	\$13.39	\$13.82	\$14.24	\$14.63	\$15.00	\$15.33	\$15.66
8	Annual	\$25,716.11	\$26,809.05	\$27,881.42	\$28,926.96	\$29,939.41	\$30,912.44	\$31,839.80	\$32,715.40	\$33,533.29	\$34,287.78	\$35,007.83
	Weekly	\$494.54	\$515.56	\$536.18	\$556.29	\$575.76	\$594.47	\$612.30	\$629.14	\$644.87	\$659.38	\$673.23
	Hourly	\$12.36	\$12.89	\$13.40	\$13.91	\$14.39	\$14.86	\$15.31	\$15.73	\$16.12	\$16.48	\$16.83
9	Annual	\$27,644.39	\$28,819.27	\$29,972.04	\$31,096.00	\$32,184.35	\$33,230.35	\$34,227.25	\$35,168.50	\$36,047.72	\$36,858.79	\$37,632.83
	Weekly	\$531.62	\$554.22	\$576.39	\$598.00	\$618.93	\$639.05	\$658.22	\$676.32	\$693.23	\$708.82	\$723.71
	Hourly	\$13.29	\$13.86	\$14.41	\$14.95	\$15.47	\$15.98	\$16.46	\$16.91	\$17.33	\$17.72	\$18.09
10	Annual	\$29,717.75	\$30,980.75	\$32,219.97	\$33,428.23	\$34,598.22	\$35,722.66	\$36,794.34	\$37,806.19	\$38,751.33	\$39,623.24	\$40,455.32
	Weekly	\$571.50	\$595.78	\$619.61	\$642.85	\$665.35	\$686.97	\$707.58	\$727.04	\$745.22	\$761.99	\$777.99
	Hourly	\$14.29	\$14.89	\$15.49	\$16.07	\$16.63	\$17.17	\$17.69	\$18.18	\$18.63	\$19.05	\$19.45
11	Annual	\$31,947.35	\$33,305.12	\$34,637.32	\$35,936.22	\$37,193.98	\$38,402.79	\$39,554.87	\$40,642.63	\$41,658.71	\$42,596.01	\$43,490.54
	Weekly	\$614.37	\$640.48	\$666.10	\$691.08	\$715.27	\$738.52	\$760.67	\$781.59	\$801.13	\$819.15	\$836.36
	Hourly	\$15.36	\$16.01	\$16.65	\$17.28	\$17.88	\$18.46	\$19.02	\$19.54	\$20.03	\$20.48	\$20.91
12	Annual	\$34,343.13	\$35,802.71	\$37,234.82	\$38,631.13	\$39,983.21	\$41,282.67	\$42,521.15	\$43,690.48	\$44,782.73	\$45,790.34	\$46,751.94
	Weekly	\$660.44	\$688.51	\$716.05	\$742.91	\$768.91	\$793.90	\$817.71	\$840.20	\$861.21	\$880.58	\$899.08
	Hourly	\$16.51	\$17.21	\$17.90	\$18.57	\$19.22	\$19.85	\$20.44	\$21.01	\$21.53	\$22.01	\$22.48

3% COLA + 5% MARKET ADJUSTMENT

GRADE	STEP	A	B	C	D	E	F	G	H	I	J	K
	% INCR	STARTING	4.25%	4.00%	3.75%	3.50%	3.25%	3.00%	2.75%	2.50%	2.25%	2.10%
CADET	ANNUAL	23,365.44										
6	WEEKLY	449.34										
	HOURLY	11.23										
PRIVATE	ANNUAL	25,117.85	26,185.36	27,232.77	28,254.00	29,242.89	30,193.28	31,099.08	31,954.31	32,753.16	33,490.11	34,193.40
7	WEEKLY	483.04	503.56	523.71	543.35	562.36	580.64	598.06	614.51	629.87	644.04	657.57
	HOURLY	12.08	12.59	13.09	13.58	14.06	14.52	14.95	15.36	15.75	16.10	16.44
PFC	ANNUAL	27,001.69	28,149.26	29,275.23	30,373.05	31,436.11	32,457.78	33,431.51	34,350.68	35,209.65	36,001.87	36,757.91
8	WEEKLY	519.26	541.33	562.99	584.10	604.54	624.19	642.91	660.59	677.11	692.34	706.88
	HOURLY	12.98	13.53	14.07	14.60	15.11	15.60	16.07	16.51	16.93	17.31	17.67
CORPORAL	ANNUAL	29,026.81	30,260.45	31,470.87	32,651.03	33,793.81	34,892.11	35,938.88	36,927.20	37,850.38	38,702.01	39,514.75
9	WEEKLY	558.21	581.93	605.21	627.90	649.88	671.00	691.13	710.14	727.89	744.27	759.90
	HOURLY	13.96	14.55	15.13	15.70	16.25	16.78	17.28	17.75	18.20	18.61	19.00
SGT	ANNUAL	31,203.82	32,529.99	33,831.19	35,099.86	36,328.35	37,509.02	38,634.29	39,696.74	40,689.15	41,604.66	42,478.36
10	WEEKLY	600.07	625.58	650.60	675.00	698.62	721.33	742.97	763.40	782.48	800.09	816.89
	HOURLY	15.00	15.64	16.26	16.87	17.47	18.03	18.57	19.08	19.56	20.00	20.42
LIEUTENANT	ANNUAL	36,059.92	37,592.47	39,096.16	40,562.27	41,981.95	43,346.36	44,646.75	45,874.54	47,021.40	48,079.33	49,089.05
12	WEEKLY	693.46	722.93	751.85	780.04	807.35	833.58	858.59	882.20	904.26	924.60	944.02
	HOURLY	17.34	18.07	18.80	19.50	20.18	20.84	21.46	22.06	22.61	23.12	23.60

Introduced by: Councilmember Hamilton

First Reading: 5/26/92
Second Reading:
Effective: July 1, 1992

ORDINANCE NO. 1992-21

Short Title: Pay Scale for Police.

AN ORDINANCE TO:

Establish a pay scale for police officers for FY 93, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City has negotiated a contract with Local 400 of the United Food and Commercial Workers Union, that establishes a separate pay table that incorporates the current 3% market adjustment; includes an additional 2% market adjustment and a 3% cost-of-living adjustment for FY 1993;

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 and the following pay scale (see next page) is adopted as the new Pay Scale Plan for the City's Police Officers for the Fiscal Year beginning July 1, 1992 and ending June 30, 1993. This Pay Scale Plan will become effective July 1, 1992, and will remain in effect until amended or repealed by the City Council:

(a) 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.

Adopted this _____ day of June, 1992 by roll call vote as follows:

AYES:
NAYS:
ABSTAIN:
ABSENT:

O-93PYPD

Introduced by: Councilmember Hamilton

1st Reading: 5/26/92
2nd Reading:
Effective: July 1, 1992

ORDINANCE NO. 1992-22

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 3% adjustment to the Pay Plan for FY 93.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE amends the Executive Pay Plan as adopted by Ordinance 1990-28; this ordinance is to be effective July 1, 1992:

SECTION 1. PAY SCALE PLAN

Positions listed in Ordinance No. 1986-53, as amended, designated as Executive 1 shall be compensated at the level of Executive 1; those listed in Executive 2 shall be compensated at the level of Executive 2; those listed as being in Executive 3 shall be compensated at the level of Executive 3, and those listed in Executive 4 shall be compensated at the level of Executive 4.

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

- (a) Effective July 1, 1987, Senior Management staff in Grades Executive 1 through Executive 4 will be paid in accordance with the pay scale for:
 - (1) the grades that their job classifications have been allocated;
 - (2) with the exact amount to be determined by the City Administrator with the provision that none of the executives will receive a salary decrease as a result of the initial implementation of this pay plan.

SECTION 3. GUIDANCE FOR PLACING EXECUTIVE STAFF IN THE PAY SYSTEM.

(a) 1st Quartile - Hiring Bracket:

Individuals are generally hired within this quartile with the exact place to be determined by the City Administrator based on the experience and subject matter knowledge of the appointee. Subsequent merit increases should continue within the quartile with the amount depending upon the results of performance evaluation(s). Further guidance to the City Administrator for differentiating between amounts will be given in the Personnel Regulations.

(b) 2nd Quartile - Performance Step:

Individuals are granted raises into this area for average and above average performance after they have learned to perform their functions thoroughly and have proven their ability to manage their units.

(c) 3rd Quartile - Performance and Longevity Step:

Individuals are placed in this step normally after they have acquired many years of experience in managing their units and have received ratings of average and above consistently. Most executives will not ever be awarded pay greater than the maximum allowed for this quartile.

(d) 4th Quartile - Superior Performance

Individuals normally are awarded pay in this quartile only if they perform clearly in a superior manner and/or if they have been recognized by a national professional organization as one of the leaders in the field.

SECTION 4. EXECUTIVE PAY SCALE

Executive 1:	1st Quartile = [33,076 - 36,798]	<u>34,068 - 37,901</u>
	2nd Quartile = [37,799 - 40,519]	<u>37,902 - 41,734</u>
	3rd Quartile = [40,520 - 44,240]	<u>41,735 - 45,566</u>
	4th Quartile = [44,241 - 47,961]	<u>45,567 - 49,399</u>
Executive 2:	1st Quartile = [35,557 - 39,558]	<u>36,624 - 40,744</u>
	2nd Quartile = [39,559 - 43,558]	<u>40,745 - 44,864</u>
	3rd Quartile = [43,559 - 47,558]	<u>44,865 - 48,984</u>
	4th Quartile = [47,559 - 51,558]	<u>48,985 - 53,104</u>
Executive 3:	1st Quartile = [38,224 - 42,525]	<u>39,371 - 43,800</u>
	2nd Quartile = [42,526 - 46,825]	<u>43,801 - 48,229</u>
	3rd Quartile = [46,826 - 51,125]	<u>48,230 - 52,658</u>
	4th Quartile = [51,126 - 55,425]	<u>52,659 - 57,088</u>
Executive 4:	1st Quartile = [41,091 - 45,714]	<u>42,324 - 47,085</u>
	2nd Quartile = [45,715 - 50,337]	<u>47,086 - 51,847</u>
	3rd Quartile = [50,338 - 54,960]	<u>51,848 - 56,608</u>
	4th Quartile = [54,961 - 59,582]	<u>56,609 - 61,369</u>

SECTION 5. COST OF LIVING ADJUSTMENTS

- (a) A cost of living adjustment is a percentage applied to Executive quartiles.
- (b) The City Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.
- (c) A cost of living adjustment shall be effective on the first day of a new fiscal year.

SECTION 6. DATE OF PAY INCREASES

- (a) Notwithstanding provisions of Article 8B, Section 8B-124(a) of the City Code, the effective date for an executive employee(s) merit increase(s), if any, shall be on said employee(s) initial anniversary date of hire, and thereafter as the City Council deem appropriate upon evaluation of said employee(s).

Page Four
Executive Pay Plan Ordinance

Adopted this _____ day of June, to take effect July 1, 1992.

AYE:

NAY:

ABSTAINED:

ABSENT:

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

O-EX93PY

Introduced by:

1st Reading: 5/26/92

2nd Reading:

ORDINANCE NO. 1992-23

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 93 BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993.

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

WHEREAS, Article 29, Section 3-205 of the Annotated Code of Maryland authorizes the levying of an ad valorem tax for stormwater management by the City, AND;

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

WHEREAS, the Stormwater Board desires to maintain a Storm Water Management Fund for the collection and payment of revenues and expenditures as it deems necessary to provide for the construction, maintenance, operations and repair of the storm water drainage system in the City.

NOW THEREFORE BE IT ORDAINED BY THE STORMWATER BOARD OF THE CITY OF TAKOMA PARK

SECTION 1. THAT for the 1992-93 fiscal year, an ad valorem tax of 6 cents per \$100.00 on assessed property valuation in the City is hereby established to be used for stormwater management activities.

SECTION 2. THAT a Stormwater Management Fund as previously established by Ordinance No. 1990-25 shall be maintained into which shall be deposited:

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

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

SECTION 3. THAT from and out of the monies known to be received from the 6 cent ad valorem tax established by Section 1 of this Ordinance and levied by the FY 93 Tax Rate Ordinance (Ordinance No. 1992-18), and from all monies to come into all funds during the twelve (12) month period ending June 30, 1993, there shall be, and hereby are appropriated Storm Water Management Fund revenues of TWO HUNDRED ELEVEN THOUSAND, TWO HUNDRED AND SIXTY SIX DOLLARS (\$211,266) as follows:

Local Taxes	\$164,266
Stormwater Permit fees	2,000
Appropriated Surplus	<u>45,000</u>
TOTAL	\$211,266

SECTION 4. THAT the City Administrator is hereby authorized to transfer funds to the FY 1993 stormwater budget from the prior year surplus and/or unappropriated reserve in the amount of \$45,000.

SECTION 5. THAT there shall be, and hereby are appropriated the following sums for use for the support of storm water management activities during the 1992-93 Fiscal Year:

Storm Water Management Expenditures	\$211,266
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SECTION 6. THAT stormwater management projects that are declared to be emergencies as defined by the City Council in accordance with the City Charter, may be funded through the Emergency Reserve.

SECTION [6] 7. THAT the approved FY 93 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

SECTION [7] 8. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION [8] 9. THAT this Ordinance shall become effective July 1, 1992.

Page Three

STORM WATER MANAGEMENT BUDGET ORDINANCE

Adopted this _____ day of June, 1992 by Roll Call Vote of the
Stormwater Board for the City of Takoma Park:

AYES:
NAYS:
ABSTAIN:
ABSENT:

d#O/R3
0-93STRM

Introduced by:
Councilmember Johnson

First Reading: 5/11/92
Second Reading: 5/26/92

Effective Date: 7/1/92

ORDINANCE NO. 1992-16

Admissions and Amusement Tax

WHEREAS, by Resolution No. 2, adopted June 12, 1972 the City of Takoma Park levied a 4½% admissions and amusement tax; and

WHEREAS, The General Assembly of Maryland has recodified former Sections 402 to 411 of Article 81 of the Annotated Code of Maryland, the authority under which the City of Takoma Park's admissions and amusement tax has been levied, into the Tax-General Article of the Annotated Code of Maryland, effective January 1, 1989; and

WHEREAS, the Council of the City of Takoma Park, wishes to increase its admissions and amusement tax rate to 10% and to conform its levy of an admissions and amusements tax with the recodified statute.

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

SECTION ONE. The Takoma Park Code is amended by adding an Article 4, Admissions and Amusement Tax, to Chapter 11A, Taxation, as follows:

Chapter 11-A. Taxation.

Article 4. Admissions and Amusement Tax.

Sec. 11A-7. Definitions.

The term "admission and amusement charge", unless expressly provided otherwise, means a charge for:

A. admission to a place, including any additional separate charge for admission within an enclosure;

B. use of a game of entertainment;

C. use of a recreational or sports facility;

D. use or rental of recreational or sports equipment; and

E. merchandise, refreshments, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music or other entertainment is provided.

Sec. 11A-8. Admissions and Amusement Tax Levy.

F. There is hereby levied a tax at the rate of 10% of gross receipts derived from any admission and amusement charge in the City of Takoma Park.

G. If gross receipts subject to the admissions and amusement tax are also subject to the State of Maryland sales and use tax, the total combined admissions and amusement tax and sales and use tax shall not exceed 10% of the gross receipts.

H. The admissions and amusements tax levied by this Article shall be collected by the Comptroller of the State of Maryland.

Sec. 11A-9. Additional Tax for Reduced Charge or Free Admissions.

I. There is hereby levied an admission and amusement tax on a reduced charge or free admission at the following rates:

1. 5 cents, if the charge for any other admission is 50 cents or less;
2. 10 cents, if the charge for any other admission is more than 50 cents, but does not exceed \$1.00; and
3. 15 cents, if the charge for any other admission is more than \$1.00.

J. The additional tax levied by this section shall be collected by the Comptroller of the State of Maryland.

Sec. 11A-10. Exemptions.

No admissions and amusement tax shall be levied or collected on gross receipts: derived from any charge for merchandise, refreshments, or a service sold or served at a place wherea) dancing is prohibited and the only entertainment provided is mechanical music, radio, or television;

(b) derived from any charge for admission to:
a live boxing or wrestling match; or a concert or theatrical event presented or offered by a non-profit group that is organized and operated to present or offer an annual series of scheduled musical concerts or is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

K. derived from any charge for admission to or use of:

1. a facility or equipment in connection with a bingo game that is operated in accordance with Article 27, §260 of the Annotated Code of Maryland;

2. a bowling alley or lane; or

3. a charter fishing boat;

L. derived from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for:

1. a charitable, educational, or religious purpose;

2. a volunteer fire company or nonprofit rescue squad;

3. a fraternal, service, or veterans' organization chartered by a grant of Congress; or

4. the improvement, maintenance, or operation of an agricultural fair, if no net earnings inure to the benefit of any stockholder or member of the association that conducts the fair.

M. derived any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for community or civic improvement by a non-profit community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association.

N. derived from any charge for admission to a concert or theatrical event of a non-profit organization that is organized to present or offer any of the performing arts.

SECTION TWO. Effective Date and Notification.

This Ordinance shall be effective on July 1, 1992. The City Clerk is directed to advise the Comptroller of the State of Maryland of the passage of this Ordinance.

ADOPTED THE 26th DAY OF May, 1992 BY ROLL
CALL VOTE AS FOLLOWS:

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

NAY: None

ABSTAINED: None

ABSENT: (for Vote: Hamilton)