

Public Hearing on Newsletter Guidelines
and Regular Council Meeting
Monday, June 8, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Johnson	Personnel Officer Hobbs
Councilmember Hamilton	Corporation Counsel Silber
Councilmember Leary	Public Works Dir. Knauf
Councilmember Porter	DHCD Director Grimmer
Councilmember Prensky	Community Planner Schwartz

The City Council convened on Monday, June 8, 1992, at 8:00 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR/COUNCIL COMMENTS

Mr. Sharp congratulated the Takoma Park Police Department on the successful health fair that was held June 7th at the Takoma-Langley Center. Mr. Sharp said the fair which was organized in part by Officer Steve Pacheco who works closely with the hispanic community in Takoma Park, the range of activities which were available, i.e., health care advice, and the organizations who took part in this event (Washington Adventist Hospital, Lions Club, and various Prince George's and Montgomery County agencies) helped to make it a success.

Mr. Sharp noted that a Takoma Park City car had been converted to compressed natural gas--a much less polluting type of automobile. The Council had budgeted for this next fiscal year but the Public Work's Department was able to accomplish it this year.

Mr. Johnson noted that the Takoma-Langley Crossroads Development Authority (CDA) also played an active role in the health fair. He noted that the CDA, through the efforts of Erwin Mack, Jeff Zellmer, and a number of other people contributed to the success of the fair.

Mr. Johnson reported that the State of Maryland had posted two large signs on New Hampshire, noting the location of Glenside, Drive, which tends to invite drivers to use Glenside Drive as a short cut to get to Carroll Avenue or University Boulevard. Mr. Johnson said this was one further example of the State Highway Administration deciding on what they thought was best for the City. He said he hoped this decision would not cause further accidents or injuries to take place on Glenside Avenue as a result of the increased traffic volume.

Ms. Porter announced that on June 14th the South Of Sligo Citizens Association would be holding their annual ice cream social. She invited all citizens to attend and noted that any items citizens wished to contribute for a white elephant sale would be welcome.

Mr. Hamilton noted that on June 7th, there was a reception held at City Hall for Takoma Park resident Dominique Dawes who is successfully on her way to Baltimore for the Olympic tryouts in the field of gymnastics.

ADOPTION OF MINUTES 4/27/92; 5/4/92, 5/11/92 and 5/26/92

Moved by Mr. Prensky; seconded by Mr. Hamilton. Mr. Sharp noted a few misspelled words that he would pass onto the City Clerk. The Minutes were adopted without objection.

ADDITIONAL AGENDA ITEM

Ms. Habada noted an additional agenda item--first reading of an Ordinance to make a technical correction to the Stormwater Management Ordinance #1992-13, adopted on 5/11/92.

CITIZENS COMMENTS (On Items not on Council's Agenda)

Barbara Beelar, 7102 Maple Avenue commented on the Earth Summit and said that the U.S. government decided not to support a number of activities that were important for the health of planet Earth. She noted a few events taking place in protest of the U.S. government's decision and said that Takoma Park residents could support a week long fast and vigil by students at Jackson Place in Lafayette Square. Ms. Beelar also said that persons concerned about the President's refusal to sign the Bio-diversity treaty could call the White House or send a telegram to express their feelings on that issue.

Ms. Beelar expressed appreciation to the Takoma Park Police Department for their quick response in apprehending some juveniles allegedly responsible for a rash of burglaries in the Old Town area. Ms. Beelar noted that when the calls were made to the police department, the dispatcher had difficulties hearing the caller, and said that if the police dispatcher needed more adequate phone equipment, i.e., the headphones instead of the hand held phone, she hoped that this could be remedied this budget year.

AGENDA

1. Public Hearing - Revised Newsletter Guidelines. Motion to convene the public hearing was moved by Mr. Johnson and seconded by Mr. Hamilton. Mr. Sharp said the latest set of Newsletter Guidelines had been revised over the past couple of months and had also been published in the May Newsletter. Mr. Sharp opened the floor for citizens to comment on the Newsletter Guidelines.

There being no citizens present to comment on the Guidelines, Mr. Sharp closed the public hearing at 8:15 p.m.

2. Resolution Adopting Newsletter Guidelines

The Resolution was moved by Mr. Leary and seconded by Mr. Hamilton.

Mr. Prensky noted one of the significant changes in the Guidelines was that there would be no special opportunity for Councilmembers or elected officials to have access to the Newsletter over and above what every City resident would have. Mr. Leary moved to delete the reference to the prior access reserved for elected officials in the 2nd whereas clause of the Resolution. Mr. Hamilton seconded the motion and it was unanimously passed.

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

In response to Mr. Johnson's question regarding the status of hiring a Newsletter Editor, Ms. Habada reported that Personnel Officer Hobbs was meeting with the Newsletter Editor Selection Committee on June 10th to review the applications and begin work towards the selection of an Editor.

3. Fiscal Year 1993 Budget Ordinances

Mr. Sharp noted that the Council had before them five Ordinances regarding the Fiscal Year 1993 City Budget.

A videotape of a budget presentation with graphics that was prepared by Robert Smith and the City Administrator for broadcasting to viewers of Cable television was then shown.

Mr. Sharp emphasized that the infrastructure discussion regarding the bond issuance had not been decided and said that the issue of whether it was to be funded or not would be decided by the Council at a later date.

Adoption of Budget Ordinances

(a) 2nd Reading of FY'93 Stormwater Budget

Mr. Hamilton moved to convene simultaneously as the Stormwater Management Board; Mr. Elrich seconded the motion. Mr. Hamilton moved adoption of the Ordinance; Ms. Porter seconded.

Mr. Prensky moved an amendment at second reading; a provision that stormwater projects that may be declared emergencies can be funded out of the City's emergency reserves. The amendment was seconded by Mr. Hamilton and carried unanimously.

Council Action: The Ordinance, as amended, was adopted unanimously at second reading.

ORDINANCE #1992-23
(Attached)

Without objection, the Stormwater Management Board adjourned and the Council remained convened as the City Council.

(b) 2nd Reading of FY'93 City Budget. Adoption was moved by Mr. Elrich, seconded by Mr. Hamilton.

Ms. Habada noted an amendment to Section 6 (Special Revenue Fund) of the Ordinance, increasing the total Special Revenue Fund amount by \$3,000 or \$771,464. In addition a conforming amendment was made in Section 9, providing that stormwater management projects declared emergencies could be drawn on emergency reserves and renumbering the remaining sections. Ms. Porter moved the amendments; seconded by Mr. Hamilton and carried unanimously.

Council Comments

Mr. Leary commented on the additional \$40,000 in rebates received from Prince George's County and said that the City recently learned it would receive these additional monies for services provided by the City. Mr. Leary said that Staff had presented the Council with three options on how to deal with the additional money. He said he did not favor Option 1 which was to add the funds to the Prince George's County tax credit for fire service. Mr. Leary said Option 2 was to reduce the City's general tax rate for all Takoma Park residents and Option 3 was to add the additional money to any number of the City's budget lines and include it as revenue available to be spent. Mr. Leary expressed his opposition to Option 1, but said he would favor reducing the tax rate by an additional one cent which was about \$27,000 and add the additional \$13,000 to the unappropriated reserves.

Mr. Sharp said that he did not favor the idea of only returning funds to the Prince George's residents of Takoma Park. He said last year the property tax relief that Prince George's City residents received from P. G. County for fire service was 25 cents per \$100 assessed valuation; this year the property tax relief they would receive was 18 cents. Mr. Sharp said that taxes will not actually be reduced for Takoma Park residents on the P.G. side because the City would be taxing them 25 cents. He said there was a difference between what people in P.G. County unincorporated and P.G. County-Takoma Park would be charged for fire service this year.

Ms. Porter said she agreed the money should not be used solely to reduce taxes on the P.G. county side. She said it would be a bad precedent and detrimental to Takoma Park residents living on the P.G. County side to set a precedent that money coming from a County had to be used essentially as relief for people in that County. Ms. Porter said residents on her side of the City would not benefit from such a policy since they were less wealthy than those on the Montgomery County side and there was less coming in from their property taxes. Ms. Porter said she would support having the additional money put into general revenues because there were still discussions whether to issue bonds to do infrastructure improvements. She said putting the money into the general fund would mean having the money available for debt service for a bond issue on street improvements. Ms. Porter said that if Mr. Leary proposed to reduce the tax rate, she would propose offering an

alternative to put the money into increasing the property tax offset for low income property owners.

Mr. Hamilton said he supported putting the money into the reserves until the decision was made on whether to issue a bond issue for infrastructure and improvements to the Municipal Gym. He said if this was not the Council's desire, he then would support Ms. Porter's second position.

Mr. Sharp moved to place the additional funds into unappropriated reserves; the motion was seconded by Mr. Hamilton and the amendment to change the amount of revenue from other agencies to show the increase in the Budget Ordinance carried unanimously.

Citizen Comments

Montez Boatman, 133 Ritchie Avenue questioned what accounted for the increase to \$28,364 in Line Item 6300, regarding Transportation for the Recreation Department.

Ms. Habada responded that the City was counting the revenues that participants paid for bus trips. She said this was being increased because last fiscal year the City ran the funding through an exchange account recognizing the participant's revenues. She said this year the City was budgeting for the money the City actually received from residents who paid for bus fare and which was also subsidized by the City.

Mrs. Boatman referenced Special Revenue Funds, Line Item 6907 and 6908 and questioned when the City anticipated starting on the Heffner Park project.

Ms. Habada replied that the money would probably become available to the City in September, 1992. She noted that once the money was received, the City would have a contract authorizing expending the money.

Mrs. Boatman asked about transitional housing (line item 6908) and asked what was the proposed population to be served by the transitional housing.

Ms. Habada said that transitional housing was being looked into for two types of groups: those facing evictions and possibly homeless persons (the working poor or those not working at all). Ms. Habada said there were some non-profit groups looking to buy buildings in Montgomery County to put single room occupancy facilities and make them available for these groups.

Ms. Habada noted that there were not yet guidelines established for the proposed transitional housing; however a resolution previously discussed by Council proposed to formulate an affordable housing committee to assist DHCD in developing an affordable housing plan and she invited Ms. Boatman's input on the proposal.

Kay Dellinger, Hampshire Towers commented on the decision to eliminate the City's Cable Coordinator position and to turn the operation of the cable television station operations over to Takoma Park Community Television, Inc. (TPCT). Ms. Dellinger said that most residents had no idea this was being planned. She noted problems she had in getting TPCT to tape a Peace Concert and said the City needed to maintain complete control of the station and the \$250,000 worth of television equipment. Ms. Dellinger said the station needed a full time employee who had the education, training and knowledge to run it and that Robert Smith had these requirements.

Council Comments

Mr. Leary corrected Ms. Dellinger and said this issue was discussed at length not only in public hearings that were advertised in the Newsletter, but at Council worksessions. He said a number of people who were involved in the Cable station since its inception

spoke in favor of the general approach the Council was taking regarding Cable television. He said the issue was advertised on the agenda for the public hearings and discussed at citizens meetings held on the FY'93 budget. Mr. Leary said the Council debated the subject in great length in the televised Council sessions and the notion that no one knew what was going on was not true.

Mr. Johnson pointed out that the plan the Council was planning to adopt was announced in his February Ward 6 Newsletter; and at the Ward 6 town meeting held a few months ago, and the comments expressed at that town meeting that was attended by at least 60 people, supported the action the Council was taking.

Mr. Prensky said that the Council in their endless review of the potential relationship with TPCT, Inc. had gone through the contract both with and without a lot of input from citizens and there had not been a great deal of participation in that process. Mr. Prensky clarified that there was no proposal by TPCT to charge \$425 for taping council meetings. He said the Council would be receiving a detailed budget from TPCT. Mr. Prensky questioned what would happen if there was no contract between the City and TPCT in place by July 1st when Mr. Smith would leave City employment.

Council Action: The Budget Ordinance, as amended, was unanimously adopted on second reading.

ORDINANCE #1992-19
(Attached)

(c) 2nd Reading FY'93 City Budget Property Tax Rate
Moved by Mr. Hamilton; seconded by Ms. Porter.

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

ORDINANCE #1992-18
(Attached)

(d) 2nd Reading FY'93 Employee Pay Plan
Moved by Mr. Elrich; seconded by Mr. Hamilton.

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

ORDINANCE #1992-20
(Attached)

(e) Executive Pay Plan. Moved by Mr. Hamilton; seconded by Mr. Prensky.

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

ORDINANCE #1992-22
(Attached)

3. Resolution Re. Special Exception 4057 - Application for Adult Day Care Center at 6500 Poplar Avenue

Ms. Habada explained that the memo from Staff recommended approval with conditions and she noted the presence of the applicant, Dr. Pauline Washington and the City's Community Planner Lisa Schwartz, who would present the latest site plan.

Ms. Schwartz distributed the updated site plan to the Council and said that she had followed up with the Fire Department regarding the issue of response times. She said that all response times were within County standards. Ms. Schwartz said the revised site plan

showed the parking schedule and additional parking behind the adult day care center, some of which would be assigned to the adult day care center and some to the still unoccupied portion of the former school. Ms. Schwartz said in looking over the site plan, there were still some technical questions to be resolved with County staff but the plan would not go forward until those issues were addressed.

Ms. Schwartz said her current recommendation was still to recommend approval based on the conditions outlined in the Resolution: that all zoning requirements and requirements of the Park and Planning staff be satisfied before the plan was approved. She said based on her discussions with County staff, those conditions could be satisfied and worked out between the architect and County staff.

Mr. Prensky noted that the application was discussed at length during the Council's Worksession. He explained that the proposal was to have an adult day care center for adults over 55 years of age and for up to 50 participants. He said after a lot of interaction with Council, Planning Staff and the community, Dr. Washington had responded to everyone's concerns and questions. He said he was impressed with her plans as this was a much needed facility for seniors in Takoma Park and adjoining areas and it would be a real benefit to the City and residents of Takoma Park.

Mr. Prensky moved passage of the Resolution; seconded by Mr. Johnson.

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

RESOLUTION #1992-37
(Attached)

4. Resolution Establishing Task Force On Family Diversity
Moved by Mr. Johnson; seconded by Mr. Prensky.

Mr. Sharp proposed an amendment to the sixth Whereas clause to rephrase the language that human rights authority was currently handled by the Counties and not an authority that the City delegated to the Counties; Ms. Porter suggested alternate language to Mr. Sharp's amendment and the amendments carried.

Mr. Johnson pointed out that, as the Task Force implemented its work, it would doubtless become the subject of a good deal of media attention. He said it was his understanding that the Task Force would not be making recommendations for legalizing marriage between people who would not otherwise be entitled to be married under Maryland statute. He also said the Task Force's job was limited not only to gays and lesbians but would include persons who lived together in non traditional family settings (i.e., unmarried and interracial couples) who experienced discrimination in terms of their family status. Mr. Johnson said he hoped the Task Force would be sensitive to these issues.

Mr. Elrich suggested an amendment to the third Whereas clause to read, "...many citizens, and non traditional families, and in particular, gays and lesbians...." The amendment was seconded by Ms. Porter.

Mr. Prensky pointed out that while he was sympathetic to the issues raised by Mr. Johnson and Mr. Elrich, any legislation the Council considered from the Task Force would be in the best interest of the entire range of families by everybody's definition. He said that all of the work that had gone into the idea of a task force on family diversity came largely from the Takoma Park lesbian and gay community. He said it was very important to note that those who did not have the option of simply getting married under the law as

it currently stood, had been the ones who put in the work to bring this issue to the Council's attention.

The amendment carried.

Ms. Porter moved to suggest the date of January 15, 1993 for the Task force to report back to the Council. The amendment was seconded and carried unanimously.

Citizen Comments

George Leventhal, 8200 Flower Avenue said he approved of the Council's decision to form Task Force on Family Diversity. He said Takoma Park was a community that attracted many different kinds of people and lifestyles and it was appropriate that the Council would recognize this community, their interests and how their needs could be accommodated.

Ray Ballard, 7403 Hancock Avenue said she was a proud lesbian, a very proud parent of two adult children and a proud resident of Takoma Park to be able to hear of the City Council speaking about positive and healthy ways to help the gay and lesbian community.

Mark Stahr, 29 Hickory Avenue said he was pleased the Council was considering the Resolution. He related a few incidents of discrimination that he had experienced and said that there were many non traditional families in the community who experienced similar incidents. He said he hoped the Task Force could try and turn other people's thinking around and help improve the life for citizens in Takoma Park.

Mr. Johnson said it would be a real challenge to the Council to recruit people from a variety of backgrounds to serve on the Task force and he hoped the Task Force would be as inclusive as possible and would involve individuals from the business community and other areas.

Mr. Hamilton added that the Community Cable group had ben running the announcement seeking members to serve on the Task Force and would continue to do so.

Ms. Porter said that she agreed that the Council needed to be sensitive about the politics of this issue and the concern about creating bad press for the City, but she said that some of the negative publicity the City had gotten recently was on topics that were trivial and silly. Ms. Porter said getting some discussion in the media about something the Council was proposing that was of great significance would be much more important than just the concern just about the publicity.

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

ORDINANCE #1992-18
(Attached)

5. Resolution Regarding Independence Day Celebration.

Moved by Mr. Hamilton; seconded by Mr. Elrich. Mr. Sharp explained the Resolution was discussed in Worksession on June 1st. He said the Resolution was to set out and recognize the relationship between Takoma Park and the Takoma Park Independence Day Committee so that the celebration would continue to operate under the City's liability insurance umbrella.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-39
(Attached)

6. 1st Reading of Procurement Exemption Ordinance

Moved by Mr. Leary; seconded by Mr. Johnson.

Corporation Counsel Silber explained said that the Ordinance would remove the requirement for a bid for the services for cable television. Ms. Silber said that under the City's procurement law, any contract of a certain amount had to go through the competitive bidding process. She said if the Ordinance was passed, the specific contract delegating out the operation of the City's cable channel to the group of people who performed the volunteer work for this would not have to be competitively bid.

Mr. Prensky said that the final Whereas clause did not speak to Takoma Park Community Television's pursuit of a not for profit, 501(c)(4) tax exempt corporation.

Ms. Silber said this was a policy question; not a legal one. She said that this could be done now prior to any exemption or it could be done as part of the contract as a requirement that TPCT proceed with the attempt for tax exemption status.

Following discussion by the Council on this issue, Corporation Counsel was asked to recommend language regarding whether TPCT's should provide proof of their filling of an application for tax exempt status. The Council decided to discuss this recommendation in Worksession on 6/15.

Mr. Elrich said he continued to oppose this proposed solution to the cable situation and while he had no objection to increasing the community group's control over the community side of the channel, it was his preference that the City maintain more formal authority and control over the cable station and that the City pursue maintaining a part time employee to oversee the municipal side and general operations of the station. He said he was not comfortable that TPCT had the experience to run all aspects of the station and the capacity to do everything currently being done by the municipal side. He said he was not comfortable that the Council found this group to be the best qualified without looking for any other group who might want to bid for the operation of a municipal channel.

Citizens Comments

George Taylor, 5 Columbia Avenue said that TPCT would not be precluded from taking over the cable station by opening up the procurement process to competitive bidding. He said he understood that Montgomery Cable might be interested in placing a bid for this because they were interested in "beefing up" their southern Montgomery County operations. He said in the interest of fairness it should be opened up to competitive bidding. Mr. Taylor affirmed his vote of confidence in Robert Smith who he said built up the cable operation almost single handedly during the past six years, and because of his dedication to the work, a competent and creative job was done.

Naomi Turner, 7667 Maple Avenue said she hoped the Council would think twice before making a decision on this issue.

Kay Dellinger, Hampshire Towers said she agreed with Mr. Elrich that the station should not be turned over to TPCT. She said a full time employee was needed; not a part time employee. She said contrary to the Council's response to her earlier comments, people she talked to in the community had no idea this was happening. Ms. Dellinger said the issue should be opened up to a wider public process and that no Councilmember or City Staff person should be involved with running the cable operations.

Council Action: The Ordinance, as amended, passed by a 5 to 2 vote at first reading. (Mr. Sharp and Mr. Elrich: nay)

ORDINANCE #1992-25
(Attached)

7. Resolution Appointing Members to the PY 19 CDBG Citizens Advisory Committee. Moved by Elrich; seconded by Mr. Hamilton.

Mr. Prensky noted a minor correction in the first Resolved clause, to strike the words "Mayor and".

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

RESOLUTION #1992-40
(Attached)

8. Resolution Authorizing Reprogramming of Program Year 16 CDBG Monies. Moved by Hamilton; seconded by Ms. Porter.

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

RESOLUTION #1992-41
(Attached)

9. 1st Reading Ordinance for Minor Revisions to Article 7
Moved by Ms. Porter; seconded by Mr. Prensky. Mr. Sharp said that as a result of the efforts that were made in revising Article 7, there were a number of technical mistakes and unclarities that this Ordinance would provide clarification for.

Council Action: The Ordinance passed unanimously at first reading (Mr. Hamilton absent for vote)

ORDINANCE #1992-26
(Attached)

10. Additional Agenda Item - Technical Correction to Stormwater Management Ordinance. Moved by Ms. Porter; seconded by Mr. Johnson. Mr. Sharp explained that the Ordinance was to make a technical correction to the Stormwater Management Ordinance which was adopted on May 11, 1992. He said a typographical error in Ordinance #1992-13, set forth the waiver fee as five cents per square foot of impervious area instead of fifty cents per square foot.

ORDINANCE #1992-27
(Attached)

The Council adjourned at 10:19 p.m. to reconvene in Regular Session on June 22, 1992.

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

RESOLUTION #1992-36

ADOPTING THE MAY 1992 EDITORIAL POLICY AND MISSION STATEMENT
FOR THE TAKOMA PARK NEWSLETTER

WHEREAS, in July 1983, the City Council adopted an Editorial Policy for the Takoma Park Newsletter, which was amended May 1990; AND

WHEREAS, this Policy sets forth policies governing the operation of the City's Newsletter; AND

WHEREAS, in November 1991, the City's Newsletter Review Committee submitted to the Council a report of their findings about the operation of the Newsletter and a proposal for revising the Newsletter Guidelines and Mission Statement; AND

WHEREAS, since November 1991, the City Council has held a number of public meetings and has met in worksessions to review and suggest revisions to the Committee's recommended Guidelines and Mission Statement; AND

WHEREAS, the recommended final version of the Guidelines and Mission Statement incorporates suggestions from citizens, employees, and the City Council, and was published in two issues of the Newsletter.

NOW THEREFORE, BE IT HEREBY RESOLVED, THAT the Editorial Policy and Mission Statement for the Takoma Park Newsletter, dated May 1992 are hereby adopted; AND

BE IT FURTHER RESOLVED, THAT the Editorial Policy and Mission Statement are incorporated by reference and made a part of this Resolution; AND

BE IT FURTHER RESOLVED, THAT the Editorial Policy and Mission Statement become effective immediately upon passage of this Resolution.

Dated this 8th day of June, 1992.

Mission Statement for the *Takoma Park Newsletter*

(Adopted by Council Resolution #1992-36 on
June 8, 1992)

The **mission** of the *Takoma Park Newsletter* is to inform the residents of the City about the activities of their local government, community and neighbors.

The *Newsletter's goal* is to enable and encourage residents to participate in their City's government and community life. In order to achieve this goal, the *Newsletter* will:

1. Inform residents about the activities of the City Council, Mayor, City Administration, City departments, City-appointed committees, community organizations, and residents;
2. Provide factual, accurate information about the City's policies and programs and other issues of concern to residents;
3. Provide an open forum for the discussion of City affairs;
4. Publish official notices of legislation, referenda, hearings, elections, appointments, committees, position vacancies, and other City business;
5. Inform residents about services provided by the City, and about events sponsored by the City and community organizations;
6. Abide by the *Newsletter* Editorial Guidelines adopted by the City.

Mission Statement for the *Takoma Park Newsletter*

(Adopted by Council Resolution #1992-36 on
June 8, 1992)

The **mission** of the *Takoma Park Newsletter* is to inform the residents of the City about the activities of their local government, community and neighbors.

The *Newsletter's goal* is to enable and encourage residents to participate in their City's government and community life. In order to achieve this goal, the *Newsletter* will:

1. Inform residents about the activities of the City Council, Mayor, City Administration, City departments, City-appointed committees, community organizations, and residents;
2. Provide factual, accurate information about the City's policies and programs and other issues of concern to residents;
3. Provide an open forum for the discussion of City affairs;
4. Publish official notices of legislation, referenda, hearings, elections, appointments, committees, position vacancies, and other City business;
5. Inform residents about services provided by the City, and about events sponsored by the City and community organizations;
6. Abide by the *Newsletter* Editorial Guidelines adopted by the City.

Editorial Guidelines, Takoma Park Newsletter

Adopted by Council Resolution #1992-36

On June 8, 1992

Section 1: Rights and Responsibilities of Authors

- a. City residents, Council members, the Mayor, department officials, and community organizations have the right to submit material to be considered for publication in the *Newsletter*. Material can be letters to the Editor, guest opinion pieces, articles, news reports, announcements, and other items as requested by the Editor.
- b. Authors have the responsibility to submit their material in accordance with these guidelines:
 - Submit material by the editorial deadline, either typewritten or on computer floppy disk.
 - Clearly indicate for which section of the *Newsletter* the material is intended (for example, letters to the Editor or calendar).
 - Refrain from including material that is racist, sexist, libelous, obscene, incoherent, untrue or inaccurate.
 - Abide by the word count limits and other requirements specified in the appropriate sections below.
 - Include name, address, and telephone numbers of author.
- c. Authors are also responsible for editing, cutting or correcting their materials if requested by the Editor in order to conform to these guidelines or meet production requirements.

Section 2: Rights and Responsibilities of the Editor

- a. The Editor has the right to reject material that does not meet these guidelines. If material is rejected, the Editor has the responsibility to inform the author.
- b. The Editor has the right to edit material for grammar and length, so long as the author's content, meaning and intent are not changed.

Regarding letters or opinion pieces: If these items are edited, the Editor has the responsibility to inform the authors before publishing them. If the author of a letter or opinion piece is dissatisfied with the edited version and cannot agree to a revision with the Editor, the author has the right to withdraw it from publication.

- c. If the Editor is unable to contact an author, or if an author refuses to meet the guidelines, then the Editor has the right either to edit the material as he/she sees fit, or to not publish the material.
- d. The Editor has the responsibility to ensure that fair, accurate, and objective coverage is given on all issues of concern to residents of Takoma Park; that the City's official notices are published in a proper format; and that news regarding legislation, council and mayoral activities, and other City business is adequately covered.
- e. The Editor has the right to periodic performance reviews as outlined in Section 10 below.

Section 3: Letters to the Editor

- a. Letters may be limited in length so that equal access is ensured to all residents, and so that as many letters and articles as possible can be published in the *Newsletter*.
- b. No more than one letter per individual or group can be published in any single edition of the *Newsletter*.
- c. The author's name and ward designation will appear in the *Newsletter*. If the author does not want his/her ward published, then the author must state so.

Section 4: City News and Official Notices

- a. Official public notices and announcements will be published as directed by the City Administrator.
- b. Reports of those activities of the City Council and departments that have broad interest will be published in a timely, accurate and objective manner.

Section 5: Advertisements

- a. Commercial, classified or political advertisements will not be published in the *Newsletter*. The Department of Housing and Community Development may put in the *Newsletter* on a one-time basis, a notice about a new City business.
- b. Non-commercial advertisements of public and community events sponsored by Takoma Park businesses or community organizations may be published as space permits. In addition, these events may be listed in the calendar section of the *Newsletter*. Advertisers will ensure that the names of business sponsors are discreet in appearance so as not to be misinterpreted as commercial advertisements for the businesses.

Section 6: Political Endorsements and Election Coverage

- a. Political endorsements will not be published in the *Newsletter*. Election coverage will be limited to City Elections.
- b. Coverage of City elections is limited to:
 - the results of the City Nominating Caucus;
 - a listing of all candidates and issues on an election ballot;
 - the municipal election results; and
 - a section containing brief statements from all candidates (guidelines for these statements are in section 6:c).
- c. As an effort to inform registered voters and encourage them to vote in City elections, the *Newsletter* that precedes a City election may contain a section of brief statements from all the candidates. This section is intended as a service to voters and not as an endorsement of any candidates. The guidelines for this section are:

- Statements of up to 150 words in length are allowed from each candidate.
 - Small photographs of candidates are allowed, and all must be of equal size.
 - In order to avoid preferential placement, the statements will be listed in alphabetical order for each ward, with the mayoral candidates appearing first, followed by Ward 1, Ward 2, and so forth.
 - A disclaimer will be published with this section that states the following intent: "The following statements from candidates are provided as a service to voters in the upcoming City election. No endorsement of any candidate is intended. Each candidate was asked to submit a statement of up to 150 words, which is reprinted here as submitted. Every effort has been made by the *Newsletter* to provide equal access to all the candidates."
- d. Regarding issues and referenda on a ballot, the *Newsletter* will give equal access to pro and con discussions to referenda.
 - e. Coverage of elections *outside* Takoma Park is limited to:
 - announcements of election debates and forums; and
 - listing of candidates in elections for which Takoma Park residents are eligible to vote

Section 7: Access for City Departments

- a. As an effort to inform residents about the activities and programs of the City, all City departments will have access to the *Newsletter*.
- b. Reports from City departments may be edited for clarity and conciseness. The publishing schedule will provide enough lead time to allow departments to review edited reports for accuracy.
- c. Events sponsored by City departments also may be listed in the calendar section of the *Newsletter*.

Section 8: Access for Civic and Community Organizations

- a. In an effort to inform residents about the activities of civic and community organizations in Takoma Park, these organizations will have access to the *Newsletter* through a regular column clearly labeled as news from organizations. The content of these reports is limited to events and official actions. The author's name and affiliation with the organization will be published.
- b. Events sponsored by these organizations also may be listed in the calendar section of the *Newsletter*.
- c. Expressions of controversial or political opinion will be treated as either letters to the Editor or guest opinion pieces, and must follow those guidelines. They will be published at the Editor's discretion.

Section 9: Guest Opinion Pieces and Coverage of Controversial Issues

- a. Guest opinion pieces are defined as material that is clearly the opinion of the author. They may be unsolicited or submitted at the request of the Editor. They must be clearly labeled "opinion" and must identify the author. All such pieces will be published at the discretion of the Editor.
- b. Controversial issues of interest to residents will be handled in a balanced, objective manner. The Editor will ensure that equal access is given to all sides by presenting pro and con discussions of controversial issues in the same issue whenever possible.

Section 10: Oversight and Chain of Authority

- a. The City Administrator is the direct supervisor of the Editor and is responsible for monitoring each issue of the *Newsletter* for compliance with these guidelines before publication. The City Administrator shall formally review the Editor's performance three months after the Editor is hired, and at least three months prior to expiration of the Editor's contract, and then annually every twelve months.

- b. The Editor is responsible for overseeing the production of the *Newsletter* in accordance with these guidelines. The Editor is also responsible for supervising any hired individuals, contractors, volunteers, writers, artists and photographers working with the *Newsletter*.
- c. On an as needed basis, the City Council shall appoint a committee to review the *Newsletter* and these guidelines, with an opportunity for public comment.

Introduced by: Councilmember Hamilton

1st Reading: 5/26/92

2nd Reading: 6/8/92

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
-------------------------------------	-----------

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 8th day of June, 1992 by Roll Call Vote of the
Stormwater Board for the City of Takoma Park:

AYES: Sharp, Elrich, Hamilton, Johnson, Leary, Porter

NAYS: None

ABSTAIN: None

ABSENT: Prensky (absent for vote)

d#O/R3

0-93STRM

Introduced by: Councilmember Elrich

1st Reading: 5/26/92

2nd Reading: 6/8/92

ORDINANCE NO. 1992-19

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993.

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1992 and ending June 30, 1993;

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

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 1993, there shall be, and hereby are appropriated General Fund revenues of EIGHT MILLION TWO HUNDRED NINETY SIX THOUSAND SEVEN HUNDRED AND EIGHTEEN DOLLARS (\$8,296,718) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY 92 budget as follows:

Taxes-Local	\$4,669,334	
Taxes-State Shared	\$1,059,500	
License & Permits	\$ 13,800	
Revenue from other Agencies	\$[1,774,934]	<u>1,814,934</u>
Service Charges	\$ 400,399	
Fines & Forfeitures	\$ 128,000	
Miscellaneous	\$ 250,751	
	SUBTOTAL	\$[8,296,718] <u>8,336,718</u>
Prior year surplus/unappropriated reserve	\$ 515,000	
	TOTAL	\$[8,811,718] <u>8,851,718</u>

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the FY 1992 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$515,000.

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 ONE THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS (\$771,464) 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 ONE THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS \$771,464; 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 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 8th day of June, 1992, by Roll Call Vote:

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

d#O/R3
O-93BUD

Introduced by: Councilmember Hamilton

1st Reading: 5/26/92

2nd Reading: 6/8/92

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 8th day of June, 1992.

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

NAYS: None

ABSTAIN: None

ABSENT: None

O-91TXRA

Introduced by: Councilmember Elrich

First Reading: 5/26/92
Second Reading: 6/8/92
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
	12,098	12,533	13,034	13,450	13,932	14,439
	G	H	I	J	K	
	14,959	15,503	16,063	16,648	17,280	

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

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

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 8th day of June, 1992 by roll call vote as follows:

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

O-93PYP

FY - 93 PAY PLAN (3X)

		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	\$21,101.2
	Weeklv	\$298.09	\$310.76	\$323.19	\$335.31	\$347.04	\$358.32	\$369.07	\$379.22	\$388.70	\$397.45	\$405.7
	Hourlv	\$7.45	\$7.77	\$8.08	\$8.38	\$8.68	\$8.96	\$9.23	\$9.48	\$9.72	\$9.94	\$10.1
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	\$22,683.0
	Weeklv	\$320.43	\$334.05	\$347.41	\$360.44	\$373.06	\$385.18	\$396.74	\$407.65	\$417.84	\$427.24	\$436.2
	Hourlv	\$8.01	\$8.35	\$8.63	\$9.01	\$9.33	\$9.63	\$9.92	\$10.19	\$10.45	\$10.68	\$10.9
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	\$24,384.6
	Weeklv	\$344.47	\$359.11	\$373.48	\$387.48	\$401.04	\$414.08	\$426.50	\$438.23	\$449.18	\$459.29	\$468.9
	Hourlv	\$8.61	\$8.98	\$9.34	\$9.69	\$10.03	\$10.35	\$10.66	\$10.96	\$11.23	\$11.48	\$11.7
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	\$26,214.50
	Weeklv	\$370.32	\$386.06	\$401.50	\$416.56	\$431.14	\$445.15	\$458.50	\$471.11	\$482.89	\$493.76	\$504.1
	Hourlv	\$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	\$24,093.65	\$24,882.88	\$25,629.37	\$26,334.18	\$26,992.53	\$27,599.85	\$28,179.40
	Weeklv	\$398.08	\$415.00	\$431.60	\$447.78	\$463.45	\$478.52	\$492.87	\$506.43	\$519.09	\$530.77	\$541.91
	Hourlv	\$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
	Weeklv	\$427.94	\$446.12	\$463.97	\$481.37	\$498.21	\$514.41	\$529.84	\$544.41	\$558.02	\$570.57	\$582.56
	Hourlv	\$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
	Weeklv	\$460.03	\$479.59	\$498.77	\$517.47	\$535.58	\$552.99	\$569.58	\$585.24	\$599.87	\$613.37	\$626.25
	Hourlv	\$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
	Weeklv	\$494.54	\$515.56	\$536.18	\$556.29	\$575.76	\$594.47	\$612.30	\$629.14	\$644.87	\$659.38	\$673.23
	Hourlv	\$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
	Weeklv	\$531.62	\$554.22	\$576.39	\$598.00	\$618.93	\$639.05	\$658.22	\$676.32	\$693.23	\$708.82	\$723.71
	Hourlv	\$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
	Weeklv	\$571.50	\$595.78	\$619.61	\$642.85	\$665.35	\$686.97	\$707.58	\$727.04	\$745.22	\$761.99	\$777.99
	Hourlv	\$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
	Weeklv	\$614.37	\$640.48	\$666.10	\$691.08	\$715.27	\$738.52	\$760.67	\$781.59	\$801.13	\$819.15	\$836.36
	Hourlv	\$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
	Weeklv	\$660.44	\$688.51	\$716.05	\$742.91	\$768.91	\$793.90	\$817.71	\$840.20	\$861.21	\$880.58	\$899.08
	Hourlv	\$16.51	\$17.21	\$17.90	\$18.57	\$19.22	\$19.85	\$20.44	\$21.01	\$21.53	\$22.01	\$22.48

Introduced by: Councilmember Hamilton

1st Reading: 5/26/92
2nd Reading: 6/8/92
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 = 34,068 - 37,901
2nd Quartile = 37,902 - 41,734
3rd Quartile = 41,735 - 45,566
4th Quartile = 45,567 - 49,399

Executive 2: 1st Quartile = 36,624 - 40,744
2nd Quartile = 40,745 - 44,864
3rd Quartile = 44,865 - 48,984
4th Quartile = 48,985 - 53,104

Executive 3: 1st Quartile = 39,371 - 43,800
2nd Quartile = 43,801 - 48,229
3rd Quartile = 48,230 - 52,658
4th Quartile = 52,659 - 57,088

Executive 4: 1st Quartile = 42,324 - 47,085
2nd Quartile = 47,086 - 51,847
3rd Quartile = 51,848 - 56,608
4th Quartile = 56,609 - 61,369

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 8th day of June, 1992 to take effect July 1, 1992.

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter, Prensky,
NAY: None.
ABSTAINED: None.
ABSENT: None.

O-EX93PY

Introduced By: Councilmember Prensky

ADOPTED: JUNE 8, 1992

Resolution No. 1992-37

A Resolution to Approve, with Conditions, a Special Exception for an Adult Day Care Center at 6500 Poplar Avenue (SE 4057)

WHEREAS, Dr. Pauline Washington has applied to the Prince George's County Zoning Hearing Examiner for a special exception for an adult day care facility at 6500 Poplar Avenue in Takoma Park (SE #4057); AND

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

WHEREAS, the application has been reviewed by City staff, which has recommended APPROVAL, WITH CONDITIONS, of the application on the basis of analysis contained in the pertinent staff report dated May 29, 1992; AND

WHEREAS, the City Council finds that the proposed use is consistent with the City of Takoma Park Master Plan and the Adopted Master Plan for Langley Park, College Park, and Greenbelt; AND

WHEREAS, the City Council finds that the proposed use is a needed community service and would be an asset to the area; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby SUPPORTS the subject special exception, and recommends that the Zoning Hearing Examiner APPROVE the subject application, with the following CONDITIONS:

1. THAT the maximum enrollment at the proposed adult day care facility be limited to 50;
2. THAT the applicant satisfy all zoning requirements for the proposed special exception, and all conditions proposed by the staff of the Maryland-National Capital Park and Planning Commission.

BE IT FURTHER RESOLVED THAT the applicant is strongly urged to implement a vanpool for day care participants.

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

ADOPTED THIS 8TH DAY OF JUNE, 1992.

6500popl.res

Introduced By: Councilmember Johnson

Resolution # 1992 - 38

A RESOLUTION ESTABLISHING A TASK FORCE ON FAMILY DIVERSITY

WHEREAS, the 1990 U.S. Census categorizes only 26% of the 93 million households as "traditional families"; AND

WHEREAS, there has been an increasing visibility of the gay and lesbian community in the city as evidenced by a number of events including over 120 citizens who attended the "We Are Family, We Are Your Neighbors" public forum on gays and lesbians sponsored by the Takoma Foundation and the Montgomery County Commission on the Humanities on September 21, 1991, and the participation of Takoma Park Lesbians and Gays in the city's July 4th parades in 1990 and 1991; AND

WHEREAS, many citizens, and non-traditional families, and in particular gays and lesbians, have experienced discrimination based on their perceived non-family status by neighbors, employers and businesses; AND

WHEREAS, the city could review models of what other cities in this country and other countries have considered or enacted as legislation concerning family diversity issues (for example Berkeley, Santa Cruz, San Francisco, Seattle, Madison, Ithaca, Shorewood Hills, Wisc., Baltimore, Washington D.C., Boston); AND

WHEREAS, legal recognition of diverse families (for example gay or lesbian couples with or without children) and accompanying public education could reduce intolerance, bigotry, and acts of hate violence because sanctification by law serves as legal affirmation and encourages acceptance, but outlaw status fuels prejudices which can and should cease to be taught and learned in our society; AND

WHEREAS, the counties currently exercise human rights authority and the city might wish to review and/or monitor their effectiveness in exercising their obligations under applicable laws; AND

WHEREAS, an analysis is needed of the scope of the city's authority; what power the city now has to support family diversity and to provide services equally to all citizens in the areas of housing, policing, recreation, and public facilities; and, in areas in which the city does not have direct power, how it can use its influence to improve the climate in which its citizens live; AND

WHEREAS, current city legislation concerning rights and obligations of domestic partners of city employees has been enacted on a peice-meal basis and needs a comprehensive overview in order to be improved via domestic partnership legislation; AND

WHEREAS, health care in this country is available to citizens mainly on the basis of their employment and their family connection to those who are employed, so that expansion of the number of citizens having recognized family status could extend access to benefits and services necessary for the health and well being of all persons residing in or employed in the city: AND

WHEREAS, these and other areas which are affected by family diversity issues need to be examined (e.g. second parents adoptions, AIDS, financial services such as banks and credit bureaus;

NOW THEREFORE BE IT RESOLVED, that the Council authorize the creation of a Task Force on Family Diversity to explore ways in which the city can recognize and support citizen's familial rights and obligations; AND

BE IT FURTHER RESOLVED, that the Task Force membership of 11 shall represent a broad cross section of the Takoma park community, with some members from the public and private business sectors; AND

BE IT FURTHER RESOLVED that the Task Force shall present its recommendations including an estimate of implementation costs to the City Council for immediate action on or about 1/15/93 and also make recommendations for the structure of an ongoing vehicle to monitor and advance this mandate.

Dated this 8th day of June, 1992

Introduced by: Councilmember Hamilton

RESOLUTION #1992-39

RE-AFFIRMING THE CITY'S SUPPORT FOR THE ANNUAL TAKOMA PARK
INDEPENDENCE DAY CELEBRATION AND
EXPRESSING APPRECIATION TO THE INDEPENDENCE DAY COMMITTEE

WHEREAS, since 1889, the City of Takoma Park has been co-host to the annual Takoma Park Independence Day celebration, a community celebration of parade, fireworks and other events which are organized by the Takoma Park Independence Day Committee; AND

WHEREAS, the celebration benefits the Takoma Park community by providing an opportunity to participate and enjoy the days' activities and bring favorable publicity to the City; AND

WHEREAS, it is the desire of the City Council to provide various support services towards the continuing success of the July 4th celebration.

NOW THEREFORE, BE IT RESOLVED, that the City of Takoma Park will continue to provide fire, police, public works, Recreation Department, administrative and other support in connection with the annual Takoma Park Independence Day Celebration; AND

BE IT FURTHER RESOLVED, THAT the Independence Day Committee shall arrange with the fireworks company for the setting up, dismantling, storage off City premises, and transport of all fireworks explosives used in the celebration; AND

BE IT FURTHER RESOLVED, THAT the City as co-host of the annual Independence Day celebration, hereby continues to name the Committee as an insured on the "umbrella" of its liability insurance coverage, at the City's expense; AND

BE IT FURTHER RESOLVED, THAT the City Council, on behalf of the Takoma Park community and participants in the July 4th celebrations, hereby express great appreciation to the Takoma Park Independence Day Committee for their many years of dedicated service in making the City's Independence Day celebrations the huge successes that they are.

Dated this 8th day of June, 1992.

filename: JULY4TH

Introduced by:
Drafted by: Susan Silber
Corporation Counsel

1st Reading: 6/8/92
2nd Reading:
Effective Date:

ORDINANCE NO. 1992- 25

(Exemption of Cable Services from the Competitive Bidding Provisions of Chapter 9A, Purchasing, of the Takoma Park Code)

WHEREAS, the City of Takoma Park, Maryland is a co-franchisor of the Montgomery County Cable Television franchise; and

WHEREAS, a municipal channel on the Montgomery County Cable Television system has been dedicated for the use of the City of Takoma Park; and

WHEREAS, the Takoma Park municipal channel has significant potential as a communications vehicle for use by the City of Takoma Park and its residents to inform, educate, and entertain with regard to matters of public and cultural interest; and

WHEREAS, Takoma Park Community Television, Inc. ("TPCT") and its predecessor volunteer organization have provided ongoing support, management and operational services to the municipal channel, and have contributed significantly to the goal of maximizing community access to the Takoma Park municipal channel; and

WHEREAS, by Resolution No. 1991-104, the City Administrator was authorized to develop a contract between the City of Takoma Park and TPCT providing for TPCT to operate the Takoma Park municipal channel; and

WHEREAS, the Council finds that TPCT has the capability in all respects to operate the Takoma Park municipal channel, as well as the necessary experience, reliability, and capacity to assure good faith performance; and

WHEREAS, the Council finds that TPCT is the best qualified source and that it is in the interest of the City of Takoma Park to contract with TPCT for the operation of the municipal channel without going through a competitive bidding process; provided, however, that TPCT provides the City with a certification from the State of Maryland of TPCT's status as a duly-organized non-profit corporation and, provided further, that TPCT provides evidence that it has submitted a bona fide application for 501-C(4) status to the Internal Revenue Service.

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

Section 1. Exemption of Cable Services Procurement from Competitive Bidding.

The procurement of municipal cable services is hereby exempted from the provisions of Chapter 9A, Purchasing, Sections 9A-10 to 9A-14, of the Takoma Park Code, and all other provisions or regulations relating to competitive bidding. Upon receipt of both certification from the State of Maryland of TPCT's status as a duly-organized non-profit corporation and a bona fide application to the Internal Revenue Service for 501-C(4) status, the City Administrator is hereby authorized to enter into a contract with TPCT for the operation of the Takoma Park municipal channel.

Section 2. Effective Date.

This Ordinance shall be effective immediately.

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

Aye:
Nay:
Abstained:
Absent:

corr164/kw
cable2.ord

NOTE: Shaded language in this Ordinance indicates amendments proposed for second reading.

Introduced By: Councilmember Elrich

Adopted: 6/8/92

Resolution No. 1992-40

A resolution establishing a committee to review and evaluate proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1994/Program Year 19, and to recommend CDBG funding proposals and priorities to the City Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1994/PY19 to use for eligible projects; AND

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the FY 1994/PY19 Community Development Block Grant Citizens' Committee is hereby formed for the term of one (1) year of the following individuals: [Note: (P) indicates primary representative; (A) indicates alternate]

<u>NAME</u>		<u>REPRESENTING</u>
Ira Amstadter	(P)	Between-the-Creeks Citizens' Assn.
Alfred Martins	(P)	Edinburgh Tenants' Association
David White	(A)	Edinburgh Tenants' Association
Karen Mitchell	(P)	Park Ritchie Tenants Association
Mildred Morrison	(P)	Ritchie Avenue Citizens' Assn.
Cynthia Dawes	(A)	Ritchie Avenue Citizens' Assn.
Bruce Williams	(P)	S.S. Carroll Neighborhood Assn.
Monroe Stokvis	(P)	Takoma/Langley CDA
Bill Valdez	(P)	Westmoreland Area Community Org.
Charles Dukes	(P)	Takoma Old Town Business Assn.
Larry Silverman	(A)	Takoma Old Town Business Assn.

Introduced by: Councilmember Hamilton

Adopted: June 8, 1992

Resolution No. 1992-41

A resolution authorizing the City Administrator to request an amendment to the Montgomery County Community Development Block Grant (CDBG) Program Year 16 contract to reprogram \$22,000 from the Mutual Housing Association project to street improvements.

WHEREAS, the City holds a contract with Montgomery County for CDBG funds allocated under a Program Year 16 contract which includes an allocation of \$22,000 for the Mutual Housing Association project; AND

WHEREAS, the funds allocated for this project will not be expended by the contract expiration date of August 7, 1992; AND

WHEREAS, the City desires to move forward with street improvements of CDBG-eligible streets with this funding and this can be accomplished by the contract expiration date of August 7, 1992.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Administrator is authorized to send a request to Montgomery County that the CDBG funding for the Mutual Housing Association project (\$22,000) be reprogrammed to improve CDBG-eligible streets in the Montgomery County section of Takoma Park.

BE IT FURTHER RESOLVED THAT the City Administrator is directed to set aside an equivalent amount of money (\$22,000), which was previously earmarked in the City General Fund for street improvements, until such time as Council considers the Community Resource staff proposal.

BE IT FURTHER RESOLVED THAT the City Council will discuss the Community Resource position proposal at the worksession of June 15th, 1992.

Dated this 8th day of June, 1992

STANDARDS OF PARTICIPATION
FOR THE
CITIZENS' ADVISORY COMMITTEE

1. The process of citizen participation at all levels of the committee's operation shall
 - o be conducted in a free and open manner and will be accessible to the public;
 - o involve minorities, including the elderly, the handicapped and persons of low and moderate income;
 - o provide continuity of participation at all program stages;
 - o provide adequate and timely information to all members of the committee; and
 - o encourage citizens to submit their views and proposals.
2. It is understood that the City of Takoma Park, as a municipal corporation, and not the CAC, is ultimately responsible for the development of community development goals, the structuring of priorities, the documentation of proposals, the submission of funding requests to the appropriate authorities and the implementation and administration of projects which receive CDBG funding.
3. Members of the CAC are guaranteed access to all data and technical information relevant to planning decisions.
4. Representatives of organizations, groups, geographic areas, etc. are expected to make every effort to clearly express the views and opinions of those they represent.
5. All discussions and meetings will be open and informal and all information will be freely exchanged and available for public inspection.
6. The members of the CAC and the City are equally responsible for actively soliciting the participation of City residents and for informing City residents of the committee's business.
7. In their development of a comprehensive CDBG funding proposal, members of the CAC are to allow for the implementation and continuation of previously conceived community development plans and previously funded community development projects.

Introduced by: _____

1st Reading: June 8, 1992

2nd Reading: _____

Effective: _____

ORDINANCE NO. 1992 -

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

- WHEREAS Ordinance No. 1992-2, Chapter 6, Housing, Article 7, which made a comprehensive revision to Landlord-Tenant Relations, of the Takoma Park Code, was adopted by the Council on January 28, 1992; AND
- WHEREAS There exist within Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code, several errors that the City Council has determined warrant correction; AND
- WHEREAS The City Council desires to add clarifying language to the various Sections in Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code; AND
- WHEREAS The City Council desires to expand the time period in which capital improvements made to a rental facility may be included in a capital improvement petition in the event of emergency repair;
- WHEREAS The Council believes that the changes made to Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code, by this Ordinance further improve the law and its aim of promoting fair and equitable relations between landlords and tenants in the City of Takoma Park; AND
- WHEREAS For the foregoing reasons, the Council hereby adopts this Ordinance revising Chapter 6, Housing, Article 7, Landlord-Tenant Relations of the Takoma Park Code as it was enacted by Ordinance No. 1992-2; AND
- WHEREAS The Council adopts, ratifies, and incorporates by reference the purposes and policies for revising the City of Takoma Park's Landlord-Tenant Relations Law set forth in the "Whereas" clauses of Ordinance 1992-2.

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

SECTION ONE

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

ARTICLE 7

Additional revisions to Article 7, as recommended by staff:

Page references are to the January 31, 1992 version of Article 7.

1. Section 6-79(y) [page 4, middle]

(y) *Rental Unit* shall mean either a dwelling unit, including a single-family home, or a rooming unit which has as its purpose occupancy by one or more tenants. See also Sections 6-79(l) and 6-79(z) of this Article, definitions of dwelling unit and rooming unit.

2. Section 6-80(3) [page 5, bottom]:

(3) Requires written receipts for all cash, or money orders paid in person by the tenant to the landlord for rent, security deposits, and other payments. If a tenant requests a written receipt from the landlord for any payment sent by mail, the tenant shall provide a stamped, self-addressed envelope to the landlord.

3. Section 6-80.1(a)(2) [page 7, middle]:

(2) At the time the landlord offers the tenant a lease renewal for a term of one year, the offer shall be accompanied by a lease renewal form which the tenant shall sign in the event that the tenant wishes to renew the lease for an additional one-year term. If the offer to renew the lease includes an increase in rent, notice of such increase shall be in the form prescribed by the Department Regulations. If the tenant fails to sign and return the lease renewal form to the landlord, the tenant shall be considered to have declined to renew the one year lease. In this case, at the expiration of the lease, the lease term shall convert to a month-to-month tenancy.

4. Section 6-91(c)(1) [page 29, bottom]: CHANGE "Section 6-91(c)(9)" to "Section 6-91(c)(8)."

5. Section 6-91(c)(3)(G) [page 31, top]: CHANGE "shall form the base year" to "shall establish the base year"

6. Section 6-91(c)(5)(B)(ii) [page 32, middle]: CHANGE "provide evidence having" to "provide evidence showing"

7. Section 6-91(d)(7) [page 37, middle]: DELETE "a" in "according to a the amortization schedule"

8. Section 6-91(d)(11) [page 38, middle]:

(11) *Filing Dates*. A petition for a rent increase for

capital improvements may only be filed with the Commission six (months) before the capital improvements are expected to be installed in the rental facility, or within six (6) months after the capital improvements are installed in the rental facility.

(A) Capital improvements which are installed due to the need for immediate repair may be included on a capital improvement petition up to one (1) year after the installation of the improvement.

(B) Landlords who file rent increase petitions outside the time period for inclusion in a capital improvement petition may include the annual amortized amount in a hardship petition, pursuant to Section 6-91(c) of this Article.

9. Section 6-95.1(3) [page 44, top]:

(b) The Rent Stabilization Allowance and all provisions pertaining to Rent Stabilization in this Article are applicable to all rental units, except the following:

* * *

(3) Any one (1) rental unit provided that the landlord owns no more than one rental unit in the City of Takoma Park.

Introduced by:
Drafted by: Linda S. Perlman
Asst. Corporation Counsel
Draft Date: 6/8/92

1st Reading: 6/8/92
2nd Reading:
Effective Date:

ORDINANCE NO. 1992 - 27

TECHNICAL CORRECTION TO STORMWATER MANAGEMENT ORDINANCE

WHEREAS, Ordinance No. 1992-13 established stormwater management requirements and procedures and a stormwater management permit process for development occurring in the City of Takoma Park, Maryland;

WHEREAS, Ordinance 1992-13 established a waiver fee to be charged to applicants who obtain a waiver of stormwater management requirements;

WHEREAS, due to a typographical error, Ordinance 1992-13 set forth the waiver fee as five cents (\$.05) per square foot of impervious area rather than as fifty cents (\$.50) per square foot of impervious area; and

WHEREAS, the Stormwater Board and the Council wish to correct the error in the waiver fee amount in Ordinance No. 1992-13.

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

Section 1. Chapter 10C, Stormwater Management, Section 10C-12, Fees, of the Takoma Park Code is amended as follows:

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. (no change)

(b) Revision fee. (no change)

(c) Update fee. (no change)

(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 ~~\$.50~~ **\$.50** per square foot of impervious area.

(1) (no change)

(2) (no change)

(3) (no change)

Section 2. Effective Date.

This Ordinance shall be effective retroactive to May 11, 1992, the effective date of Ordinance No. 1992-13 which is being corrected by this Ordinance.

NOTE: ~~Shading~~ means language added to Chapter 10C of the Takoma Park Code, as it was enacted by Ordinance No. 1992-13.

~~Strikeout~~ means language deleted from Chapter 10C of the Takoma Park Code, as it was enacted by Ordinance No. 1992-13.

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

Aye:

Nay:

Abstained:

Absent:

corr162/kw
stormwat.ord

Public Hearing on Speed Humps
and Regular Meeting
Monday, June 22, 1992

CITY OFFICIALS PRESENT:

Mayor Pro Tem Leary	City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Johnson	Deputy Public Works Dir.
Councilmember Hamilton	DHCD Director Grimmer
Councilmember Porter	Police Chief Fisher
Councilmember Prensky	Personnel Officer Hobbs

ABSENT: Mayor Sharp

The City Council convened at 8:00 p.m. on Monday, June 22, 1992 in the Council Chambers at 7500 Maple Avenue.

Following the Pledge of Allegiance, the following announcements were made.

Mr. Leary noted that Mayor Sharp was out of town. Mr. Leary noted that the Maryland Municipal League Annual Convention was being held June 28 through July 1st and therefore the City Council would not be meeting on June 29th.

Mr. Johnson commented that the City had sent a letter to the District Engineer requesting that the two large signs posted north and south bound on New Hampshire Avenue be removed. He said the signs amounted to no more than an invitation for through traffic to use Wildwood and Glenside Drive as thru streets. Mr. Johnson said since the larger signs were not planted using permanent steel plates, he was optimistic that they were only there temporarily and would soon be replaced with smaller ones.

Mr. Hamilton announced that there would be a meeting held in the Council Chambers on June 25th at 7:30 p.m., with the Police Department and concerned citizens regarding safety and violence in the City.

Public Works Deputy Director Tyrone Laster introduced two new Public works employees: Clerk Typists Tammy Jones and Rebecca Seaman.

Housing and Community Development Director Nancy Grimmer introduced her department's two new employees and gave some background on both: Juan Abel Castillo, the Department's new Code Enforcement Supervisor who was formerly the Building Supervisor with the Department of Public Works. Ms. Grimmer then introduced Sally Blackford, an intern with DHCD.

Ms. Porter added that Ms. Blackford had provided very able staff assistance on her testimony before the County Council for the Prince George's Plaza Transportation District Overlay Zone public hearing.

Mr. Prensky spoke in favor of the City Administrator's new practice of bringing all new City employees before the Council to be introduced.

Mr. Leary noted that the Resolution of Appreciation to Police Department employee Solomon Adjetey would be considered once Mr. Adjetey arrived.

Additional Agenda Item

Ms. Habada noted that the Council might want to discuss the issue of County Councilmember Hilda Pemberton's bill to consider at-large seats on the Prince George's County Council and decide whether to take a position on the matter. Ms. Habada noted that the bill was scheduled to be voted on 6/23.

Mr. Johnson said he called Councilmember Pemberton's office to see what the pros and cons of the legislation was. He said her office did not have anything in writing and the person he spoke to wasn't able to give any information on the County Council's position. Mr. Johnson said he would not be interested in taking a position and he urged this Council to not take a position until they received more information.

Ms. Porter commented that the issue was worth talking about. Mr. Leary asked that the City Council discuss this in Worksession at the end of the evening's agenda.

Ms. Habada noted that there was a project that the Housing Opportunities Commission was putting together regarding providing affordable housing at the Juniper Blair site; Ms. Habada said she would make the information available to the Council in time for a hearing that was scheduled on 7/15/92.

Adoption of Minutes from June 8, 1992

Moved by Mr. Leary; seconded by Mr. Hamilton, the Minutes were adopted unanimously.

AGENDA

1. Public Hearing Regarding Proposed Speed Humps for Jefferson Avenue, Wildwood Drive and Boyd Avenue. Mr. Leary called the Public Hearing to order and opened the floor for citizen comments.

Cheryl Gannon, 7401 Glenside Drive said that citizens on Glenside and Wildwood Drives have experienced significant problems over the years with commuter cut-through traffic, seeking to avoid the intersection of New Hampshire Avenue and University Boulevard. There is a consensus to do something that would slow down traffic. She said residents on Glenside Drive had a petition in September 1991, which received Council approval on first reading but a second reading was delayed. Ms. Gannon said the community agreed to take Glenside off the agenda until a similar petition could be circulated for Wildwood. She said she understood that by going forward with Wildwood on first reading, Glenside and Wildwood would be presented as a package at second reading.

Mr. Johnson said he concurred with this understanding, to the effect that since the Council already heard the Glenside petition at first reading, the issue of speed humps on Glenside Drive would be considered at second reading as a "package" item with Wildwood.

City Clerk Jewell noted that the Council would have to take up first reading again on the Glenside petition since the Ordinance was accepted at first reading by the previous Council.

Mr. Johnson expressed concern over this state of affairs. He said last year, the Glenside speed humps were ready for passage and that former Ward 6 Councilmember Moore, after consultation with the neighborhood, agreed that the Ordinance would not go forward at second reading until the Wildwood matter could be taken care of. Mr. Johnson reiterated his concern that the Council would have to start over again in some six months after the fact.

Mr. Leary said the Council would not be starting over again; they could schedule consideration of Glenside in two weeks and vote on all four petitions four weeks from this date.

Mr. Hamilton suggested the Ordinance currently before the Council could be amended at second reading to include the addition of Glenside Avenue.

Mr. Leary noted that in his experience, no proposal for speed humps supported by the required number of citizens had ever received a single negative vote by the City Council of Takoma Park, nor have any ever been voted down.

Richard Csarny, 1101 Holton Lane reaffirmed the position of the New Hampshire Gardens Citizens Association traffic committee and asked that the speed humps be implemented both for Wildwood and Glenside.

Don Pollins, 6633 Eastern Avenue said he did not want the City Council to pass the Ordinance because there was no factual information to prove that there was a problem with speeding or excessive traffic. He asked that there be some traffic surveys and that the Council put speed humps where they belonged and are needed, not just anywhere people want them. Mr. Pollins said the only criteria being used that 60 percent of the households wanted the humps was an extremely flawed process. He said one could have two competing petitions in one household and he related a situation where this happened on his own street. Mr. Pollins also commented on the costs involved in placing and maintaining speed humps.

Tim Roche, 8 Jefferson Avenue said he was not a big fan of speed humps but voiced his support for installation of them on Jefferson Avenue and said that the majority of people on his street supported the speed humps because there were several young children on the street.

Tracey Burk, 6 Jefferson Avenue said in the last few weeks, one hundred percent of the people were contacted on that street and on Freemont Avenue and there was positive responses from all but two persons--one she could not reach and one dissenter.

Brandon Lipman, 328 Boyd Avenue said he supported speed humps on his street which was used every morning and evening as a short cut by drivers trying to avoid the Philadelphia and Carroll Avenue corner. He said there was the Jackson-Boyd Park on the corner and a school bus stop which did not have a sidewalk and he said he witnessed two very close calls. He also suggested that a stop sign be placed at the Manor Circle and Boyd Avenue intersection in addition to the speed humps.

Fred Schultz, 7311 Wildwood Drive said he was present along with his wife, Nancy Schultz to speak in favor of speed humps on Wildwood Drive. He said there was a tremendous amount of fast paced traffic on Wildwood Drive going in both directions and it was clear that people used Wildwood as a cut through to save time in going up New Hampshire. Mr. Schultz said the light now operating at the intersection of Glenside and New Hampshire was an invitation for automobile traffic on the other side of New Hampshire to get across that street and complete an easy circuit on Wildwood and Glenside, and he pointed out that it was critical to have speed humps on Glenside Avenue as well as Wildwood. Mr. Schultz then introduced some of his neighbors who were present in support of speed humps on Wildwood and Glenside Avenue.

Mr. Leary noted for the record that ten people stood up.

Chris Wright, 345 Boyd Avenue said he supported placing speed humps on Boyd Avenue and said that quite a bit of traffic cut through from East-West Highway to Carroll Avenue. He said in lieu of adding sidewalks to their street the residents would like to have speed humps although he agreed that it was not the perfect solution.

Stuart Levin, 411 Boyd Avenue spoke in opposition to speed humps on Boyd and said he understood that there may be a fair amount of cut through traffic but that speed humps were a nuisance and should be used only when they are absolutely necessary and there was no other solution. He said in lieu of speed humps, there should be either

increased enforcement of the speed limit on Boyd Avenue or a stop sign installed on Manor Circle. He said he did not mind slowing down or stopping, he just did not want to drive over speed humps.

Greg Ottinger, 7300 Wildwood Drive said he lived at the intersection of Wildwood and Glenside and although he said he did not care for speed humps he was in favor of them. He said either he or his wife have called the police every two and a half months to report accidents at Wildwood, Glenside and New Hampshire. He said if Wildwood speed humps were installed, he would speak in favor of speed humps for Glenside Avenue. He said he was frightened for the children using the park where Merwood intersected with Glenside.

Katie Wheatley, 402 Boyd Avenue said during the past five years she spent a lot of time in her front yard with her small children and had seen a number of cars speeding down that street. She said cars coming up Boyd could not see the cars over the hill or the children playing off the side of the road and on the grass.

Shirley Starnes, 326 Boyd Avenue said that her front yard was the stop for the school bus and she voiced her support for speed humps on Boyd Avenue.

Bruce Williams, 326 Lincoln Avenue said he opposed speed humps in principal and he pointed out that Lincoln Avenue would probably be the next street petitioning for speed humps if Boyd got them. He said he agreed with the concerns expressed about the danger to children by speeding cars, but if one looked at streets in the City with the highest percentage of kids per square foot, it was probably Maple Avenue and he asked if the City wanted to put speed humps on Maple Avenue to protect kids on that street.

Ruth Harwood, 706 Sligo Creek Parkway spoke in opposition to speed humps saying that she lived on a street where speed humps would never be installed because of the kind of street it was and she would be getting the traffic that moved off of streets with speed humps. She also said she resented paying for something that she derived no benefit from and suggested that sidewalks on Boyd were a much better idea. Ms. Harwood said she understood there was a moratorium on speed humps and the City would consider other means of traffic control such as a traffic plan. Ms. Harwood said she agreed that it was costing more money to install speed humps.

Lauren Chamblis, 8 Jefferson Avenue said that Jefferson Avenue made a perfect cut off from Carroll to Maple and that at least one-half to three-quarters of the cars she saw were not people who lived on the street. She said the neighbors would like the persons cutting through go a little slower.

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

2. 1st Reading Ordinance Installing Speed Humps On Jefferson Avenue, Wildwood Drive and Boyd Avenue

Mr. Johnson noted a typo in Section D of the Ordinance which should read Wildwood Drive; not Avenue. Mr. Johnson then moved an amendment to add Section (f) to include the installation of speed humps on Glenside Avenue.

Mr. Leary noted that Council could not take up a vote on this amendment without the benefit of a public hearing that had been noticed to the residents. Mr. Leary said he would entertain a resolution expressing the Council's sentiments on the issue if Mr. Johnson thought it would reassure those residents present tonight.

Mr. Johnson said he was extremely distressed that the Council could not entertain the amendment since first reading of the Ordinance placing speed humps on Glenside Avenue took place last fall and

placing speed humps on Glenside Avenue took place last fall and that most individuals speaking this evening from Wildwood indicated their support for speed humps on Glenside. Mr. Johnson said it was known six months ago when there was agreement the Council would not move forward on the Glenside matter until Wildwood was taken care of. He said had he been aware of the fact that the Ordinance would not carry over, he would have addressed it.

Mr. Leary said he understood Mr. Johnson's sentiments and that the matter was regrettable but the practical reality was that it would not make any difference. He said the speed humps would not be installed the day after the Council passed an Ordinance and in another few weeks all the speed humps would be installed at about the same time in a coordinated way.

Mr. Prensky asked if the public hearing for Glenside Avenue could be scheduled between the first and second reading to accommodate Mr. Johnson's proposal to amend the Ordinance before the Council now. He suggested the Council could hold the public hearing at second reading. Mr. Prensky seconded Mr. Johnson's motion.

Mr. Hamilton said that the previous Council did hold a public hearing and he suggested that the Council amend the Ordinance per Mr. Johnson's suggestion and that the citizens be notified in time for the second reading.

Mr. Elrich asked that it was by custom or law that ordinances died between readings. He asked that if the City attorney arrived before the evening was over, the Council get a clarification on this. He said if it was true that it was only by custom, he would be amenable to re-opening and acting on the amendment at that point.

Mr. Leary agreed and said once the Council got a clarification from the City's attorney they would decide on whether to go forward with second reading two or four weeks from now.

The amendments carried unanimously.

Ms. Porter commented that she shared the concern of those speakers who expressed sentiments about speed humps in many locations in the City and she said she also wished the City could move faster on the transportation plan which was moving along. Ms. Porter said that the transportation plan was likely to move traffic off residential streets onto the main arteries and the Council may be able to take steps to ameliorate the impact on citizens that live on those arteries. She said she was not sure what other options the Council had since there was no other process at the moment to deal with traffic problems. She said although speed humps were sort of an ad hoc solution and were certainly not ideal in every situation, she would hate to have a situation where the Council was informed of a problem but let it continue and possibly put some child in a dangerous situation while they went through the process of putting together a City wide traffic plan. Ms. Porter said she supported the Ordinance although she had some qualms about speed humps and she would like to see a more systematic way of dealing with these problems in the future.

r. Leary added that the reality based upon eleven years of debate and experience, was that the citizens of Takoma Park stated in decisive fashion that they wanted speed humps as an integral part of any traffic management plan and speed humps would be a continuing reality of how traffic was dealt with in this City regardless of what else emerged from the long awaited traffic plan.

Mr. Johnson said he agreed the City needed a comprehensive approach to traffic problems in the City, but when one looked at the breakdown of speed humps in the City, there were a total of 91

speed humps in the City, yet in Ward 6, there was only one set of speed humps which amounted to barely 4.5 percent of all the speed humps in the City.

Mr. Prenskey said he was in favor of the speed humps and he asked that the next time statistics were provided on speed humps in the City, the location of the cross streets be provided as well.

Mr. Prenskey said as obnoxious and offensive as speed humps were, they did what they were intended to do. He said if a better solution was found he would support it as well as a more comprehensive approach to the traffic plan. Mr. Prenskey pointed out that in the law, 60 percent of the households could also ask for removal of speed humps and he was sure the Council would in fact heed the wishes of any persons petitioning for removal as well. He pointed out that no petition for speed hump removal has ever been presented to the Council.

Council Action: The Ordinance, as amended, passed unanimously at first reading.

ORDINANCE #1992-28
(Attached)

Mr. Johnson noted there had been concerns expressed about the traffic conditions at Glenside and Merwood and he understood from the Public Works Director that an appropriate street marking would soon be made at that location to warn drivers that it was a pedestrian crossing.

3. Resolution of Appreciation to Solomon Adjetey. Moved by Mr. Leary; seconded by Mr. Hamilton. Mr. Leary read the Resolution. Mr. Leary commented that although Mr. Adjetey was a special young man, he was one of the many volunteers who assisted the Police Department who were indispensable and it was nice to have another opportunity to recognize one of them.

RESOLUTION #1992-42
(Attached)

4. Resolution Ratifying Police Local 400 Collective Bargaining Agreement. Personnel Officer Wayne Hobbs said this was a three year contract that would go in effect 7/1/92 and terminate 6/30/95. He said the major impact area was in the clothing equipment allowance and the pay area; the new pay scale incorporated the current 3% market adjustment the officers had been receiving and included an additional 2% market adjustment and a 3% Cost of Living Adjustment (COLA) for FY'93 as well as provided an additional 1% market and 2% COLA each of the two other years of the contract. Mr. Hobbs said there were also some shift differential changes and a provision to provide additional personal leave days for senior officers with over 15 years of service.

The Resolution was moved by Leary and seconded by Mr. Hamilton.

Council Action: The Resolution passed unanimously. (Absent: Mr. Sharp).

RESOLUTION #1992-43
(Attached)

5. 2nd Reading FY'93 Pay Plan for Uniformed Police Officers. Moved by Mr. Hamilton; seconded by Mr. Elrich.

Council Action: The Ordinance passed unanimously at second reading. (Absent: Mr. Sharp).

ORDINANCE #1992-21
(Attached)

6. Resolution Reappointing Commission for Landlord-Tenant Affairs
Moved by Mr. Prenskey and seconded by Mr. Hamilton. The Resolution re-appoints current Commissioners David Lurie, Mark Garfinkel and Theresa Immordino to serve three year terms on COLTA.

Council Action: The Resolution passed unanimously (Absent: Mr. Sharp)

RESOLUTION #1992-44
(Attached)

7. Resolution Extending Terms of Prince George's County Historic Citizens Advisory Committee

Moved by Ms. Porter; seconded by Mr. Prenskey. Mr. Leary explained that the Resolution would allow the Citizens Advisory Committee to continue operating until the end of the year before submitting their recommendations to the Council.

Ms. Habada noted that there was replacement copy of the Resolution before the Council.

Mr. Johnson noted that several weeks ago, a postcard poll was conducted on households within Ward 6 which resulted in about a 40% return. He said that 40% were in favor of a historic district on the Prince George's County side of the City; 40% were opposed to the idea and about 20% were undecided on the issue.

Council Action: The Resolution passed unanimously. (Absent: Mr. Sharp).

RESOLUTION #1992-45
(Attached)

(The Council consented to defer the next scheduled agenda item, "2nd Reading of Procurement Exemption Ordinance" until the City's Corporation Counsel could be present)

8. Second Reading Ordinance Making Technical Amendment to Stormwater Management Ordinance. Mr. Elrich moved adoption; seconded by Mr. Leary. Mr. Leary noted that the Ordinance would correct a typographical error regarding the waiver fee amount listed in the Stormwater Management Ordinance which was adopted on 5/11/92.

Council Action: The Ordinance was unanimously adopted at second reading. (Absent: Mr. Sharp).

ORDINANCE #1992-27
(Attached)

9. Minor Technical Amendments to Article 7. Moved by Mr. Hamilton; seconded by Mr. Elrich. Ms. Habada explained that the Ordinance would make minor technical amendments to Article 7.

Council Action: The Ordinance passed unanimously at second reading. (Absent: Mr. Sharp).

ORDINANCE #1992-26
(Attachment)

10. Second Reading Ordinance Amending Article 7, Section 6-91(e). The Ordinance was moved by Ms. Porter and seconded by Mr. Elrich.

Ms. Porter said that in calculating changes in landlords' net operating income that justified a rent petition increase, the Council exempted interest changes because interest, largely, did not change over time. However, she said in a couple of particular situations, the Council allowed changes in interest to become part of changes in the overall expense that were used to calculate net operating income. Ms. Porter explained that one of those

exceptions was when refinancing was basically forced on landlords by circumstances outside their control.

Ms. Porter said the second exception was when a landlord had an adjustable rate mortgage for their property. She said in that case, the Council had previously decided that when there was an adjustable rate mortgage, an upward adjustment of more than three percentage points allowed a landlord to go forward with a hardship petition and include the change in the interest rate among the other items of expense to justify an increase in rents. Ms. Porter said this particular change would mean that if a landlord got a rent increase, referred to as a rent surcharge, due to an increase in an adjustable rate mortgage, if that mortgage rate then went down, the rent surcharge would be offset by the normal rent stabilization increases until it disappeared. Ms. Porter said that if it decreased to less than three percentage points above the base rate, then the rent surcharge justified by the petition disappeared entirely.

Ms. Porter said this change allowed administrative movement of rent surcharges without going for a new petition as long as the interest rate was greater than three percentage points above the base year interest rate and did not go above the level specified in the rent petition. In no case could a landlord get a rent surcharge greater than allowed in response to the rent petition unless the landlord submitted a new petition.

Mr. Elrich clarified what he said he thought was one of the more important features of these changes--it treated the increases as surcharges rather than adjustments or changes to the base rent so that future rents would be calculated not on the effect of the interest rate, but would continue to be calculated on what the base rent was supposed to be and the surcharge would then come off. He said the Council originally envisioned that the surcharge would become part of the base rent and future increases would have compounded that surcharge.

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

ORDINANCE #1992-9
(Attached)

11. Additional Agenda Item for Discussion - Legislative Requests to be Submitted to the Maryland Municipal League

Ms. Habada said staff suggested the following legislative issues; some of which had state wide impact, to be submitted to MML for the State Assembly session in January 1993. (1) 911 Issue - Ms. Habada reported that staff had discussion with the Montgomery County Council Management and Fiscal Policy Committee on 6/22 and were still hopeful about working out an agreement on the issue. She said it would be helpful to look at changing language in the State Code to permit municipalities who provided emergency police service to have access to 911 funds. (2) Properties that are for-profit that convert to non-profit and gain a tax exempt status. Ms. Habada said that some work was needed on State legislation that would mandate a fee in lieu of taxes payment to the municipality that is losing the tax base. (3) Abandoned autos the City seizes and sells at auction - Ms. Habada said the City was looking at the possibility of amending State law that currently limited the use of abandoned autos to the sale of them after proper notification of all the parties involved. She said it would be useful to see if there were any autos worth using in the City fleet.

Ms. Habada noted that the Council would be attending the MML Convention June 28 and it would be a good time to talk to other MML members to solicit their support for these legislative items.

Mr. Elrich said he was reminded of the ongoing debates regarding formulas for municipal rebates and that the State law had a number

of different processes between different Counties and municipalities. He noted that the City had not been very successful in negotiating proper rebates. He suggested that the League be asked to look at trying to strengthen the law so that the formulas for Cities was more fair.

The Council endorsed staff's suggestions and directed the City Administrator to submit these to the Maryland Municipal League.

12. Procurement Exemption Ordinance.

Lynne Bradley, 8112 Flower Avenue asked if there was a draft contract between the City and Takoma Park Community Television, Inc. (TPCT) for citizens to review and respond to. She asked what the provisions were for ensuring that there were policies for quality technical programming and broad based content programming from different community groups. She also asked if the City would be retaining its right to negotiate with the County regarding its franchise and policy relationships with Montgomery Community Television.

Corporation Counsel Silber responded that the draft contract had been reviewed and discussed at previous Council Worksessions and public hearings and would be available in final form after it was executed. Ms. Silber also explained that the contract had been made available in draft at the worksessions in which it was discussed and she noted the contract was not before the Council tonight for consideration. She explained that the Ordinance before the Council this evening would exempt TPCT, Inc. from the City's procurement legislation.

Mr. Leary suggested that the last clause of the Ordinance be re-written to be made clear that the City Administrator would be authorized to enter into a contract with TPCT for the operation of the municipal channel.

CITIZEN COMMENTS

Kay Dellinger, 7333 New Hampshire Avenue commented that there should have been an open bid on the process. She said most of the residents did not know that Cable Director Robert Smith was being fired and there would be no City employee running the cable station. She related the problems she had in getting TPCT's assistance with community access.

Ms. Dellinger then expressed her appreciation to Robert Smith and thanked him, on behalf of the residents of Takoma Park, for the work he had done running the City's cable station and providing that service to the community. She pointed out that Mr. Smith had produced a video that was a finalist in a national video contest and she publicly congratulated him on that honor.

COUNCIL COMMENTS

Mr. Elrich commented that he would vote against the Ordinance and said he was reluctant to do a sole source contract. He said the Council was not aware of what other cable organizations were interested in bidding on this contract. He said he had not been happy with the operation of the cable station--either the community or municipal side. Mr. Elrich said he had heard repeated complaints about access from different sources in the City and a number of questions had also been raised about the operations of cable and procurement practices and these did not make him comfortable with going forward with a non-competitive bidding, sole source process. He said the station did not live up to what the potential of what community cable is. Mr. Elrich said he did not think TPCT, Inc. was prepared to handle every aspect of the cable operation and he expressed his support for maintaining a part time employee in running the station, saying the amount of money being saved was not that significant.

Ms. Porter asked if TPCT was exempted from the City's nuclear free procurement regulations.

Ms. Silber said that this Ordinance exempted the letting of this particular contract from the City's competitive bid requirements and it did not affect the nuclear free procurement regulations. She said TPCT as an entity would not be bound by the Nuclear Free Legislation because they were a non profit entity and not the City. She noted that if the Council wanted them to be so bound, it would take a simple addition of a provision to the contract. Ms. Silber said she had made a note of this and would add it if was the will of the Council.

Mr. Leary said he agreed the City needed to maintain control of the station and he was in fact confident that the contract would ensure retention of City control over the City's station. He said he agreed with the remark that some of the language regarding sole source contracts was not what he would choose to use. He said however, this was a procedural ordinance required to enable to Council to negotiate with what was in fact the only credible candidate for the job. Mr. Leary said there had been no other organized group involved with this station over several years volunteering, offering, or proposing to do this work. He said if there was another station in the future who came forth, he would be happy to have that arrangement bid out competitively.

Mr. Leary noted the term of the contract was one year and said that after that period, the Council would be making an evaluation. He said that he agreed that one of the reasons for this was to save money; it would not be a great deal of money--maybe enough to hire another police officer, for example, which he said was a much better way of spending \$30-35,000 rather than subsidizing the operation of a cable television station which could be run without that subsidy and could be run in a way in which cable television was meant to be run--by citizens in a community who wanted to provide the service.

Mr. Prensky said he felt this was an imperfect solution to a difficult problem and he believed that in lieu of coming to full grips with how best to provide the service and resource to the community, the Council had not been able to find an acceptable route and the majority of the Council was willing to try this as a new solution. He said he agreed with Ms. Bradley that the current form of the proposed contract should have been made available at this time because it was integral to the Ordinance the Council was considering. He pointed out that the Council had reviews and discussions of this issue at a number of meetings, held publicly telecast and advertised worksessions and public meetings, and the Council had never heard any interest expressed by other groups to volunteer to do this. He said there had been very few who have even shown an interest in this particular issue.

Mr. Prensky then suggested some amendments to the proposed Contract.

Mr. Leary asked that Councilmembers separate their discussion of the proposed changes to the Contract from those changes to the Ordinance that was currently before the Council.

Mr. Johnson said he supported the Ordinance because a proposal made over six months ago at a Ward 6 meeting to turn the cable station over to a community group was overwhelmingly endorsed by those in attendance. Mr. Johnson said his concern was about the quality of broadcasting the Council proceedings; he did not see this as a matter of protecting personnel but as a matter that the station belonged to the people of Takoma Park and as long as concerns regarding public access were addressed, he would support this legislation. He said it also carried the hope of effective and improved public programming.

Mr. Leary moved adoption of the additional language in the last
Whereas Clause that TPCT provide the City with a certification from
the State of Maryland of TPCT's status as a duly-organized non-
profit corporation and evidence it has submitted application for
501-C(4) status. The amendment was seconded by Mr. Hamilton and
carried unanimously. Mr. Leary then moved adoption of an amendment
to Section 1 of the Ordinance to add the authorization for the City
Administrator to enter into negotiations with TPCT; the amendment
was seconded by Mr. Prenskey and carried unanimously.

Council Action: The Ordinance, as amended, passed by a 5 to 1 vote
(Nay: Mr. Elrich; Absent: Mr. Sharp).

ORDINANCE #1992-25
(Attached)

The Council adjourned at 9:50 p.m. to reconvene in Regular Session
on July 13, 1992.

CITY OF TAKOMA PARK, MARYLAND (FINAL 7/23/92)

Regular Meeting of the City Council and
Stormwater Management Board
Monday, July 13, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Hamilton	City Clerk Jewell
Councilmember Leary	Public Works Director Knauf
Councilmember Porter	Corporation Counsel Silber

(ABSENT: Mr. Elrich, Mr. Johnson, Mr. Prensky)

The City Council convened at 8:00 p.m. on Monday, July 13, 1992 in the Council Chambers at 7500 Maple Avenue.

Following the Pledge of Allegiance, the following announcements were made.

Mr. Sharp announced that Mr. Johnson and Mr. Prensky were out of town.

Ms. Habada noted that the Housing Opportunities Commission would be taking up the matter of the Juniper Blair developments which were a McKinney Act application for affordable housing units.

Mr. Sharp announced that the Takoma Park Recycling Program won a certificate for environmental achievement from Renew America and would be listed in the 1992 Environmental Success Index. Mr. Sharp said this was one example of the success the City has had with its recycling program which was expanding out to more environmental matters.

Mr. Hamilton thanked the Takoma Park Independence Day Committee on another very successful parade.

Citizens Comments (On Items Not On Council's Agenda)

Karin Anderson, Woodland Avenue commented that parking prohibitions at the Carroll Avenue handicapped parking spaces and curb ramps were not being enforced and she cited an example where a police officer utilized a handicapped space while on lunch break. Ms. Anderson suggested that an article be put on the front page of the Newsletter reminding everyone of the need to respect the handicapped parking in the City.

Mr. Sharp asked the City Administrator to ask City department heads to make their staff particularly aware of this and to remind the Takoma Park Volunteer Fire Department about the issue. Mr. Sharp also suggested that ongoing articles be published in the Newsletter regarding handicapped related issues and accessibility for the handicapped.

Ms. Anderson also commented that there were some police officers who had less than good attitudes.

Mr. Sharp said there was a good review process in the Police Department to handle such complaints and he suggested that Ms. Anderson should register her complaint with the Department.

AGENDA

1. 1st Reading Ordinance Amending Position Classification Plan.

Ms. Habada explained that the ordinance includes two positions that were included in the FY'93 budget: the Recreation Program Coordinator (which combined two part-time positions in the Recreation Department) and the Assistant Director for Special Projects in the Department of Housing and Community Development. In addition, the Community Resource position was being added and

the Building Mechanic title was being changed to Building Maintenance Supervisor.

Mr. Hamilton moved passage of the Ordinance at first reading; seconded by Ms. Porter.

Mr. Leary said that it was his understanding that the Community Resource Specialist position was to be a contract position and he questioned why the position classification on this particular position was being forwarded.

Ms. Habada explained that the Community Resource Specialist position needed some legal basis for the salary level and the easiest way to accomplish this was to put it in the Position Classification system. Ms. Habada said that because the funding was flexible for this position, she wanted to be assured that there would not be any conflict with the City's Union in terms of adding it as a position. Ms. Habada suggested that if Council wanted to drop it out of the classification system, some clarification may be needed from the City Attorney.

Mr. Leary suggested that there were fewer potential problems with the Union if this was not presented as a new City position.

Ms. Habada said that this was probably true but there was the question of how to legally set the salary level unless it was set by ordinance.

Mr. Leary said surely the City had the legal authority to attempt to hire a person to perform certain tasks at whatever salary the City chose to offer.

Ms. Habada noted that under those circumstances, she would recommend the position be deleted from the Classification Plan and she would confer with the City Attorney and make a recommendation.

The motion to delete was moved by Mr. Leary and seconded by Mr. Hamilton.

Ms. Porter said she agreed with the amendment to delete the position from the Ordinance because it was her understanding that the City had a certain amount of money to spend and the Council decided they would spend only that amount of money on the position. She said if it was added as part of the Position Classification System, the City would be paying benefits in addition to the salary.

Mr. Hamilton commented that there were a number of contract positions in the City (i.e., Newsletter Editor, Code Enforcement Position under the Block Grant funding, etc.) that the City was legally authorized to have and were not listed in the Position Classification Plan.

The amendment carried unanimously (Absent: Mr. Elrich, Mr. Johnson, Mr. Prensky).

Mr. Hamilton noted that the Cable Coordinator's position was still listed in the Classification Ordinance and he questioned whether the Council wanted to amend this out.

Ms. Habada suggested that it was not necessary to remove the Cable Coordinator's position since it was not being funded in the FY '93 budget.

Council Action: The Ordinance, as amended, passed unanimously at first reading. (Absent: Mr. Elrich, Mr. Johnson and Mr. Prensky).

Mr. Hamilton asked to see a list of all the City's contracted positions.

property. Mr. Leary noted that there was a safety issue involved and said that one aspect of the problem that needed correcting, was that the connecting pipes were of different sizes than the piece of pipe that needed replacing.

Mr. Hamilton said that he also supported the Public Works Director's recommendation because the Council had been asking staff for the best and worst options of what it takes to rectify problems in the City and he noted that the Director had done a good job in reviewing this problem and recommending the options for solving it.

Ms. Porter noted that there was a concern expressed at the Worksession by a Councilmember not present tonight about this not setting a precedent for every property owner who has stormwater pipes on their property. Ms. Porter pointed out that there were two differences here--this was a situation that needed to be addressed in one way or another, and the Public Works Director had reviewed the situation and in his professional opinion, this was the option that was in the best interest of the City. Ms. Porter said she agreed this was the right option to take and the Council considered this with great care so that it did not set a precedent whereby every property owner with piping that functioned perfectly well on their property would have the same situation.

Council Action: The Resolution passed unanimously. (Absent: Mr. Elrich, Mr. Johnson, Mr. Prensky).

RESOLUTION #1992-48
(Attached)

5. 1st Reading Ordinance - FY'93 Stormwater Budget Amendment No. 1. Without objection, Mayor Sharp declared the City Council simultaneously convened as the Stormwater Management Board. The Ordinance was moved for acceptance at first reading by Mr. Hamilton and seconded by Ms. Porter. Ms. Habada explained that the Ordinance amends the FY'1993 Stormwater Budget by appropriating \$40,000 from prior years Unappropriated Reserve as carryover funding from FY'92 for storm water capital improvement projects on Westmoreland Avenue and at Takoma and New York Avenues.

Council Action: The Ordinance was accepted unanimously at first reading. (Absent: Mr. Elrich, Mr. Johnson, Mr. Prensky).

Mr. Sharp declared the adjournment of the Stormwater Management Board.

ORDINANCE #1992-30
(Attached)

The Council adjourned at 8:30 p.m. to reconvene in Regular Session on July 27, 1992.

Introduced by: Councilmember Porter

1st Reading: 4/13/92
2nd Reading: 6/22/92
Effective: 6/22/92

ORDINANCE NO. 1992 - 9

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

- WHEREAS Ordinance No. 1992-2, Chapter 6, Housing, Article 7, which made a comprehensive revision to Landlord-Tenant Relations, of the Takoma Park Code, was adopted by the Council on January 28, 1992; AND
- WHEREAS Section 6-91(e) of Ordinance No. 1992-2 was reserved for further discussion; AND
- WHEREAS the City Council desires to add language for inclusion in Section 6-91(e) in order to allow for the inclusion of certain mortgage expenses for rental property in a hardship rent increase petition under Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code; AND
- WHEREAS the Council believes that the changes made to Article 7 by this Ordinance further improve the law and its aim of promoting fair and equitable relations between landlords and tenants in the City of Takoma Park; AND
- WHEREAS for the foregoing reasons, the Council hereby adopts this Ordinance revising Chapter 6, Housing, Article 7, Landlord-Tenant Relations of the Takoma Park Code as it was enacted by Ordinance No. 1992-2; AND
- WHEREAS the Council adopts, ratifies, and incorporates by reference the purposes and policies for revising the City of Takoma Park's Landlord-Tenant Relations Law set forth in the "Whereas" clauses of Ordinance 1992-2.

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

SECTION ONE

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

SECTION 6-91(e) [RESERVED SECTION OF ARTICLE 7]

(e) Petitions for Rent Increases Due to Refinancing Costs or Interest Rate Changes.

(1) ~~Cost of Refinancing.~~ Landlords shall be permitted to include in a rent increase petition the cost of refinancing a loan secured by the rental facility when the refinancing is required due to the terms and conditions of the original loan or due to business necessity outside of the control of the owner(s). The cost of refinancing shall be amortized over the life of the new loan and included in a hardship petition pursuant to Section 6-91(c).

(A) The cost of refinancing shall include loan fees, document preparation fees, and recording fees. The Commission shall determine whether other appropriate refinancing expenses shall be included in the cost of refinancing.

(B) Landlords shall not be permitted to include in a rent increase petition the cost of refinancing a loan secured by the rental facility when the principal amount of the loan has increased, except where the increase in principal is due to the refinancing costs.

(C) Landlords shall not be permitted to include in a rent increase petition the cost of refinancing a loan secured by the rental facility when the total of the principal, refinancing costs, other loan costs, and interest payable over the life of the new loan is less than the total of the principal, loan costs, and interest that would have been payable over the ~~remaining~~ life of the former loan.

~~(D) A petition for a rent increase under Section 6-91(e)(1) shall be filed with the Commission within one (1) year after the date on which the mortgage facility is refinanced.~~

~~(2) Interest Rate Increases. If a landlord demonstrates that the interest rate on a loan secured by the rental facility has increased by three (3) or more percentage points from the base year to the petition year, the landlord shall include the amount that represents the increase in the landlord's interest expense from the base year to the petition year in a hardship petition.~~

~~(A) The Commission shall not grant a rent increase due to an increase in the principal amount of the loan.~~

~~(B) A rent increase granted under this Section shall~~

~~be for a one year period only, and shall be extended annually only when the landlord demonstrates that the interest expense has not fallen below three (3) percentage points above the interest rate paid during the base year.~~

~~(1) If the interest expense falls below (3) percentage points above the interest rate paid during the base year, the maximum allowable rents at the rental facility shall be maintained, and no rent increases shall be taken, until that portion of the rent increase attributable to the interest rate increase has been rolled back.~~

~~(2) If the interest expense rises above the interest expense established in a previous hardship petition, the landlord must file a new hardship petition for each subsequent extraordinary increase sought under this Section.~~

~~(C) Notwithstanding the base year that has been established to calculate a hardship petition by the rental facility pursuant to Section 6-91(e), the base year for the purposes of calculating a rent increase due to interest rate increases from the base year to the petition year shall be 1990, or the year the building was acquired, whichever occurs later.~~

~~(2) Interest Rate Increases. If a landlord demonstrates that the interest rate on a loan secured by the rental facility has increased by three (3) or more percentage points from the base year to the petition year, the landlord may include the interest expense on a hardship petition.~~

~~(A) The portion of rent increases granted under this section shall be known as rent surcharges, and shall be adjusted pursuant to changes in the interest rate on a mortgage secured by the rental facility.~~

~~(B) The Commission shall not grant a rent surcharge due to an increase in the principal amount of the loan.~~

~~(C) Rent surcharges granted under this section shall not form the basis of calculating maximum allowable rent, and rent increases granted under sections 4-91(c), 4-91(d), or 4-91(e)(1), and allowable under section 4-91.1 (Rent Stabilization Allowance) shall be taken on the maximum allowable rent only.~~

(2) Any rent surcharge granted under this section due to an increase in the interest rate on a loan secured by the rental facility shall be for the period of the loan interest rate adjustment, but not less than one year, and shall be adjusted pursuant to the period of the loan interest rate adjustment, but not less than one year, when the landlord demonstrates that the interest rate on the loan has not decreased to less than three (3) percentage points above the interest rate paid on the loan during the base year. The rent surcharge shall be adjusted as follows:

(1) If the interest rate remains within one percentage point of the interest rate in the petition year, the landlord may continue to charge the rent surcharge.

(2) If the interest rate on a loan secured by the rental facility decreases by one (1) percentage point or more from the interest rate in effect during the petition year, the maximum allowable rents at the rental facility shall be maintained, and no rent increases granted under Section 4-91 or allowable under Section 4-92, shall be taken, until the amount of the rent surcharge attributable to the interest rate decrease has been offset.

(3) If the interest rate again rises by more than one percentage point after an offset has been in effect pursuant to Section 4-91(a)(2)(C)(2), the rent surcharge shall be adjusted upward accordingly by the amount attributable to the interest rate change. However, if the interest rate rises beyond the interest rate in the petition year, no further extraordinary rent surcharge may be taken unless the landlord files an additional hardship petition.

(4) If the interest rate on a loan secured by the rental facility decreases to less than three (3) percentage points above the interest rate paid on the loan during the base year, the maximum allowable rents at the rental facility shall be maintained, and no rent increases shall be taken, until all rent surcharges taken under this section have been offset. No further upward adjustments shall be made after the interest rate on the loan decreases to less than three (3) percentage points above the interest rate paid during the base year, unless the landlord files a subsequent hardship petition.

(E) If the interest rate on the loan in the base year is computed using a different formula or method than is used to compute the interest rate in the petition year, the interest rate in the base year shall be recomputed using the same formula used to calculate the interest rate in the petition year. The recomputed interest rate shall be used to calculate the interest expense in the base year.

(F) Notwithstanding the base year that has been established to calculate a hardship petition for the rental facility pursuant to Section 4-91(c), the base year for the purpose of calculating a rent surcharge due to interest rate increases from the base year to the petition year shall be 1979, or the year the landlord acquired the rental facility, whichever is later.

SECTION TWO: This Ordinance shall be effective immediately.

SECTION THREE:

Adopted this 22nd of June, 1992, by Roll Call Vote as follows:

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

Introduced by: Councilmember Hamilton

First Reading: 5/26/92
Second Reading: 6/22/92
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 22nd day of June, 1992 by roll call vote as follows:

AYES: Elrich, Hamilton, Johnson, Leary, Porter, Prensky.

NAYS: None.

ABSTAIN: None.

ABSENT: Sharp.

O-93PYPD

3% COLA + 5% MARKET ADJUSTMENT

GRADE	STEP % INCR	A STARTING	B 4.25%	C 4.00%	D 3.75%	E 3.50%	F 3.25%	G 3.00%	H 2.75%	I 2.50%	J 2.25%	K 2.10%
CADET	ANNUAL	23,355.44										
6	WEEKLY	449.34										
	HOURLY	11.23										
PRIVATE	ANNUAL	25,117.85	25,185.36	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	34,350.88	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
SERGEANT	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	48,079.39	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 Leary
1st Reading:

Drafted by: Susan Silber
Corporation Counsel

2nd Reading: 6/22/92
Effective Date: 6/22/92

ORDINANCE NO. 1992- 25

(Exemption of Cable Services from the Competitive Bidding Provisions of Chapter 9A, Purchasing, of the Takoma Park Code)

WHEREAS, the City of Takoma Park, Maryland is a co-franchisor of the Montgomery County Cable Television franchise; and

WHEREAS, a municipal channel on the Montgomery County Cable Television system has been dedicated for the use of the City of Takoma Park; and

WHEREAS, the Takoma Park municipal channel has significant potential as a communications vehicle for use by the City of Takoma Park and its residents to inform, educate, and entertain with regard to matters of public and cultural interest; and

WHEREAS, Takoma Park Community Television, Inc. ("TPCT") and its predecessor volunteer organization have provided ongoing support, management and operational services to the municipal channel, and have contributed significantly to the goal of maximizing community access to the Takoma Park municipal channel; and

WHEREAS, by Resolution No. 1991-104, the City Administrator was authorized to develop a contract between the City of Takoma Park and TPCT providing for TPCT to operate the Takoma Park municipal channel; and

WHEREAS, the Council finds that TPCT has the capability in all respects to operate the Takoma Park municipal channel, as well as the necessary experience, reliability, and capacity to assure good faith performance; and

WHEREAS, the Council finds that TPCT is the best qualified source and that it is in the interest of the City of Takoma Park to contract with TPCT for the operation of the municipal channel without going through a competitive bidding process; provided, however, that TPCT provides the City with a certification from the State of Maryland of TPCT's status as a duly-organized non-profit corporation and, provided further, that TPCT provides evidence that it has submitted a bona fide application for 501-C(4) status to the Internal Revenue Service.

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

Section 1. Exemption of Cable Services Procurement from Competitive Bidding.

The procurement of municipal cable services is hereby exempted from the provisions of Chapter 9A, Purchasing, Sections 9A-10 to 9A-14, of the Takoma Park Code, and all other provisions or regulations relating to competitive bidding. Upon receipt of both certification from the State of Maryland of TPCT's status as a duly-organized non-profit corporation and a bona fide application to the Internal Revenue Service for 501-C(4) status, the City Administrator is hereby authorized to enter into a contract with TPCT for the operation of the Takoma Park municipal channel.

Section 2. Effective Date.

This Ordinance shall be effective immediately.

Adopted this 22nd day of June, 1992 by roll call vote as follows:

Aye: Leary, Hamilton, Johnson, Porter, Prensky
Nay: Elrich
Abstained: none
Absent: Sharp

corr164/kw
cable2.ord

Introduced by: Councilmember Hamilton 1st Reading: 6/8/92
2nd Reading: 6/22/92
Effective: 6/22/92

ORDINANCE NO. 1992 - 26

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

- WHEREAS Ordinance No. 1992-2, Chapter 6, Housing, Article 7, which made a comprehensive revision to Landlord-Tenant Relations, of the Takoma Park Code, was adopted by the Council on January 28, 1992; AND
- WHEREAS There exist within Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code, several errors that the City Council has determined warrant correction; AND
- WHEREAS The City Council desires to add clarifying language to the various Sections in Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code; AND
- WHEREAS The City Council desires to expand the time period in which capital improvements made to a rental facility may be included in a capital improvement petition in the event of emergency repair;
- WHEREAS The Council believes that the changes made to Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code, by this Ordinance further improve the law and its aim of promoting fair and equitable relations between landlords and tenants in the City of Takoma Park; AND
- WHEREAS For the foregoing reasons, the Council hereby adopts this Ordinance revising Chapter 6, Housing, Article 7, Landlord-Tenant Relations of the Takoma Park Code as it was enacted by Ordinance No. 1992-2; AND
- WHEREAS The Council adopts, ratifies, and incorporates by reference the purposes and policies for revising the City of Takoma Park's Landlord-Tenant Relations Law set forth in the "Whereas" clauses of Ordinance 1992-2.

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

SECTION ONE

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

ARTICLE 7

Additional revisions to Article 7, as recommended by staff:

Page references are to the January 31, 1992 version of Article 7.

1. Section 6-79(y) [page 4, middle]

(y) *Rental Unit* shall mean either a dwelling unit, including a single-family home, or a rooming unit which has as its purpose occupancy by one or more tenants. See also Sections 6-79(1) and 6-79(z) of this Article, definitions of dwelling unit and rooming unit.

2. Section 6-80(3) [page 5, bottom]:

(3) Requires written receipts for all cash, or money orders paid in person by the tenant to the landlord for rent, security deposits, and other payments. If a tenant requests a written receipt from the landlord for any payment sent by mail, the tenant shall provide a stamped, self-addressed envelope to the landlord.

3. Section 6-80.1(a)(2) [page 7, middle]:

(2) At the time the landlord offers the tenant a lease renewal for a term of one year, the offer shall be accompanied by a lease renewal form which the tenant shall sign in the event that the tenant wishes to renew the lease for an additional one-year term. If the offer to renew the lease includes an increase in rent, notice of such increase shall be in the form prescribed by the Department Regulations. If the tenant fails to sign and return the lease renewal form to the landlord, the tenant shall be considered to have declined to renew the one year lease. In this case, at the expiration of the lease, the lease term shall convert to a month-to-month tenancy.

4. Section 6-91(c)(1) [page 29, bottom]: CHANGE "Section 6-91(c)(9)" to "Section 6-91(c)(8)."

5. Section 6-91(c)(3)(G) [page 31, top]: CHANGE "shall form the base year" to "shall establish the base year"

6. Section 6-91(c)(5)(B)(ii) [page 32, middle]: CHANGE "provide evidence having" to "provide evidence showing"

7. Section 6-91(d)(7) [page 37, middle]: DELETE "a" in "according to a the amortization schedule"

8. Section 6-91(d)(11) [page 38, middle]:

(11) *Filing Dates.* A petition for a rent increase for

capital improvements may only be filed with the Commission six (months) before the capital improvements are expected to be installed in the rental facility, or within six (6) months after the capital improvements are installed in the rental facility.

(A) Capital improvements which are installed due to the need for immediate repair may be included on a capital improvement petition up to one (1) year after the installation of the improvement.

(B) Landlords who file rent increase petitions outside the time period for inclusion in a capital improvement petition may include the annual amortized amount in a hardship petition, pursuant to Section 6-91(c) of this Article.

9. Section 6-95.1(3) [page 44, top]:

(b) The Rent Stabilization Allowance and all provisions pertaining to Rent Stabilization in this Article are applicable to all rental units, except the following:

* * *

(3) Any one (1) rental unit provided that the landlord owns no more than one rental unit in the City of Takoma Park.

SECTION TWO: This Ordinance shall be effective immediately.

SECTION THREE:

Adopted this 22nd of June, 1992, by Roll Call Vote as follows:

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

NAY: None

ABSTAINED: None

ABSENT: Sharp

Introduced by:

1st Reading: 6/22/92

2nd Reading:

Effective:

ORDINANCE #1992-28
INSTALLATION OF SPEED HUMPS

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

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

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

(c) Jefferson Avenue, between Freemont and Carroll, one (1) speed hump to be placed adjacent to #4 Jefferson Avenue.

(d) Wildwood Drive, between Merwood and Glenside, two (2) speed humps; one adjacent to 7305 and the other adjacent to 7315 Wildwood Avenue.

(e) Boyd Avenue, between Carroll and Jackson, two (2) speed humps; one adjacent to 328 and the other adjacent to 308 Boyd Avenue.

(f) Glenside Drive, between Haverford Road and Lancaster Road, two (2) speed humps; one adjacent to 7402 Glenside and the other adjacent to 7322 Glenside.

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

SECTION 3. THAT this Ordinance becomes effective upon adoption.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 1992 BY ROLL CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAINED:

ABSENT:

NOTE: In this Ordinance, shaded language indicates amendments adopted at first reading.

Introduced by: Mayor Pro Tem Leary

RESOLUTION 1992-42

IN APPRECIATION OF SOLOMON ADJETEY - POLICE DEPARTMENT INTERN

WHEREAS, *SOLOMON ADJETEY, 18, a resident of 7600 Maple Avenue and honor student at Blair High School, has been an intern with the Takoma Park Police Department for the past two years; AND*

WHEREAS, *He is a role model for all teenagers--a person without athletic inclinations who has, against great odds, excelled academically and as an intern, and in exploring possibilities for the future; AND*

WHEREAS, *It is with outstanding perseverance, intelligence, willingness and good nature that he has applied himself to assisting the police department; AND*

WHEREAS, *He has also generously volunteered to assist at City functions outside normal working hours; AND*

WHEREAS, *SOLOMON ADJETEY has become known and loved by all City employees for his helpfulness and gentle spirit; AND*

WHEREAS, *In August, he will leave the City to enter Embry-Riddle Aeronautical University in Daytona Beach, Florida.*

NOW, THEREFORE, BE IT RESOLVED THAT *the City Council of Takoma Park, Maryland, hereby commends SOLOMON ADJETEY for his academic achievement, expresses deep appreciation for his work as a police department intern, urges him to visit City offices when he returns at vacation times, and joins with all City employees in wishing him every success and happiness; AND*

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

Dated this 22nd day of June, 1992.

ATTEST:

Bill Leary
Mayor Pro Tem

Paula S. Jewell, CMC/City Clerk

Introduced By: Councilmember Leary

RESOLUTION # 1992-43

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH
THE UNITED FOOD & COMMERCIAL WORKERS UNION, LOCAL 400**

WHEREAS, the Negotiating Team representing the City of Takoma Park and the Union representing members of Local 400, United Food & Commercial Workers Union, AFL-CIO, have culminated negotiations with a three-year collective bargaining agreement; AND

WHEREAS, both parties have reached agreement; AND

WHEREAS, both parties request that funds necessary to implement the Agreement be approved by the Council pursuant to Section 8B-206 (g) of the Takoma Park Code; AND

WHEREAS, both parties request Council Approval of any provisions of this agreement which conflict with City Code, rule, or regulation, pursuant to Section 8B-206 (g) of the Takoma Park Code.

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1992 to June 30, 1995 between the City of Takoma Park and the United Food & Commercial Workers Union, Local 400.

Adopted this 22nd Day of June, 1992.

Introduced by: Councilmember Prensky

RESOLUTION #1992-44

REAPPOINTING COMMISSIONERS TO COLTA

WHEREAS, as of June 30, 1992, four members' terms on the Commission on Landlord and Tenant Affairs (COLTA) will expire; AND

WHEREAS, three of the Commissioners have requested to be reappointed to continue service on COLTA.


NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, hereby reappoints the following Commissioners to serve three year terms on the Takoma Park Commission on Landlord and Tenant Affairs:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
1. David Lurie	614 Elm Avenue	6/30/95
2. Mark Garfinkel	6757 Eastern Avenue	6/30/95
3. Theresa Immordino	7002 Aspen Avenue	6/30/95

BE IT FURTHER RESOLVED THAT these appointments become effective July 1, 1992.

Dated this 22nd day of June, 1992.

ATTEST:



Paula S. Jewell, CMC/City Clerk

Introduced By: Councilmember Porter

Drafted By: Theodore W. Kowaluk

RESOLUTION 1992-45

A RESOLUTION TO EXTEND THE PRINCE GEORGE'S COUNTY
HISTORICAL DISTRICT CITIZENS ADVISORY COMMITTEE

WHEREAS, the Prince George's County Historic District Citizens Advisory Committee (PGC-HD-CAC) has been directed by Council Resolution 1991-78 to develop a set of recommendations regarding the possible designation of an historic district on the Prince George's County side of Takoma Park; AND

WHEREAS, in accordance with Resolution 1991-78 the Prince George's County Historic District Citizens Advisory Committee, members' terms expire on June 30, 1992; AND

WHEREAS, the PGC-HD-CAC is not yet ready to offer a final set recommendations and has recognized a significant need for additional education regarding an historical district; AND

WHEREAS, the PGC-HD-CAC has requested an extension of members' terms in order to develop final recommendations and continue education effort.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF TAKOMA PARK, MARYLAND grants an extension for PGC-HD-CAC member's terms until December 31, 1992.

ADOPTED THIS DAY 22nd OF June, 1992. .

ATTEST:

Paula S. Jewell, CMC
City Clerk