

Special Session, Public Hearing and Worksession of City Council
Monday, May 3, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Hamilton	Assistant City Administrator Hobbs
Councilmember Johnson	Deputy City Clerk Sartoph
Councilmember Leary	Library Director Arnold-Robbins
Councilmember Porter	Recreation Director Ellis
Councilmember Prensky	Police Chief Fisher
	Public Works Director Knauf

The City Council convened in Worksession at 7:38 p.m. on Monday, May 3, 1993 in the Council Chambers at 7500 Maple Avenue. The City Council immediately moved into a Special Session.

#1 Cows for Kids Program. Mr. Sharp announced that Nancy Chisholm will be giving a presentation on the Cows for Kids Program and noted that there are guests from Santa Marta present in the audience.

Nancy Chisholm said that the Cows for Kids program has been a success and is done. She explained that they raised \$36,000 dollars for twenty cows, the land, stable, fencing and other things that went with the project. Ms. Chisholm said that she had visited Santa Marta in October and that the Women's Committee of Santa Marta is doing a fine job of managing the project-- keeping good books and records, projecting long-term income flow and charging enough on the milk to cover their expenses. When the cows have baby bulls, they anticipate to make a profit and be able to expand the project. She stated that they are now raising money for medicines and medical supplies. She noted that they have sent almost \$3,000 in wholesale costs of medicine over the Fall and Winter and sent an autoclave to sterilize the instruments they use to do minor surgeries. She introduced representatives of her group, including Kathrine Lambert, co-chair, and two guests Regina and Alicia, teachers in the Santa Marta schools. She explained that the teachers have been visiting the United States for the past couple of weeks and that they will be returning to Santa Marta tomorrow.

Interpreters translated for both Regina and Alicia as they addressed the City Council.

Alicia said that it is a pleasure to be here this evening and that she is a teacher from Santa Marta. She stated that she has been observing the project that the women have with the cows and explained that there is one woman that is the coordinator for the project. Alicia told of how in the winter the milk is sold to the needy, mostly the children and the elderly and how there is a list of numbers given to those on the needy list at the end of each month, so that there won't be any problems in the distribution of the milk.

Regina spoke about the issue of health. She said that members of the community are being trained in the practice of health and that on Wednesdays a doctor comes to the community. She said that the Cow Project is very important to the health of the community and that there can't be health without good nutrition. She commented that a combination of milk and health care is important for the children suffering from malnutrition and the elderly. Regina explained that two months ago children from birth to six years old were weighed and that it was apparent that fewer children are suffering from the third level of

malnutrition. The project proposes to reach out to other communities, not just the immediate two or three it is based in. She said that they are in the process of putting together a mini-hospital that will be able to tend to people from Honduras. Regina thanked Takoma Park for all of its help because the project has really aided their community. She explained that she and Alicia brought a small gift to the City--a photograph--and noted that they had signed the picture. She explained the scene in the picture and presented it to Mr. Sharp.

Ms. Chisholm introduced Mr. Tim Craus, staff for Companion Community Development Alternatives, which is the National Organization which provides assistance with communication and organized trips back and forth to Santa Marta.

Mr. Craus mentioned a few things that he thinks have a direct correlation to the example that Takoma Park has set with their relationship with Santa Marta. He noted that Mr. Prenskey had been a part of the delegation that went to Santa Marta in 1990 when there was still a war in El Salvador, when it was difficult for visitors to get into the Country, and when communities had difficulty getting medicines. He stated that Mr. Prenskey had a face-to-face meeting with the Military commander controlling travel to Santa Marta. On another occasion, Takoma Park helped to get staff from Congresswoman Morella's office to go and visit Santa Marta to help get 800 families from Mesa Grande, Honduras back to what is now, a thriving community. He stated that many letters were sent at times of captures and difficult moments during the war. In 1991, when El Salvador was trying to find peace and negotiations were dead-ending, there was a visit of the U.S. Ambassador, Congressman J. Mokely and the head of U.S. Military Advisors to Santa Marta and that meeting signified a change of U.S. policy in support of the negotiations. He said that six months later, peace accords were signed in El Salvador and that as another result of the meeting, the U.S. AID channeled money directly to a community for the first time. Mr. Craus explained that this has made Santa Marta a very important community for the peace process in El Salvador and for the hope for a new society. He acknowledged the role that Takoma Park has played in the process and that his organization has built on the model of the Takoma Park-Santa Marta Companion City Project. He said that there are now seven companion communities in the U.S. and thanked Takoma Park for their work and very positive impact on other organizations.

Mr. Sharp thanked the visitors for their gift and said that it would be displayed in either the Mayor's office or the City Administrator's office. He commented to Ms. Chisholm, that it seems to him that there is a growth industry in this project that will continue to be known as Cows for Kids. He said that he is particularly pleased to see the planning and growth being displayed by putting aside some money for future expenses and using good business practices. He wished the guests a safe trip home to Santa Marta.

Mr. Prenskey commented that it is very emotional for him to recall the time that he spent in Santa Marta and that it was very important for the Takoma Park community to learn, people-to-people, during the war what was happening to our friends as they were trying to rebuild their lives and their community. He remarked that there is a new investigation being launched by the U.S. Congress into the lies and deceit on the part of the Reagan administration during that war. Mr. Prenskey said that it is particularly gratifying that there is the trust and confidence between human beings, between our two communities, that allows us all to live our lives and grow. He stated that he is very pleased to have two of the fine people from Santa Marta here with us and offered his best wishes and love to be taken back to the people of Santa Marta.

#2 Consent Agenda. Mr. Sharp explained that the items on the Consent Agenda are Resolutions commending the Officer of the Year, and two recipients Honorable Service Medals. He said that the Resolutions will be presented to the Officers next Monday at a Police Awards Reception.

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

RESOLUTION #1993-44
(Attached)

RESOLUTION #1993-45
(Attached)

RESOLUTION #1993-46
(Attached)

#3 1st Reading Resolution Amending the City Charter.

Mr. Sharp explained that the Resolution will amend the City Charter to conform to Maryland State law requiring that cities' voter rolls be closed thirty (30) days before a city election. He stated that Ms. Jewell had noted that the City Charter had an inconsistency with state law with regard to when the voter rolls are certified and explained that this is a conforming Charter amendment. He commented that the practice that Council has had is to have two readings of a Resolution to amend the City Charter. He invited citizen comments.

In the absence of citizen comments, Mr. Sharp asked for Council comments.

Mr. Prensky noted that while he will vote in favor of the Resolution that brings the City into conformance with State law, that there are a lot of feelings among voter registration organizations in this country about the fact that a 30-day cut-off before an election is unnecessary and discouraging to the electoral process. He said that in this age of computers and technology there is no need to have thirty days in which to produce a certified list of voters and that he looks forward to the State of Maryland changing their law to come in conformance with greater opportunities for democracy.

The Resolution was passed unanimously at first reading.

RESOLUTION #1993-47
(Attached)

Mr. Sharp closed the Special Session and moved to the Public Hearing.

PUBLIC HEARING

#4 FY'94 Budget. Mr. Sharp called the public hearing to order at 7:58 for a discussion of the proposed FY'94 Budget.

Mr. Sharp explained that the Council is beginning its public hearings on the budget and that there are three public hearing scheduled and three Worksession scheduled for discussions of the budget. He said that this evening the Council has before it the Public Works Budget, Storm Water Management Budget, Non-Departmental Debt Service Budget, Special Revenue Budget and Capital Budget and noted that citizens are given the opportunity to speak about any budgetary matter that they wish to speak about at all of the public hearings. He noted that the public hearings

are broken up this way in an effort to make departmental staff available for the discussions.

Juan L. Torres, 900 Elm Avenue noted the tax increase proposed by the budget and said that he feels he has an obligation to himself, his family and the community to be present to make comments on the tax increase. He stated that he opposes a tax increase no matter how small. Mr. Torres said that he understands the needs of the City--employees' raises, maintained safety and a sound infrastructure, but that he cannot understand why the City cannot make its current tax rate, with its ever increasing constant yield, work to provide the services that the citizens demand of this incorporated municipality. He said that the City incorporated to receive fiscally responsible services, not to tax and spend, but to seek ways to save money. He told the Council to start by proposing a zero growth budget then move from there to solve the current problems the City may have in infrastructure. He noted that it may be true that the Local Government Insurance Trust (LGIT) pays for whatever legal costs the City may have; however, every time a lawyer defends the City, there will be an increase in fees. He said the costs of Public Works equipment repairs that continue to escalate should be eliminated and if the Council looks at how the budget continues to increase, it is beyond the 2-3% standard growth that the City has. He noted that next year Mr. Clinton proposes an incredible amount of revenue enhancements and that these enhancements will unfortunately hit the middle class, the people of Takoma Park. He said that the administration's tax enhancements and tax activities will impact every American, and again, the bulk of the burden will be borne by the middle class. He pointed out that these are the same people that the City plans to impose a tax increase on. He suggested that the Council send the Department Heads back to the drawing board to start the budget process again, cutting the current budget by 20% and use that money to raise the necessary cost of living increases for employees and put money to infrastructure.

Jack Mitton, 501 Philadelphia Avenue said that he has noted some striking similarities between Takoma Park and Rockville: both are among the oldest cities in Montgomery County and are justifiably proud of their history, both are situated on the main line of the railroad heading west from our nation's Capitol, both are proud to be Tree Cities U.S.A., both are homes to campuses of the Montgomery County College and both have hospitals; however, these two cities have very different real estate taxes. He stated that Takoma Park has an existing rate of \$1.75 per \$100 assessed value and is proposing to increase this rate to \$1.80; yet, Rockville has a rate of \$.8066. He asked how Takoma Park can justify a tax rate more than twice that of Rockville, is the quality of life in Takoma Park that much better, do Takoma Park residents receive twice the services that are provided to Rockville residents, are there services that Takoma Park provides that Rockville doesn't? He questioned if there are such services and Rockville doesn't need them, why are they provided by Takoma Park? He stated that even more disturbing is the different directions being taken by these two cities and that even anticipating several more years of stagnant revenue growth Rockville has proposed trimming its budget by 6% for FY'94. At the same time, Takoma Park, despite losing some State and County funds, has proposed increasing the budget by more than 6% for FY'94. He said that due to an increased assessment that is being phased in, his real estate taxes are increasing 10% each year without any increase in the tax rates and that if the proposed tax increase is approved, it will be the second year in a row that his taxes have increased more than 10%. He noted that with the possible exception of medical costs, nothing is increasing at such an intolerable rate. Mr. Mitton said that he believes the members of the City Council have the duty to hold the line on spending and that he doesn't believe that the residents will be willing to continue to accept these ever increasing taxes.

Tom Espinosa, 7104 Maple Avenue remarked that he is employed by the City and is the President of AFSCME Local 3399. He noted that he has read in the most recent editions of the Takoma Voice and the City Newsletter of proposals to reduce the Public Works staff and the sanitation division. He said that the Union's concern is that whatever economic benefit might derive from the reduction is questionable and that they are concerned that the potential for injury to the members of the staff, as well as, to the general public will go up by a third if the staff is cut by the amounts described in the media. On behalf of the Union, he said he would like to express concern that at best the economic benefit is questionable, at worse, the human impact could be disastrous, and that they can see no conceivable benefit to the citizens in this.

Mr. Sharp noted that there will be further opportunity for citizen comments in upcoming public hearings and that the Constant Yield Tax Rate public hearing is coming up in three weeks. Mr. Sharp addressed the comparison that Mr. Mitton made between Rockville and Takoma Park with regard to the tax rate. He said that the Rockville tax rate is a little over \$.80 per \$100, as Mr. Mitton indicated, last year and that the Takoma Park tax rate was \$1.75. Mr. Sharp stated that it is important to keep in mind that those two rates cannot be compared--it is an apples to oranges comparison. The Rockville tax rate does not have the fire service taxes in it; Rockville residents do not pay it in their City tax bill. They pay it in their County tax bill, and it is \$.255. He said that to make a fair comparison, the \$.255 would have to be subtracted from the \$1.75 Takoma Park rate. He explained that Rockville residents do not pay Storm Water Management taxes in their City tax rate; they pay it in their County tax rate. Again, the \$.06 would have to be subtracted as well. Rockville residents do not pay for trash pick-up; they pay for private haulers. He said that this is another figure by which the Takoma Park rate would have to be reduced to make a fair comparison. A conservative estimate would be \$.14, but some people have argued that subtracting \$.27 for trash pick-up is a more fair comparison. He stated that either way you do it, the tax rate in Takoma Park is higher than he would like it to be, but that a fair comparison does not show it to be double Rockville's. Mr. Sharp said that when looking at other jurisdictions with these same comparisons, Takoma Park's tax rate is not anywhere as out-of-line as looking at raw numbers would seem to indicate. He noted that staff has done some comparisons of Takoma Park's expenditures and numbers of employees to that of other municipalities in Maryland and that charts with the findings are available for the citizens. The comparisons show that for Takoma Park, in terms of how much money it spends per person for its government, is about in the middle range for the State, maybe in the top third, but nowhere near the outer end that if you just look at the raw tax rate you would believe it to be. He pointed out that the number of employees that the City has is in the middle range for the State municipalities comparison. Mr. Sharp stated that what he thinks the City needs to do is figure out what services it wants and that if there are services that the City has or is spending too much money for, there is no reason to continue those services just because they have been available in the past. However, if the City has the services it wants and they cost a certain amount, then the City will have to figure out how to pay for them. He said that this, to him, is what the discussion needs to be about.

Mr. Sharp asked for additional citizen comments and Council comments. In the absence of any further discussion, Mr. Sharp brought the public hearing to a close.

Moved by Mr. Leary; seconded by Mr. Johnson. The Council adjourned to worksession at 8:15 p.m.

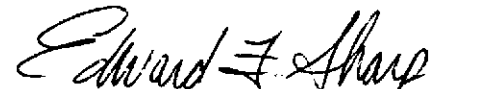
RESOLUTION 1993 - 44

- WHEREAS, Police Chief Tony Fisher has selected CORPORAL STEPHEN VERMILLION to be the 1992 Police Officer of the Year, AND
- WHEREAS, Corporal Vermillion has been a police officer for 17 years, and never has lost devotion to his job or lowered his high standards in response to stress or overwork, but remained consistently cheerful and optimistic as well as productive; AND
- WHEREAS, His astute powers of observation led to the chase and arrest of a man who had just broken into Zion Lutheran Church, making it possible to recover a large amount of stolen church property immediately; AND
- WHEREAS, Corporal Vermillion's astute observations and quick actions also led to the prompt arrest of Old Town armed robbers in 1992; AND
- WHEREAS, The officer who led the police department in number of driving-while-intoxicated arrests in 1992 was also Corporal Vermillion,


NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby commend and offer congratulations and a \$500 Savings Bond to the 1992 Police Officer of the year,

CORPORAL STEPHEN VERMILLION

Dated this 3rd day
of May, 1993.


Edward F. Sharp, Mayor

ATTEST:


Beverly K. Habada
City Administrator

RESOLUTION 1993 - 45

- WHEREAS, Police Chief Tony Fisher has selected OFFICER BRIAN DAVIS to be the recipient of a 1992 Honorable Service Medal; AND
- WHEREAS, Officer Davis is being honored for his commitment to community-oriented policing and for sustained successful effort to serve the residents of Beat #1; AND
- WHEREAS, He is also cited for quick thinking on more than one occasion, including off-duty times when he chased down and apprehended suspects in cases involving guns and/or drugs; AND
- WHEREAS, Officer Davis is also recognized for his strong sense of teamwork and willingness to assist other employees; AND
- WHEREAS, Finally, he is cited for his cooperative spirit with respect to the media, and for contributing timely news about events in his beat, and the work of the police department,

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby commend and offer congratulations and a \$50.00 Savings Bond, to


OFFICER BRIAN DAVIS

Dated this 3rd day of
May, 1993.



Edward F. Sharp, Mayor

ATTEST:



Beverly K. Habada
City Administrator

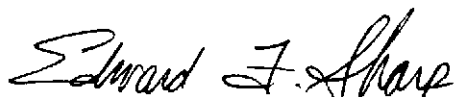
RESOLUTION 1993 - 46

- WHEREAS, Police Chief Tony Fisher has selected SERGEANT DENNIS BONN to be the recipient of a 1992 Honorable Service Medal; AND
- WHEREAS, Sergeant Bonn is being honored for exercising good leadership skills to carry out the mission of the Department; AND
- WHEREAS, He is also cited for excellence in firearms training, which he supervises for the entire police department, and the quality of which has prevented the occurrence of adverse firearm incidents among police officers; AND
- WHEREAS, Sergeant Bonn is also cited for fine powers of observation while off-duty and working private security, in that he noticed and caused the apprehension of suspicious persons driving a stolen car, who had been about to commit armed robbery at a bank on New Hampshire Avenue,

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby commend and offer congratulations and a \$50 Savings Bond, to


SERGEANT DENNIS BONN

Dated this 3rd day of
May, 1993.



Edward F. Sharp, Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced by: Mayor Sharp
(Drafted by: Paula S. Jewell)

1st Reading: 5/3/93
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1993-47

AMENDING CHARTER SECTION 702(c) REGARDING FINAL LISTS OF REGISTERED VOTERS: CERTIFICATION BY SUPERVISORS OF ELECTIONS

WHEREAS, Section 702(c) of the Takoma Park Charter of 1989, as amended, requires that at least three weeks prior to the City's election, the respective boards of election supervisors certify to the City Council, a revised listing of voters in the City; AND

WHEREAS, Charter Section 702(c) is in conflict with Maryland State law which requires that municipalities close their books 30 days prior to municipal elections; AND

WHEREAS, the Council has determined that closing of the City's voter rolls thirty days before a City election would not present any administrative hardships in planning for the City's November election.

SECTION 1. NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1990 edition, as amended), title: "Corporations - Municipal," that Section 702(c) of the Charter of the City of Takoma Park is hereby amended as follows:

Section 702 Lists of Registered Voters: Certification by Supervisors of Elections

(c) The respective boards of election supervisors shall, on or before the last Monday in October falling at least ~~thirty (30) days~~ ~~three-weeks~~ prior to the election of each second year, beginning in October, 1983, certify to the Council, revisions, if any, in the lists so certified theretofore by them.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 702(c) of the Charter of the City of Takoma Park hereby enacted shall become

effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5. The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, _____, seven (7) members of the City Council voting in the affirmative, no members of the City Council voting in the negative, no members of the City Council abstaining and no members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1993.

SECTION 6. In this Resolution, ~~strikethrough~~ shall denote language to be deleted from the current City Charter and shadow shall denote language to be added.

Adopted this _____ day of _____, 1993 by
Roll Call vote as follow:

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Edward F. Sharp, Mayor

William Leary, Councilmember, Ward 1

Kathy Porter, Councilmember, Ward 2

Hank Prenskey, Councilmember, Ward 3

Greg V. Hamilton, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Lloyd Johnson, Councilmember, Ward 6

ATTEST:

City Clerk

Date

Public Hearing, Regular Meeting & Executive Session
of the City Council

Monday, May 10, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Administrator Grimmer
Councilmember Johnson	Assistant City Administrator Hobbs
Councilmember Leary	Deputy City Clerk Sartoph
Councilmember Porter	Library Director Arnold-Robbins
Councilmember Prensky	Recreation Director Ellis
	Police Chief Fisher
	Public Works Director Knauf
	Accounting Supervisor McKenzie
	DHCD Director Nance-Sims
	Community Planner Schwartz

The City Council convened at 8:04 p.m. on Monday, May 10, 1993 in the Council Chambers at 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp stated that there had been a Police awards ceremony and reception earlier in the evening. He read a list of the awards that had been presented to the Police Officers, noted their accomplishments, and commended their service. Mr. Sharp commented on awards that were also given to the two Youth Outreach program workers.

Ms. Porter noted that there is a clean-up scheduled for the Sligo Creek area this coming Saturday.

Mr. Johnson stated that unfortunately he will not be able to be present for the clean-ups due to a full time job obligation that he has.

Mr. Prensky noted that the Takoma Foundation is sponsoring a Latino Forum this Saturday, May 15, at City Hall from 2:00 - 4:30 p.m. He briefly described the agenda and encouraged members of the community to attend.

ADOPTION OF THE MINUTES FROM 4/26/93 Moved by Mr. Johnson; seconded by Ms. Porter.

The Minutes for 4/26/93 were unanimously adopted.

AGENDA

#1 Resolution re: Julissa's Application for a Night Club Permit.

Mr. Sharp explained that Julissa's Restaurant is an establishment just outside the boundaries of Takoma Park and that Julissa's has applied for a Use and Occupancy permit as a nightclub. He noted that the Council has before them tonight a Resolution opposing the granting of a Use and Occupancy Permit as a nightclub to Julissa's.

Mr. Johnson referenced the Resolution and asked why it is necessary to mention in the Resolution that the City supports minority owned businesses? He offered an amendment to strike "... supports minority-owned businesses and recognizes the need

for establishments that provide musical entertainment, but..." from the second resolved clause to remove the language regarding minority-owned businesses.

Ms. Porter responded that she had received comments from the residents of the community that they wanted it to be clear that the residents were not opposing the restaurant because it is a minority-owned business. The residents oppose the business, not the owner.

CITIZEN COMMENTS

John Bennison, 811 Elm Avenue stated that he opposes the establishment's application for a nightclub permit and noted a number of reasons. He stated that the owner has failed to remedy already existing problems and that the patrons and neighbors would profit from a social club as opposed to a nightclub.

Jane Buckwalter said that she is speaking on behalf of about eight residents that support the Council passing this Resolution.

Kate Bennison, 811 Elm Avenue stated that Julissa's not only effects the neighboring residents but that it effects Takoma Park, as a whole. She stated that she is concerned about any business that solicits litter, noise and hazards to the community. Ms. Bennison said that Mr. Perez has demonstrated no concern for the interests of the residents. In closing, she stated that she supports the Hispanic community seeking social activities and meeting places. She acknowledged the efforts of Councilmember Porter, Councilmember DelGiudice and the City Council in supporting the residents' neighboring Julissa's Restaurant.

Juan Torres, 900 Elm Avenue noted that there is a need for Hispanics, as well as, other groups to gather; however, considering that the establishment is not safe or in compliance with the County Code, he urged the Council to go forward with the Resolution. He stated that the Council should also make it clear that it does not oppose the activities of the Hispanic community, and he made mention of the City legislation that allows non-U.S. Citizens to vote in City elections and the legislation that declares Takoma Park a Sanctuary.

Mr. Johnson stated that Julissa's is not what minority entrepreneurship is about. He said that he does not feel that the issue of the City's support for minority-owned businesses should be mixed into the language of this Resolution.

Ms. Porter noted that there have been three Resolutions before the Council regarding Julissa's, there have been continuous problems, and the residents of the community have done an enormous amount of work in keeping abreast of the issues surrounding Julissa's. She said that she agrees that the situation has gone on for far too long and that it needs to be ended. She noted that there had been a recent health inspection of Julissa's at which time the restaurant was cited for 63 health code violations and that there are also fire safety violations. Ms. Porter said that under no circumstances should the restaurant be granted a use and occupancy permit for a nightclub or any other type of permit.

Mr. Johnson made a motion to strike the previously noted language from the second resolved clause.

Mr. Prensky seconded the motion.

Ms. Porter stated her opposition to the deletion of the language regarding minority-owned businesses and again reminded the Council that the language had been put in the Resolution in response to the concern expressed by the residents of the

neighborhood that they did not want it to be misunderstood. The residents are opposed to the way the business is being operated, not to the fact that it is a minority-owned business.

The Council voted on the motion to amend the language of the second resolved clause. The motion carried (Ms. Porter voted NAY).

Moved by Ms. Porter; seconded by Mr. Leary. The amended Resolution was passed unanimously.

RESOLUTION #1993-48
(Attached)

PUBLIC HEARING

#2 FY'94 Budget.

Mr. Sharp announced the schedule of upcoming budget worksessions. He called the public hearing to order at 8:28 p.m.

Juan Torres, 900 Elm Avenue stated that the program budget does not include the line-items and suggested that before the Council accept the budget, a line-item budget should be made available to the residents who are interested in reviewing it. He said that he and some of his friends were unable to understand the budget because of the lack of figures presented in the program budget. Mr. Torres stated that he would like for the residents to be given a copy of a budget that has real numbers so that residents can identify where the money is being spent. He said that he feels the money necessary to do the work in the City and give the City employees a raise is available. Mr. Torres said that he looks forward to a line-item budget being made available to the public.

C.P. Cook, 7206 Carroll Avenue said that he owns a business at 7212 Carroll Avenue. He noted that he has been a resident of Takoma Park for twelve years and that for the past year and a half he has volunteered his services to the Recreation Department as a parent volunteer in an after school program at Piney Branch Elementary School and as a chaperon on many away trips. He stated that he recently became a member of the Takoma Park Recreation Council. Mr. Cook said that he has come forward to voice his support of the Police and Recreation Departments' budgets and urged the Council to lend its support for the budgets of these two departments. He stated that he is willing to pay the additional taxes needed to fund the City budget because he wants to continue the quality of life that he and others have grown to appreciate in Takoma Park. Mr. Cook recommended that the Council accept the advice of the Police Chief for additional officers and an additional recreation leader for the Youth Outreach program. He noted that the Youth Outreach program has been recognized throughout the State for its good work and has brought positive press to the City. He strongly suggested that the time frame for the opening of the Municipal Gym be kept timely to insure that the Takoma Park teams have a home this Summer. He thanked Mr. Prensky for his participation and support of the Recreation Department and its programs.

Marquita Stitt, 7777 Maple Avenue said that she is an eighth grade student at the Takoma Park Middle School. She stated that Officer Gardner is highly respected by her and her friends and that they can count on him for support and sound advice. She said that Officer Gardner has taught her to be a leader and not a follower and that the Council would be doing a great disservice to her and others if it takes Officer Gardner out of their reach.

Frances Davis, 7777 Maple Avenue noted that she has lived in Takoma Park for eight years. She said that her daughter,

Marquita, attends Takoma Park Middle School and that there are a lot of families in Takoma Park that are single parent families. She said that she feels that the youth Officer, Mark Gardner is a vital and necessary part of the community and that he represents the entire Police Department by being available in ways that other officers cannot be. Ms. Davis noted that her daughter has benefitted from the activities that Officer Gardner has been involved in.

George Taylor, 5 Columbia Avenue commended the Administrator for a careful budget and stated that he supports the outstanding Library, Recreation Department, particularly the Youth Outreach program and the fine Police Department. He said that he also wants to speak against raising the tax rate to the extent proposed and wants to propose a new way of taxation and certain budget reductions. He stated that some of his proposal for a new way of taxation does not fall under the authority of the City Council but affects and influences the way that the City Council sets the tax rate. Mr. Taylor discussed the rights to own one's property and the products of one's labor; the right to own property that is the product of one's labor also means that everyone must have equal access to those things that were not produced by any person's labor, such as land and natural resources. He said that there are two kinds of property, the products of human labor and land, which no person produced. He stated that a tax on natural resource value is fair and a tax on location value is fair, but a tax on property value that results from human labor is not fair. He concluded that the only tax compatible with justice is a tax on land value because it redistributes wealth that was not produced by individuals and allows individuals to keep the products of their labor. Mr. Taylor said that the government should try to minimize taxes on labor, property improvements, income or sales. He said that this proposed tax reform should be phased in over a number of years.

Donna Smoot, 7777 Maple Avenue stated that she is here to speak on behalf of supporting the activities of Officer Mark Gardner and commented on his contributions to her and other youths.

Susan Silkman, 7308 Birch Avenue stated that she is the owner of S&A Beads and that she is concerned with the Police Department not having enough money to provide officers to patrol the streets. She said that as a store owner, she would like to see more money allocated for the Police Department. She said that the presence of police officers is comforting and that she fears that by not granting the Police Department more money, officers will become scarce.

Hank Cox, 7331 Piney Branch Road noted that the City pays taxes above that of the County taxes for the same services. He stated that according to the budget, the police staff is seven officers short and that if anything is let go, it should not be the Police Department. He said that the rent control program should be done away with.

Diana Kohn, 16 Jefferson Avenue said that she is a member of the Takoma Park Elementary PTA and called attention to the recent decision made by the Board of Education to change the opening time of schools from 9:00 to 9:20. She said that this will effect the time that parents set aside for commuting to work in the mornings and cause there to be a gap in time where children will need supervision before schools open, twenty minutes later. Ms. Kohn noted that the two private morning programs cannot provide service for the children of Takoma Park and urged the Council to make this a consideration when discussing the Recreation Budget.

Francis Phipps, 7210 Holly Avenue said that the public relations surrounding the budget has been good and that she is pleased to hear that there will be continuing budget discussion so that many

residents will have the opportunity to comment on the proposed budget. She noted the tax difference between Takoma Park and other municipalities and how Takoma Park does not have the ability to grow and does not have much of a commercial base. Apartment buildings are the other tax base, and the City does not receive a great deal of tax revenue from this source. Ms. Phipps said that the greatest burden of the tax falls on the residents of the City. She recalled Sam Abbott's comments regarding the taxation of the residents. She said that there are areas that the City can cut its expenditures--housing is one. She stated that since serious housing problems are bumped-up to the County level by the Department, then why not leave these issues to the County from the onset. She recalled the discussion of recycling back in its early days and said that the program has never anticipated the costs involved, aside from the philosophy. Ms. Phipps noted that legal expenses exceeded the proposed figure in last year's budget. She concluded her comments by saying that there are areas in the budget where there are serious duplications that need to be investigated and that the taxing structure is not balanced.

Mike Tidwell, 7125 Willow Avenue commented that Takoma Park has a fine library and that it should be the last place in the budget where funds are cut. He complimented the Library staff and services and stated that he feels good knowing that a portion of his taxes are going toward the development and staffing of the Library. He credited the Library, in part, for his success as a writer.

Robin Gerber, 7001 Poplar Avenue spoke on behalf of several neighbors and said that if the Police Department wants seven more officers then it should be granted those officers. She said that tax money is well spent in conjunction with the funding of the Police Department and thanked the department for its service to the community. She spoke in support of the Children's librarian and the Library as a whole.

Maureen Healey, 7501 Carroll Avenue spoke in support of the Takoma Park Library. She noted that on a regular basis the library staff circulates different books on the shelves at Takoma Towers to be made available to the residents. She said that the services of the Library are very important to the residents.

Dave Pollock, 7118 Poplar Avenue said he has been a resident of Takoma Park for 14 years, is active in the B.F. Gilberts Citizens Association, and wants to express his personal support and that of his neighbors for the Police Department's request for additional officers. He said that the most basic responsibility of any government is to ensure the safety of its citizens and that there is no better way to spend citizens' tax money than to provide it to the Police Department to keep the City safe. He said that he wants to go on record as supporting all of the programs of the City but that none of those programs will be safe to attend unless there is a Police Department staff.

Fred Hunley, 7710 Maple Avenue said that he is a member of the NAACP Political Committee and a resident of Takoma Park. He urged the Council to pass the proposed budget of the Police Department. He noted the changes that have taken place as a result of the work of the Police Department and made particular reference to the reduction of speeding cars and criminal elements. He said that although he believes that crime could be controlled by the citizens if they were to stay at home, he would like to see the citizens feel secure getting out of their homes. Mr. Hunley stated that the police street patrols are very important to the community. He commented on the diverse elements in the City and said that diversity leads to change--the time for change is here.

Jon Hur, 7309 Holly Avenue expressed his support for the Library and said that he has no objection to having his taxes raised in support of the Library and the Police Department. He said that he would like to see the police on foot patrol around the community.

Montez Boatman, 133 Ritchie Avenue questioned the articles regarding surplus funds that appeared in the Newsletter and the Takoma Voice and asked whether the availability of these funds was considered in the proposed budget? She said that she supports the work of the Library and that she is pleased that the Police Department has taken advantage of various grants. She stated that she supports granting the Police Department additional officers. For the Recreation Department, she said that she supports the funding of a Youth Outreach Worker but questions the proposed user fees (Heffner Park). She asked would these fees be refunded or are they rental fees? If they are rental fees, would this revenue be included in the budget. She questioned the proposed reduction of sanitation crews in the Public Works budget. Ms. Boatman said that the proposed 5% tax increase will only generate \$350,000 and asked whether this will cover the programs anticipated in the upcoming year?

Mr. Sharp commented on the proposed allocation of funds for street repairs.

Clarence Boatman, 133 Ritchie Avenue noted the population versus taxation disparity and asked why the City requires such a large tax when other cities with larger populations have smaller tax rates? He commented on his property taxes and acknowledged that the City needs money to do the services listed in the City budget but that other residents in the city may not be as fortunate as he is and be able to afford the tax increase for all the services provided by the City. He said that he has some questions regarding the user tax that was mentioned in the Executive Summary and the amount of money it takes to run the rent-stabilization program (the COLTA program). Mr. Boatman said that he supports the proposals of the Library, Police Department, and Recreation Department; however, he has a problem with the Public Works budget, and would like to see a line-item budget for this department. He stated that the citizens need to be able to discern the items funded in the budget to assess its efficiency.

Rachael Pruitt, 7309 Jackson Avenue expressed her support for the Library and the programs of the Police Department. She said that the library is exceptional and that the staff goes out of its way to provide programs to the community. Ms. Pruitt commented that the atmosphere of the library is very warm and inviting. She urged the Council to continue to support the Library and its expansion.

Sonya Cooke, 7667 Maple Avenue recognized the Recreation Department's programs and how they are instrumental in keeping the youth off the streets and out of trouble. She stated that she had attended Camp Letts this year and in the past. She urged the Council to continue to support the Police and Recreation Departments. Her mother joined her in speaking about the activities that the Recreation Department offers and the exposure that these programs have offered her daughter to other children and other cities. She stated her support for the Police and Recreation Departments.

Norma Jurado, 8713 Gilbert Place said that she is here to represent the Hispanic community and thanked the Police Department for having a police officer that speaks their language. She noted that Officer Pacheceo is helpful for not only the Takoma Park Hispanic community but for Silver Spring and Langley Park communities, as well, and thanked him for all the work he has done in their communities.

Her daughter commented on the efforts of Officer Pacheco to help her find work. She thanked him for all the good work that he is doing for her and for her family, as well, and said that it is important to know that there is a person that is always trying to help them and others in the Latin community.

Lettie Battle, 7600 Maple Avenue said she has lived in Takoma Park for approximately two years and commented that she has experienced a lot of positive and very supportive feelings since living in the City. She said that it is disappointing to even be discussing the funding of resources for the Library and Police Department. She stated that the increase in crime can in part be contributed to a lack of positive role models and programs in the community. She pointed out that Officer Mark Gardner has coordinated programs that have contributed to the community.

Stan Kline, Principal of Piney Branch Elementary School expressed his appreciation for the programs provided by the Police Department and commented on the positive impact the programs have on the children of the school. He complimented the staff and its dedication to making a better community. He also acknowledged the Recreation Department and its importance to the children of Piney Branch and Takoma Park and urged the Council to sustain the high quality of these programs. Mr. Kline stated that he would like to see these services and programs continued.

Ralph Coleman, 7611 Maple Avenue said that he supports the Recreation and Police Departments. He said that he has watched the officers working with the youth in the community and noted the importance of this interaction. He stated that he realizes the necessity to consider cuts in the budget but that he would like to see the City find support through sponsorship from large corporations for the services and programs of the Police and Recreation Departments. He spoke about a proposal he had submitted for a program to teach children about the operations of the cable station. He said that he also supports the Library.

Louise Myer, lives at Houston & Roanoke applauded the police who practically live near her home because of the problems in the neighborhood. She said that she is considering leaving the City and noted that other homes in her area have been sold and others have remained vacant for long periods of time as people are leaving the neighborhood. She stated that the Police Department is doing its part in patrolling what is a volatile situation.

In the absence of further citizen comments, Mr. Sharp called the public hearing to a close at 9:59 p.m. and noted the upcoming budget discussions that are open for citizens to attend.

#3 Resolution Re: Camp Letts

Mr. Sharp noted that the Resolution expresses appreciation to the Police and Recreation Departments' combined efforts in coordinating the Camp Letts program.

Moved by Mr. Prensky; seconded by Mr. Johnson.

Mr. Prensky stated that he had tried very hard to attend Camp Letts this year and that unfortunately he had to be out of town on a business trip. He made a friendly amendment to the Resolution, adding Children's Librarian, Jillian Hershberger's name to the commendation.

Ms. C. Oliver, 7777 Maple Avenue expressed her appreciation to the Police and Recreation Departments for making the Camp Letts program available to the Takoma Park community. She said that her two children attended Camp Letts and cannot stop talking about the program.

Ms. Habada commented that the Camp Letts program had made front page coverage of the Montgomery Journal and said that there was a video tape that had been made of the event that Cable will be editing down from four hours to a half hour. She thanked all the staff for their hard work in conjunction with the Camp Letts program.

Moved by Mr. Sharp; seconded by Mr. Prensky. The amended Resolution was passed unanimously.

RESOLUTION #1993-49
(Attached)

#4 Resolution Establishing a Recreation Council

Mr. Sharp noted that there has been a Recreation Council that has been actively operating but not formally and that the purpose of the Resolution is formalize the arrangements with the Recreation Council. He said that the Resolution includes a Constitution and By-laws.

Mr. Prensky said that it is unclear in the next to the last resolved clause of the Resolution as to whom the Recreation Council will submit their quarterly financial reports to? He suggested that the Recreation Council submit these reports to the City Administrator. He commented on the dual methods of how people can become members of the Council and urged that there be a notice in the next Newsletter so that other interested citizens may come forward to seek appointment to the Council.

Moved by Mr. Leary; seconded by Ms. Porter. The Resolution was passed unanimously.

RESOLUTION #1993-50
(Attached)

#5 1st Reading Ordinance Re: Street Construction Requirements.

Mr. Sharp explained that this Ordinance will amend the City Code to include a waiver provision for street construction requirements and that this has come up as a result of the discussions regarding Glengary Place construction and the need to change the code to permit the Council to provide a variance from the 26 foot standard street width.

Ms. Porter noted that the Ordinance will permit the Council to waive the street requirements but that it will also set a process for doing so and doesn't make such a waiver automatic.

Moved by Mr. Johnson; seconded by Ms. Porter. The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-12
(Attached)

#6 1st Reading Ordinance Re: Glengary Road Improvements.

Mr. Sharp explained that this Ordinance is a provision that codifies the understandings that the Council has had with regard to how the Glengary Place improvements will be handled.

Ms. Porter noted that this Ordinance will allow the paving of Glengary Place which is to be done by the owner of the three newly subdivided single family lots on Glengary Place and to allow the paving to be done at a width of 22 feet rather than 26 feet. She said that this is something that has been discussed with the people in the area and has been discussed with the owner.

Moved by Ms. Porter; seconded by Mr. Johnson. The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-13
(Attached)

#7 Resolution Re: Change Order.

Mr. Sharp noted that this is a Resolution to exceed the 25% change order limit for an existing park improvement contract (Jequie & Spring Parks) and asked Ms. Habada to explain the change order.

Ms. Habada explained that when a contract is approved, the staff can spend an additional amount up to 25% of the original contract amount on change orders without Council approval. She said that to go above the 25% limit staff must have the Council's approval.

Mr. Johnson asked what is the amount that the City expects to pay to Triple "J" Construction?

Ms. Habada said that the City is going to spend the amount of funds that is available, \$59,000. This will include the additional work that needs to be done.

Moved by Mr. Sharp; seconded by Mr. Johnson. The Resolution was passed unanimously.

RESOLUTION #1993-51
(Attached)

#8 1st Reading Ordinance Re: Council Procedures.

Ms. Porter explained that the reason the Council is addressing this issue at all is a result of the complaints from residents who said that they were not able to speak at Council meetings because the proceedings often went so long that they would give up and go home. She said that after taking a look at the Code, there were things that the Council was no longer doing that needed to be removed from the Code and that there were things that the Council does do that need to be included in the Code. Ms. Porter noted that this Ordinance is the first of two steps and that at the second reading of the Ordinance, the Council will also consider a Resolution which will implement Council procedures that are an attempt to make the meeting process move more smoothly to ensure that anyone who wants to speak before the Council gets a chance to speak.

Moved by Ms. Porter; seconded by Mr. Leary. The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-14
(Attached)

Mr. Sharp reminded the Council that there is another Budget Worksession scheduled for Thursday evening at 7:30 p.m. and asked that the Councilmembers have specific items in mind that they would like the Council to discuss. He requested that the Councilmembers give their suggestions to the City Administrator so that they can be included on the agenda for the budget worksession.

Moved by Mr. Johnson; seconded by Ms. Porter. The Council adjourned to Executive Session to discuss the City Administrator's evaluation at 10:15 p.m.

Introduced by: Councilmember Porter

RESOLUTION #1993-48

EXPRESSING THE OPPOSITION OF THE CITY COUNCIL TO GRANTING JULISSA'S RESTAURANT A USE AND OCCUPANCY PERMIT AS A NIGHTCLUB

WHEREAS, Julissa's Restaurant has applied for a Use and Occupancy permit as a nightclub; AND

WHEREAS, Julissa's is located in a small shopping center with the main parking area only a few yards from the homes of the nearest neighbors; AND

WHEREAS, during the time Julissa's has been open, residents of the adjoining neighborhood have complained repeatedly about excessive noise from the establishment late at night, about patrons congregating in the parking lot into the early morning hours leading to public drinking, fighting and gunshots, about patrons urinating on their lawns, and about beer bottles and other trash left on their property; AND

WHEREAS, although Julissa's Restaurant was cited two years ago by the Prince George's County Fire Marshall as having an inadequate sprinkler system and was given one year to correct the problem, the problem remains uncorrected, creating a dangerous situation for patrons and the surrounding neighborhood; AND

WHEREAS, the Takoma Park City Council has gone on record in January 1992 and March 1993 in opposition to the granting of a liquor license to Julissa's because of the problems caused to the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find that the noise, fighting, trash, and other problems caused by Julissa's Restaurant have continued to create an untenable situation for the residents of the surrounding neighborhood; AND

BE IT FURTHER RESOLVED that the Council believes that this location, only yards away from a residential neighborhood, is not suitable for a business that creates late-night noise and large crowds; AND

BE IT FURTHER RESOLVED that because of these problems, the Council continues to oppose the granting of any liquor license to Julissa's; AND

BE IT FURTHER RESOLVED that in light of these problems and the dangerous situation created by the lack of an adequate sprinkler system, the City Council opposes granting Julissa's a Use and Occupancy permit as a nightclub; AND

BE IT FURTHER RESOLVED that the City Council requests that the Maryland National Capitol Park and Planning Commission hold hearings before deciding on the granting of a Use and Occupancy permit to Julissa's Restaurant, and that the city be considered a party of record to the proceedings; AND

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Fern Pivet, Director of the Planning Division of Maryland National Capitol Park and Planning Commission, Prince George's County Councilmember Steve DelGiudice, and Prince George's County Executive Parris Glendening.

Adopted this 10th day of May, 1993.

Resolution #1993-49

Commendation for Camp Letts Retreat

WHEREAS, *the Takoma Park Police and Recreation Departments sponsored a very successful second annual Youth and Adult Retreat on April 5-8, 1993 at Camp Letts, Maryland; AND*


WHEREAS, *the Police and Recreation Departments are to be commended for fostering a good relationship with the youth of the City of Takoma Park; AND*

WHEREAS, *the retreat's purpose was to assist the young people in developing alternatives to violence, in gaining a better understanding of the role of police and to teach the importance of teamwork.*

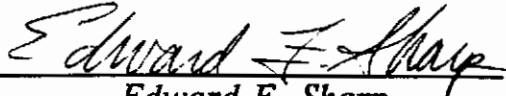
NOW, THEREFORE, BE IT RESOLVED THAT *the City Council of Takoma Park, Maryland, does hereby commend the Police and Recreation Departments for their joint initiative and recognize the fine efforts of Youth Outreach Worker, Calvin Avant, Recreation Program Coordinator, Matt Corley, Officer Kathy Coursey, Chief Tony Fisher, Officer Mark Gardner, Officer Mark Hammond, Children's Librarian, Jillian Hershberger, Youth Outreach Worker, Yolanda McLaughlin, Officer Steve Pacheco, Recreation Assistant, Jerry Sanford, and Deputy Chief, Dan Wortman in their work at the Camp Letts Retreat.*

Adopted this 10th day of May, 1993.

ATTEST:



Beverly K. Habada
City Administrator



Edward F. Sharp
Mayor

Introduced by: Councilmember Leary

RESOLUTION NO. 1993-50

(Establishing the City of Takoma Park Recreation Council)

WHEREAS, the charter and code of the City of Takoma Park, Maryland, empower the Mayor and Council to appoint such special and standing committees as may be deemed necessary; AND

WHEREAS, the City of Takoma Park recognizes the need to establish a committee of citizen volunteers to assist Recreation Department and staff in creating and conducting recreation policies, programs and services AND

WHEREAS, the continuous existence of such a committee of citizen volunteers is acknowledged as the Takoma Park Recreation Council, having been jointly established in May, 1965, by the Mayor and Council of Takoma Park and the Prince George's County Recreation Department, resulting in the Recreation Council's Constitution and By Laws, subsequently amended in October, 1971.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland hereby establishes a committee to be known as the Takoma Park Recreation Council, as defined by the following articles.

BE IT FURTHER RESOLVED THAT the Constitution and By Laws of the Takoma Park Recreation Council will read as follows:

Constitution

ARTICLE I

Name

Section I The name of this Council shall be Takoma Park Recreation Council.

ARTICLE II

Authority

Section I This Council is established as a body of citizen volunteers by resolution adopted as an official action of the City Council of Takoma Park, Maryland.

R-RECCON

ARTICLE III

Purpose

Section I The purpose of this Council shall be to work cooperatively with the Prince George's County Maryland-National Capital Park and Planning Commission Recreation Department and the Montgomery County Department of Recreation to support the Takoma Park Recreation Department in developing, planning and implementing a well-rounded recreation program for the community.

ARTICLE IV

Membership

Section I The members of this Council shall consist of the present membership once approved by the City Council of Takoma Park. Additional membership of the Takoma Park Recreation Council shall consist of any individuals interested in recreation for the community who may be appointed by either of the following two (2) methods: 1) direct City Council appointment or 2) recommendation from the membership of the Recreation Council and subsequent concurrence of the City Council. Members in good standing (those eligible to vote) shall include members of the executive committee and any other members who have attended at least three meetings during the previous twelve months.

ARTICLE V

Officers

Section I The officers of the Council shall be a President, Vice-President, Secretary and Treasurer and they and they shall be elected to two year terms.

Section II The officers of the Council shall be elected from a slate of nominees to be presented to the membership by a Nomination Committee selected by the Executive Committee (which shall consist of the elected officers and standing Committee Chairmen listed in Article II of the By Laws) no more than sixty and no less than thirty days prior to the Annual Meeting in January.

Section III The duties of the officers shall be as are implied by their respective titles.

Section IV Vacancies shall be filled by vote of the officers and standing Committee Chairmen, otherwise known as the Executive Committee.

ARTICLE VI

Quorum

Section I A quorum exists when one third number of members in good standing are in attendance.

ARTICLE VII

Amendments

Section I This constitution may be amended at any meeting of the Council by two-thirds vote of the voting members of the Council present, provided written notice of the proposed amendment shall have been presented to all Council members not less than thirty days prior to the next meeting of the Council.

By Laws

ARTICLE I

Meetings

Section I A regular meeting of this Council shall be held the fourth Tuesday of each month unless otherwise specified by the President.

Section II Special meetings may be called by the President provided ten days notice is given Council members.

Section III The regular meeting held in January shall be the Annual Meeting.

ARTICLE II

Committees

Section I The President may appoint the chairmen of the following standing Committees needed:

Finance	Sports	Teen Clubs	Facilities
Publicity	Playgrounds	Survey	Membership

Section II Such other standing committees authorized by the Council shall also be appointed by the President.

ARTICLE III

Business Meetings

Section I The business transacted at a regular meeting of the Council shall follow the order established by Robert's Rules of Order.

BE IT FURTHER RESOLVED THAT the Takoma Park Recreation Council will submit quarterly financial reports, running with the City's July 1 fiscal year;

BE IT FURTHER RESOLVED THAT the Recreation Council may not bind the City to contracts, nor obligate City funds, without prior authorization of the City Administrator. The Recreation Council shall exercise full authority over its own funds, except that any contracts over \$5000.00 will have prior approval of the City Administrator.

Dated this 10th of May, 1993

Introduced by: Mayor Sharp

Resolution No. 1993-51

WHEREAS, bids were received for the purpose of Park Improvements at Jequie and Spring Park, AND

WHEREAS, the Council accepted the low bid from Triple "J" Construction Co., Inc. for this work in the amount of \$35,420, AND

WHEREAS, these Change Orders in aggregate cost may exceed 25% of the contract amount, AND

WHEREAS, the City Procurement Regulations provide for Change Orders to existing contracts above a 25% limit with the approval of Council, AND

WHEREAS, the balance of Special Revenue funds available is \$24,019.

NOW THEREFORE BE IT RESOLVED THAT the Director of Public Works is authorized, pursuant to Section R3-106.01 of the City Procurement Regulations relating to construction contracts, to issue Change Orders to provide additional Park Improvements resulting in a total contract amount not to exceed \$59,439 charged to Special Revenue funds, AND

BE IT FURTHER RESOLVED THAT the Director of Public Works will exercise this authority only pursuant to consultation with the Department of Housing and Community Development to ensure compliance with Special Revenue procedures and requirements.

Adopted this 10th day of May 1993

Introduced by: Councilmember Johnson

1st Reading: 10 May 1993

2nd Reading:

ORDINANCE NO. 1993-12

AN ORDINANCE TO AMEND CHAPTER 11, STREETS, OF THE CITY CODE TO ADD A WAIVER PROVISION TO THE STANDARDS FOR ROAD CONSTRUCTION.

WHEREAS, the Council finds that, under certain circumstances, a waiver of the standard for minimum road paving width may be justified and may be granted without endangering the public health, safety, and welfare, AND

WHEREAS, the Council wishes to set up a procedure whereby such variations from the minimum road width may be considered;

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

SECTION 1. AMENDMENTS TO CHAPTER 11, STREETS.

Article 2 of Chapter 11 of the Code of the City of Takoma Park is amended to read as follows:

Section 11-12. Dimensions of streets and types of material.

(a) Paving or surfacing of roads, streets and highways shall have a minimum width of twenty-six (26) feet between inside faces of curbs unless this minimum width is waived by the City Council in accordance with the provisions outlined in Section 11-14, and shall conform to the approved cross section and specifications shown on a drawing issued by the Director, and shall conform as a minimum to any of the following types:

Section 11-14. Exceptions to requirements of Article.

(a) None of the rules and regulations contained in this Article shall apply to any private road serving a bona fide agricultural use or to any portion of a private automobile driveway located wholly on private property and outside of a public right-of-way. (M.C. 1961, Art. 9, Sec. 13.)

(b) The City Council may, at its discretion, grant a waiver to the minimum width paving provision in Section 11-12. In order for the Council to do so, the following requirements shall be met:

(1) The applicant shall submit a road improvement plan and a statement of justification for the need to vary from the minimum width standard to the

Director of Public Works, with copies to the Chief of Police and the Fire Chief. The applicant shall also pay a fee of \$50 to the Treasurer.

The applicant's statement of justification shall show the following:

- (A) That compelling reasons exist for varying the minimum width standard. These reasons may include: environmental constraints, tree preservation, lack of need for a full 26 foot street due to small number of lots served, or other unusual or unique conditions affecting the site.
- (B) That the degree of variation from the standard is the minimum necessary.
- (C) That the minimum width standard may be waived without endangering public health, safety, and welfare.

(2) After holding a public hearing for which advance written notice is provided to every person who has a financial interest in property or lives on property within two hundred (200) feet of the road, the Council must make the following findings:

- (A) That a waiver of the minimum width provision is justified.
- (B) That the minimum width standard may be waived without endangering public health, safety, and welfare.
- (C) That the degree of variation from the standard is the minimum necessary.

BE IT FURTHER ORDAINED THAT this ordinance shall take effect upon adoption.

ADOPTED THIS _____ DAY OF _____, 1993.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Note: [brackets] indicate language to be deleted from existing Code language and underlining indicates new language to be added.

rimpwaiv.ord

Introduced by: Councilmember Porter

1st Reading: May 10, 1993

2nd Reading:

ORDINANCE NO. 1993-13

AN ORDINANCE TO APPROVE ROAD IMPROVEMENTS TO THE 7200 BLOCK OF GLENGARY PLACE UNDER THE WAIVER PROVISION OF CHAPTER 11, STREETS, OF THE CITY CODE

WHEREAS, Dan Dillon, agent for the owner of 3 single-family lots in the 7200 block of Glengary Place (Wildwood Subdivision, Section Two), has applied for permission to make road improvements to Glengary Place in order to provide access to these lots; AND

WHEREAS, the applicant is proposing to pave Glengary Place to a width of 22 feet rather than the 26 foot standard provided in the Takoma Park City Code; AND

WHEREAS, these lots were approved for subdivision by the Prince George's County Planning Board in February 1993; AND

WHEREAS, the City Council reviewed the subdivision plan in November 1992, and adopted Resolution 1992-88 approving the subdivision plan with conditions; AND

WHEREAS, Condition #2 of Resolution 1992-88 stated as follows: "That access to the subdivided lots be provided via Glengary Place, and that the applicant assume all costs for improving Glengary Place to standards determined by the City at the time of proposed development" (emphasis added); AND

WHEREAS, concurrently with the resolution recommending approval of the subdivision plan, the Council also passed Resolution 1992-87 opening and closing Glengary Place, which resolved that "any improvement of Glengary Place that is required for the development of the proposed subdivision shall be to standards established by the City at the time of the proposed development based upon discussion with the owner" (emphasis added); AND

WHEREAS, the closure of Glengary Place at its south end requires the applicant to improve a significant stretch of road that does not front on his property; AND

WHEREAS, all conditions imposed by the Council in Resolutions 1992-87 and 1992-88 either have been or will be met; AND

WHEREAS, under Ordinance No. 1993- , the Council has adopted a procedure for granting a waiver of the standard for minimum road paving width in the City; AND

WHEREAS, the Council finds that the subject road improvement plan meets the condition of this Ordinance, as follows:

1. The applicant has submitted a road improvement plan and statement of justification that provides as follows:
 - a. The street width of 22 feet will allow the owner to preserve several large trees in the street right of way.
 - b. The completion of the development of the three homesites will have an extremely low impact on traffic volume, however, the new street width of 22 feet will greatly enhance the existing roadway. The new roadway will increase the existing street by 10 feet, provide better storm water run-off, reduce erosion and improve sight lines at the intersection of Sligo Creek Parkway.
 - c. The street width of 22 feet will increase usable parking spaces on Glengary Place and provide sufficient access for Fire, Police and Refuse Vehicles; AND
2. The waiver of the 26 foot standard in the City Code is justified for the following reasons:
 - a. The reduced street width will allow the owner to preserve several large trees in the street right of way, and will also involve significantly less grading than would otherwise be required.
 - b. Due to the closure of Glengary Place at its south end, the applicant must improve a significant stretch of road that does not front on his property.
3. The minimum width standard may be waived without endangering public health, safety, and welfare.
 - a. The Police Department and the Fire Department have reviewed the road improvement plan, and the plan has been revised to include their input.
 - b. The Public Works Director has recommended approval of the proposed plan.

- c. The proposed road improvements will allow room for on-street parking on one side of the street without endangering access by emergency vehicles.
 - d. The proposed road improvements and the subsequent completion of the development of the three homesites will not result in a significant increase in traffic volumes which could pose a public safety hazard, as Glengary Road will remain a dead-end street.
 - e. The limited sight line at the intersection of Glengary Place and Sligo Creek Parkway will be improved by widening Glengary Place and by requiring the developer to remove obstructive vegetation at the intersection.
 - f. The proposed improvements will greatly enhance the existing roadway.
4. The degree of variation from the standard is the minimum necessary, as a greater variation would create difficulties for emergency vehicle access, and any lesser variation would endanger several large trees and would require cutting into a steep slope.

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

SECTION 1. That the road improvement plans for Glengary Place be approved, subject to the following conditions:

- a) that parking be restricted to one side of Glengary Place.
- b) that the applicant is required to restore and plant grass in the proposed unpaved area at the south end of Glengary Place near Heather Avenue.
- c) that the applicant is required to maintain the existing guardrail at the south end of Glengary Place near Heather Avenue at its current location.

- d) that the applicant is required to remove obstructive vegetation at the intersection of Glengary Place and Sligo Creek Parkway in order to improve the sight distance at this location.
- e) that the applicant is required to take measures to preserve the 96 inch black oak located in the right of way between Lots 8 and 9, which measures shall be subject to the approval of the Public Works Director and the Fire Chief.
- f) that the applicant's contractor is required to control mud and dust and maintain a clean worksite during construction, and that the applicant is required to provide temporary parking arrangements during construction for the existing homeowner on Glengary Place.

ADOPTED THIS ____ DAY OF _____, 1993.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Note: [brackets] indicate language to be deleted from existing Code language and underlining indicates new language to be added.

rimpglen.ord

Introduced By: Councilmember Porter
Drafted By: Councilmember Porter &
Linda Perlman, Asst.
Corporation Counsel

1st Reading: 5/10/93
2nd Reading:
Effective Date:

Draft Date: May 7, 1993

ORDINANCE NO. 1992 - 14

(COUNCIL PROCEDURES)

WHEREAS, the Council appointed a committee of Councilmembers to study Council procedures and to make recommendations; and

WHEREAS, after study, the committee recommended revisions to the rules for Council meetings and procedures which are set forth in Chapter 2, Articles 1 and 2 of the Takoma Park Code; and

WHEREAS, the Council has determined that the changes made to Chapter 2, Articles 1 and 2 of the Takoma Park Code by this ordinance will improve procedures and assist the Council in the conduct of its business.

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

SECTION ONE. Chapter 2, Administration, of the Takoma Park Code is amended as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE 1. MEETINGS AND PROCEDURES OF THE COUNCIL.

Sec. 2-1 Council meetings ~~and worksessions. time, place and special meetings; procedure.~~

(a) The Council generally shall hold ~~its regular~~ meetings in the ~~Takoma Park Municipal Building and Sam Abbott Citizens' Center~~ ~~twice at some convenient place in the city at 8:00 p.m. on the~~

~~fourth Monday of each month, unless the Council shall for any month meeting prescribe a different time or place.~~

(b) In addition to the regular bi-monthly meetings specified in subsection (a), the Council may at any time hold special sessions or public hearings. Unless otherwise determined by the Council, these meetings shall be held in the Takoma Park Municipal Building and Sam Abbott Citizens' Center.

(c) In addition to the meetings specified in subsections (a) and (b) above, the Council shall hold worksessions, at which Council members shall discuss City business but may not adopt ordinances or resolutions. Unless otherwise determined by the Council, worksessions shall be held twice each month in the Takoma Park Municipal Building and Sam Abbott Citizens' Center. At its discretion, the Council may hold additional worksessions in any month. Worksessions shall be open to the public, except for executive sessions on matters defined by state law. Worksessions are not considered Council meetings as defined in this Article or in Section 304 of the Charter.

~~(b) There shall, unless otherwise determined, be an executive meeting at 8:00 p.m. on the second Monday of each month, to be held in the Municipal Building.~~

~~(c) Special meetings may be called by the Mayor or Acting Mayor at such times and places as he may deem proper. On written request signed by three (3) or more Councilmen, special meetings shall be called.~~

Sec. 2-2 Agenda and order of business.

(a) A written agenda for each Council meeting and worksession shall be available to the public no later than noon on the day of the meeting, unless the meeting is a special session called on an emergency basis. In that case, an agenda shall be available to the public as soon as possible. The agenda shall list the items to be considered at that meeting, briefly describe each item, and, for Council meetings, state what action, if any, the Council plans to take on that agenda item.

(b) Items not on the written agenda of a Council meeting or worksession shall be considered when a majority of the Council members present determine that circumstances require timely consideration of that item. In such cases, the Mayor shall announce the additional item at the beginning of the meeting or worksession. ~~and state why it must be considered at that meeting.~~

(c) Regular bi-monthly meetings of the Council shall include a citizens comment period, during which citizens may address the Council concerning issues not on the agenda for that meeting.

(d) At each Council meeting, citizens also shall be given an opportunity to address the Council concerning items on the agenda.

(e) The Council may adopt rules of procedure governing the conduct of Councilmembers and citizens at Council meetings and worksessions.

~~(a) At each regular meeting the order of business shall be as follows:~~

~~(1) Roll call.~~

~~(2) Reading of minutes of last regular and any subsequent executive or special meetings.~~

~~(3) Report of the Treasurer.~~

~~(4) Reading of communications.~~

~~(5) Citizens' remarks.~~

~~(A) Suggestions or complaints of citizens and taxpayers and other persons authorized by the Mayor to address the Council.~~

~~(B) Each person wishing to address the Council shall, when recognized by the Mayor, give his name and address; direct his remarks to the Council and not to other citizens present; and be limited to one (1) period of not over five (5) minutes, unless granted additional time by unanimous consent of the Council.~~

~~(C) Priority shall be given to persons who have signified to the Clerk their desire to address the Council.~~

~~(D) The Mayor shall enforce this subsection.~~

~~(6) Unfinished business.~~

~~(7) Reports of special committees.~~

~~(8) Reports of standing committees, in the order as may be determined by the Mayor.~~

~~(9) New business.~~

~~(10) Adjournment.~~

Sec. 2-3 2-1 Procedure for handling citizen requests for placing items on Council agenda.

(a) The following procedure shall be followed:

(1) A request to place an item on the agenda shall be in writing, in such manner as to clearly state the ~~issue problem and thus avoid misunderstanding or misinterpretation.~~

(2) Upon receipt of the written request, the Mayor ~~and Council~~ shall determine whether the item is one for further Council consideration or a matter which can be responded to in a follow-up letter, by a directive for action to staff or by an administrative report at a future Council meeting.

(3) If the matter does not lend itself to a clear resolution via the procedures delineated in subsection (a)(2) above, the ~~Mayor and Council~~, at their ~~its~~ next worksession, shall determine whether or not the matter should be placed on the Council agenda. The decision ~~of the Council shall be communicated in writing to the citizen making the request. will be announced at the next regular Council meeting, the following possibilities being available:~~

~~(A) Placement of item on agenda immediately.~~

~~(B) Placement of item on a future agenda for items of sufficient magnitude to warrant a public hearing, lengthy study, etc.~~

~~(C) Decision not to place item on agenda, in which case reason for decision will be stated at a time of announcement.~~

~~Sec. 2-3 Duties of Mayor.~~

~~(a) The Mayor shall be the executive officer of the Council.~~

~~(b) In addition to the appointment of standing and special committees and the reference of communications to them, as~~

~~provided in other sections of this Article, he may in his discretion assign to any committee for investigation and report matters which come within the proper functions of that committee.~~

~~Sec. 2-4 Duties of the Clerk.~~

~~(a) At each meeting, the Clerk shall submit to the Mayor a statement of all matters pending and not disposed of by the Council at its last preceding meeting, which matters shall be considered as unfinished business.~~

~~(b) He shall submit a list of all special committees, with the date of appointment and the subjects referred thereto, and a list of all matters specifically referred to each of the standing committees and not yet reported on.~~

~~(c) He shall transmit to the chairman of each committee all papers (or copies thereof) relating to matters referred to that committee by the Mayor.~~

~~(d) He shall submit to the Mayor a list of all persons who have expressed a desire to address the Council, together with all subjects to be discussed by them.~~

~~Sec. 2-5 Council meeting records.~~

~~All information relative to resolutions, motions or ordinances, and pertinent data thereto, and all votes cast for and against, whether by year or nay or otherwise, shall be read back to the Council by the person preparing the record of the meeting.~~

~~Sec. 2-6 Motions.~~

~~All motions shall be made and seconded before being subject to debate. The Mayor may make or second a motion of any nature, the same as if he were a member of the Council.~~

Sec. 2-4 Ordinances and resolutions defined.

(a) Ordinances generally amend, affect or repeal City law, whether an ordinance is codified or not.

(b) Resolutions are generally not law, but are merely requests or expressions of the opinion of the Council. There are two basic types of resolutions -- simple resolutions and substantive resolutions.

(1) Simple resolutions are used, for example, to establish or make appointments to various City commissions and task forces, to set forth positions of support or opposition of the City government on a particular subject, to accept reports of various committees, to express congratulations or condolences, or other matters of a nonsubstantive or personal import.

(2) Substantive resolutions are used, for example, to amend the Charter. Substantive resolutions have the force and effect of law.

Sec. 2-5 ~~6-1~~ Procedure for adoption of ordinances and resolutions.

(a) ~~Except as otherwise provided in this section, All ordinances, with the exception of those listed in subsection (d) below, shall be read at two (2) meetings of the Mayor and Council prior to adoption.~~

~~(b)~~ (1) The first reading of an ordinance shall be to ~~for the purpose of introduction~~ the ordinance to Councilmembers for study and consideration and to provide an opportunity for citizen input.

~~(c)~~ (2) At the second reading, ~~the Council may adopt an ordinance with or without amendment.~~ ~~an ordinance would generally be considered for final enactment except by decision to the contrary by the Council.~~

~~(b)~~~~(d)~~ The following classes of ordinances ~~may be adopted after one (1) reading at a meeting of the Council:~~ shall be exempt from the provisions of subsections (a), (b) and (c) above:

(1) These Ordinances dealing with appropriations of funds from a previously adopted annual ~~fiscal year~~ budget, previously approved federal revenue sharing fund planned use report or approved community development block grant programs.

(2) Ordinances which are ~~necessary to meet a public emergency affecting~~ designed to cover situations of an emergency nature presenting a clear and present danger to the public health, safety and ~~general~~ welfare.

(A) ~~Emergency ordinances must include and which contain a section of legislative findings defining the~~ ~~describing the claimed~~ emergency and ~~specifying the likely consequences of the emergency situation in the absence of said legislation.~~ Without a section of legislative findings, the provisions of subsections (a), (b) and (c) above shall apply. ~~in clear and~~

specific terms and declaring that the ordinance is necessary for the immediate protection of public health, safety or welfare.

(B) Emergency ordinances shall be effective immediately after adoption.

(c) Resolutions require one (1) reading at a meeting of the Council prior to adoption.

(d) The affirmative vote of a majority of Councilmembers present at a meeting shall be required for adoption of an ordinance or resolution.

Sec. 2-6 6.2 Fiscal notes. and waivers.

(a) ~~Required for Council action.~~ Except as otherwise provided in this section, the City Council may not vote on an ordinance which has a significant budgetary effect unless a fiscal note accompanies the ordinance.

~~(1) A fiscal note accompanies the ordinance.~~

(b) Preparation of fiscal notes.

(1) The City Administrator or the City Administrator's designee, with the assistance of appropriate department directors, shall prepare or cause to be prepared a fiscal note for each ordinance which has a significant budgetary effect.

~~(2)(3)~~ The City Administrator or the City Administrator's designee shall submit a ~~copy of a~~ fiscal note for an ordinance to the ~~Mayer and~~ Council prior to ~~second~~ the first reading and adoption of an ordinance.

~~(3)(2)~~ Notwithstanding the foregoing, a fiscal note may be prepared and submitted to the Council prior to the second reading

~~of an ordinance. If the Mayor certifies that prompt Council action on an ordinance is necessary, needed to conduct City business and, before the City Administrator or the City Administrator's designee prepares a fiscal note for the ordinance, accepts the ordinance for first reading, the City Administrator or the City Administrator's designee shall prepare a note as soon after first reading as possible but prior to second reading except for ordinances declared to be emergency ordinances as defined in Section 2.6.1(d)(2).~~

(4) Unless ~~an ordinance provides for~~ expenditures are in excess of the budgeted amount, a fiscal note is not necessary for ~~an ordinance providing for~~ expenditures specifically authorized in the ~~current fiscal year~~ budget ordinance ~~or resolution~~ for the ~~current year previously approved by ordinance or in~~ an ordinance ~~or resolution~~ revising it. ~~that budget.~~

(5) ~~A fiscal note is not necessary for emergency ordinances as defined in Sec. 2-5(b)(2).~~

(c) Contents of ~~fiscal~~ notes.

(1) A fiscal note for an ordinance shall contain an estimate of the fiscal impact of the ordinance on the revenues and expenditures of the City government:

(A) During the year in which the ordinance is to become effective and the next year after, as applicable; ~~and or~~

(B) If the full fiscal impact of an ordinance is not expected to occur during those years, the first year during which that impact is expected to occur.

(2) The A fiscal note shall identify the sources of information that the City Administrator or the City Administrator's designee used in preparing the estimates of fiscal impact.

(d) Copies.

(1) The City Administrator or the City Administrator's designee shall keep a copy of each fiscal note for three (3) years after preparation of the note.

(2) The Copies of fiscal notes shall be reasonably available for public inspection.

~~(e) Publication note required. Fiscal notes need not be published in the City newsletter.~~

~~(f) Effects of Section 2.6.2.~~

~~(e)(1)~~ The validity of an ordinance enactment is not affected by the presence, absence or content of a fiscal note.

~~Sec. 2.7 Communications to Council.~~

~~(a) All communications received by the Clerk which require action of any sort by the Council shall be promptly submitted to the Mayor for reference to the proper committee.~~

~~(b) Communications not received in time for the reference shall be read to the Council under Section 2.2(a)(4), except that, by direction of the Mayor, the Clerk shall prepare and read only a brief summary of any communication which is too long to justify its reading in full.~~

~~(c) The Mayor shall refer to the proper committee all communications read or summarized at the meetings of the Council.~~

~~(d) The committee to which the communication is referred shall return the same, with its recommendations thereon, within two (2) months of the date of the first meeting at which the communication was in the hands of the committee.~~

Sec. 2-78. Changes in rules.

Any rule of procedure may be temporarily waived by a majority vote of the Councilmembers present, but any permanent amendment to a rule must be by ordinance or resolution, as appropriate.

Sec. 2.89. Parliamentary authority.

Robert's Rules of Order shall be the recognized authority as to any matter of procedure not covered by this Article or by rules adopted by the Council pursuant to Sec. 2-2(e).

~~ARTICLE 2. THE COMMITTEES OF THE COUNCIL~~

~~Sec. 2.10. Council committees.~~

~~There shall be such special and standing committees as may be deemed by the Mayor or Council as needed, with duties prescribed by the Mayor or Council at the time of their establishment or subsequently.~~

~~Sec. 2-9 to 2-10. Reserved.~~

SECTION TWO. This Ordinance shall be effective _____.

Adopted the _____ day of _____, 1993 by roll call vote as follows:

Aye:
Nay:
Abstained:
Absent:

NOTE: Additions to the existing language of the Takoma Park Code are shown by shading. Deletions to the existing language of the Takoma Park Code are shown by ~~strikeout~~.

Introduced by:

RESOLUTION #1993-_____

COUNCIL RULES OF PROCEDURE

WHEREAS, the Council wishes to conduct its meetings in such a way as to maximize the opportunity for citizens to participate; AND

WHEREAS, long Council meetings that continue until a very late hour inhibit the ability of citizens to address the Council on issues that concern them; AND

WHEREAS, the Council also wishes to conduct its business in an efficient and timely fashion.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby establish the following rules of procedure to govern the conduct of council meetings:

1) Announcements made at the beginning of council meetings should be informational in nature. Discussion of substantive issues should be avoided during the period of time set aside for announcements.

2) As each agenda item is taken up, the Mayor or a member of the Council shall summarize the content of the agenda item and state the action the Council is considering.

3) Citizens who wish to address the Council must be recognized by the Mayor before speaking, must state their name and address for the record, and must direct their remarks to the Council.

4) Councilmembers who wish to speak must be recognized by the Mayor before speaking and must address the issue under discussion.

5) All those present at Council meetings shall permit speakers to express their opinions without interruption.

6) In general, speakers should limit their comments to no more than five minutes. When a large number of citizens wish to address the Council on an issue, speakers shall:

a) Sign up to speak on a form designated by the City Clerk, and

b) Limit their comments to no longer than three minutes, in order to give all those who wish to speak an opportunity to be heard in a timely manner. After all those who wish to speak on an issue have spoken, the Mayor may allow those who have already spoken to address the Council a second time.

7) During citizen comment period and public hearings, Councilmembers' comments shall be limited to asking informational questions of speakers or responding to requests for information.

8) Councilmembers are encouraged to work with city staff before Council meetings to make editorial changes to ordinances or resolutions. During Council meetings, Councilmembers shall make every effort to avoid purely editorial changes to the language of ordinances or resolutions. Such changes may be ruled out of order by the Mayor.

9) At the descretion of the Mayor, noncontroversial resolutions or other matters may be passed as part of a consent agenda. If any Councilmember wishes to discuss an item on the consent agenda, that item shall be removed from the consent agenda and placed on the regular agenda for that meeting.

10) Meetings and worksessions of the Council shall be recorded on audio tapes and videotape and simultaneously broadcast on the Takoma Park public educational and governmental cable channel. Videotapes of Council meetings and worksessions will be preserved for one year, audio tapes will be preserved for three years, and copies of the videotapes will be available to the public for the cost of the tapes and the copying.

Adopted this _____ day of _____, 1993.

Worksession, Regular Meeting and Public Hearing of City Council
Monday, May 24, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Administrator Grimmer
Councilmember Hamilton	Assistant City Administrator Hobbs
Councilmember Johnson	Deputy City Clerk Sartoph
Councilmember Leary	Accounting Supervisor McKenzie
Councilmember Porter	Recreation Director Ellis
Councilmember Prensky	Police Chief Fisher
	Public Works Director Knauf
	Library Director Arnold-Robbins
	Housing (DHCD) Director Nance-Sims

The City Council moved out of Worksession and convened in a Regular Meeting at 8:02 p.m. on Monday, May 24, 1993 in the Council Chambers at 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp commented on the Latino Forum and noted that Mr. Prensky had made some fine multi-lingual opening remarks. He said that there was a lot of discussions from various segments of the Latino community in the area and that at the end, there was some entertainment and food. He thanked Carolyn Pion and the Takoma Foundation for their efforts in coordinating the Latino Forum.

Mr. Johnson indicated his regret that there was a public misrepresentation that was expressed at the Latino Forum regarding his absence. He noted that on the day he had received the invitation for the Latino Forum, he called the person who had extended the invitation to explain that because of an out-of-town job related retreat he would not be able to attend. He said that he learned from a reporter that mention was made of his absence and his vote, more than a year ago, against non-U.S. citizen voting. He stated that it saddened him to realize that a person who holds such great respect would make that kind of public misrepresentation.

Ms. Porter announced that Carole Highlands Elementary School has received funding to begin the renovation process of the school. She said through the work of Cathy Burch, of the Prince George's County School Board, and Tim Maloney, State Delegate, the school has been granted the money to begin the planning process to begin the renovation. She explained that the first stage of the planning process is to have citizens form a committee to discuss what they would like to see done in the renovation process. She said that there will be an informational briefing for anyone who is interested in Carole Highlands in the renovation process on Wednesday, June 2 at 7:30 p.m. at the Carole Highlands School and urged citizens to attend.

Ms. Porter also noted that there is a hearing at 7:30 p.m. on June 2, 1993, before the Prince George's County Liquor Board involving an application from Julissa's Restaurant for a One-day Liquor License. She said that it is one of a series of One-day Liquor Licenses that various organizations using that establishment have applied for.

Ms. Porter announced that the South of Sligo Citizens Association will be holding their annual ice cream social on Sunday, June 13 in the afternoon.

ADDITIONAL AGENDA ITEMS

Mr. Sharp noted that there is an amended budget Ordinance that is in front of the Council this evening and explained that there was a number omitted from the original Ordinance.

Mr. Johnson noted that he knows there are a lot of people present tonight to speak on the sanitation crew reductions and asked what will be the appropriate time for these people to speak?

Mr. Sharp stated that he feels it would be appropriate for this discussion to take place during the first reading Ordinance of the budget. He noted that if someone wants to talk about the constant yield tax rate in light of the sanitation crew reductions, they are welcome to do so but that in terms of a broader discussion of the policy issue, he feels it would be best held for the first reading Ordinance of the budget because the Council would be able to respond. Mr. Sharp reminded the audience that the Council does not respond to citizen comments during public hearings.

Ms. Habada noted that there is an additional agenda item on the audit contract.

Mr. Sharp said that this item will be added to the end of the agenda.

CITIZEN COMMENTS

There were no citizen comments.

#1 Public Hearing: Constant Yield Tax Rate

Mr. Sharp stated that the City of Takoma Park is proposing to increase property taxes. For FY'94, the estimated assessable base will increase by 5.3%, from \$275,673,582 to \$290,236,842. If the City maintains the current tax rate of \$1.757 per \$100 of assessment, property tax revenues will increase by 5.3%, resulting in \$255,877 of new property tax revenues. In order to fully offset the effect of increasing assessments, the property tax rate would need to be reduced to \$1.67, which is the constant yield tax rate. The City is considering not reducing its property tax rate enough to offset increasing assessments. The City proposes to adopt a tax rate of \$1.777 per \$100 of assessment and this tax rate is 6.4% higher than the constant yield tax rate and will generate \$313,924 in additional property tax revenues. The City Council will consider the first reading of the tax rate Ordinance this evening, and expects to set the tax rate on June 14th at second reading of the tax rate Ordinance.

He explained that this is the statement that the City is required to make as part of the constant yield tax rate hearing as established in State law. Mr. Sharp noted that the announcement that was published in the newspapers indicated a higher number because at that time, the Council had been contemplating a tax rate of \$1.807 per \$100 assessment. He said that there was a deadline to make that announcement in the newspapers prior to last week's meeting at which time the Council reduced the budget to approximately \$0.02 over the current tax rate and 6.4% higher than what the City received in taxes last year. Mr. Sharp explained to the audience that if the City keeps taxes at the same rate, the amount of money that residents will pay to the City will still be higher than it was last year. He stated that

the Council is proposing a tax rate that is \$0.02 higher than it was last year.

Mr. Johnson commented that the proposed tax increase is \$0.03 lower than originally proposed by the City Administrator.

Mr. Sharp called the public hearing to order at 8:09 p.m.

CITIZEN COMMENTS

Mary Pennifield said that she doesn't understand why the tax rate continues to go up every year and suggested that the Council has the power to control this continuous increase. She commented on how President Clinton is not going to give COLA's to retirees and is going to reduce the social security increases. Ms. Pennifield said that if people are not going to get more money, they should be able to pay the tax that they have been paying and shouldn't have to pay increased taxes.

Mr. Sharp commented that if a person owns their own home in Takoma Park, the City has a tax rebate program for home owners who qualify for the State tax rebate program on ownership. He stated that just because the situation is what it is on the Federal level, doesn't mean that the City's costs don't go up-- employees get pay raises and COLA's, costs of buying products increase, and people continue to want City services.

Mr. Pennifield said that the City employees are getting paid enough and that a lot of the City jobs could be eliminated. She questioned why the City is considering a reduction in the sanitation crews and said that she would like to see the Council keep men on the job. She said that she doesn't think it's fair.

Tom Espinosa, 7104 Maple Avenue stated that he will be speaking on the proposed reduction of sanitation crews as related to the tax rate and the money that citizens spend. He said that the main question in the discussion of sanitation service is, what is in the best interest of the citizens. He stated that hundreds of citizens with whom AFSCME has spoken have agreed that Takoma Park citizens are best served by the three-man crew sanitation crews and that these citizens feel that the City budget should be revisited in order to fund three-man crews. Hundreds of citizens have expressed their concern for the safety of sanitation workers, in particular and the safety of the public, in general. Everyone wants greater efficiency. He asked if reducing sanitation crew size is getting more bang for the buck? He said that the plan to reduce size is simply well intentioned, wishful thinking and that two-member crews will not be able to improve service nor will public and occupational risks decrease. He urged the Council to revisit the budget and reminded the Council that AFSCME, on its own initiative, has offered reductions in COLA's in current contract negotiations, which can, over the term of the contract, provide \$100,000 for Takoma Park. He said that AFSCME offers this meaningful contribution because of AFSCME's willingness to do its fair share of sacrifice in tough economic times. AFSCME is willing to go the extra mile for the citizens of Takoma Park and joins with hundreds of citizens to ask that funding be maintained for three-member sanitation crews.

Mr. Sharp commented that the collective bargaining process has been going on and that the Council does not know about what Mr. Espinosa has just stated regarding AFSCME. He said that he does not think it is fair for citizens to think that the Council knows about what has just been stated and that the Council is not responding to it, because the Council is not aware of this proposal.

Mr. Elrich asked Mr. Espinosa, on behalf of AFSCME, what is the request for a COLA for the FY'94 budget.

Mr. Espinosa said that AFSCME is going to give particular figures about what has been in negotiations. He stated that AFSCME is willing to provide this information to the public, if the Council agrees.

Mr. Elrich stated that he cannot put Mr. Espinosa's comments in context unless he knows what is being discussed.

Mr. Hamilton noted that the Council does not get into the Union negotiation issue and that there is a management and a Union employee team that deals with this issue. He said that Mr. Espinosa should not be putting this issue to the Council since there are staff teams to carry on these discussions.

Mr. Sharp reminded the Council that even though he had stated earlier that he thinks it is best to raise this issue during the discussion of the first reading Ordinance of the budget, the citizens making comments have decided to raise the issue during the constant yield tax rate public hearing. He suggested that the Council hear the testimonies of the citizens and that the Council discuss the comments when it gets to the first reading Ordinance of the budget.

Mr. Johnson asked Mr. Espinosa if the anonymous flyer that was circulated through Takoma Park was a Union sponsored?

Mr. Espinosa replied that the Union did participate in the production and distribution of the flyer.

Mr. Johnson said that his concern is why didn't it have a Union bug? He asked whether the flyer was produced in a non-Union shop or whether it was produced under Union auspices.

Mr. Espinosa said that the flyer was produced under Union auspices and that in the haste of production the bug was not included.

James Smith, 7418 Taylor Street said that he represents the sanitation division of the Public Works Department. He asked the Council why it is cutting the crews down to two men, and asked whether the Council is trying to get better service or cutting down the crews so that they will not be able to do the service?

Mr. Sharp noted that the proposal for the reduction of the sanitation crews came out of the Public Works Department as part of this year's budget. He said that this has been put forward as an idea in previous years and that there was an analysis done by them of what staffing would be necessary to have two-man crews. In addition to making that personnel change, the proposal is to make some equipment changes that will make the job easier at the same time that the crew size is reduced. He commented on the ideas of using garbage trucks which have lower heights for recycling collection and of making the driver's side in the trucks right-sided so that the driver will exit on the curb-side as opposed to exiting into the street as they do currently. This will increase safety considerations. He stated that this is part of the reorganization of the Public Works Department which will also allow the reduction of an administrative position.

Mr. Smith noted that the money used to convert the trucks could be used for other things in the budget.

Mr. Sharp stated that from the analysis done by the Public Works Director about that, it appears that the pay-back period is one year. He asked the Public Works Director to respond to this issue.

Mr. Knauf said that the estimated cost to make the conversion to right-hand side drive is \$10,000 for each vehicle and that he does not believe that there was any type of pay-back analysis

made on this item. He recalled that there were other items in the sanitation budget that he did make some pay-back analyses on, but that those items were dropped from the budget.

Ralph Conti, 3321 13th Street said that he is here to represent both the sanitation and recycling departments. He said that it is his understanding that the people in management dictate what they think can be done with two men but that the worker is the one that can best judge what can be done. He stated that if crews are reduced to two men, the driver will mainly have to remain in the truck for safety reasons--the trucks roll down hills. Consequently, one man does all the work. Mr. Conti said that the increased workload per man may be reflected in increased absences of employees.

Mr. Hamilton asked whether the sanitation employees had the opportunity to discuss this issue with the Public Works Director.

Mr. Conti said that the decision had been made by Mr. Knauf and that the staff had not been given the opportunity to discuss this issue.

William Jackson, 4515 Rena Apt.#3, Suitland, MD stated that he works for the Sanitation Department on recycling and trash trucks, and that he is a driver. He said that he is concerned about the safety of the crew members and that there will be a greater potential for serious accidents with two-men crews. He stated that the brakes on the packer and bottle collection vehicles do not keep the truck from rolling down a hill. He stated that one man cannot handle all of the waste collection (newspaper, waste paper, cardboard) and that often, crews have to return to Public Works to drop-off collected trash. He said that sometimes it requires three men just to lift the waste paper containers. He said that it is too much work for two men and commented on the lack of consideration by motorists to stop for sanitation trucks while crew members do their jobs.

Juan Torres stated that he is concerned with the budget and the proposal to reduce the sanitation crews. He thanked the staff for the line-item budget and said that after studying it, he came to the conclusion that the City cannot continue on the course that it has taken. He said that the City cannot continue to tax and that it appears that the City has problems managing the money that it has. He noted that having been a Public Works Deputy Director, he has gone out with trash collection crews. He said that the person operating the vehicle should not get out of the truck and that it is his understanding that it is an OSHA violation for the person operating the truck to get out of the vehicle.

Mr. Sharp stated that he would like the Public Works staff to inform the Council on the OSHA regulations because this is an important consideration. He said that he currently observes the crew drivers getting out of the truck and that if it is an OSHA violation now, he is certain that the drivers have not been instructed to get out of the trucks.

Mr. Torres said that he can cite the OSHA regulation for the Council. He said that this is an impact to the safety of the crew. He noted that every time there is an interest to raise taxes, the first positions that are proposed to be cut are the trash collectors and police officers. He said that there is no way that the City can continue in this direction. He proposed some steps to control the budget. He stated that the Recreation Department spends \$20,000 in rental fees because the City does not have a gymnasium. He asked how long it will take to fix the gymnasium? He questioned why the City has repetitive activities when the residents of Takoma Park pay \$0.21 to Park and Planning. Couldn't the City just coordinate with Park and Planning on

activities? He stated that the City of Bowie has a population of 37,000 (1990 census) and that there is one person running the Recreation Department. All the activities that the City of Bowie runs are coordinated with the Park and Planning activities. Instead of reducing the services that touch the citizens everyday, like the sanitation collection and Police services, why not consider some reduction of the Recreation budget. Mr. Torres said that he would like the Council to consider combining the work of code enforcement with parking enforcement as a way to reduce the car fleets and employees for this service. He questioned the revenue from parking enforcement and said that it surely does not fund the enforcement staff. He said that after addressing these ways of reducing the budget, then look at the Public Works Department. He asked whether it was time to begin considering whether an Arborist is needed on City staff. He said that he believes that the Council can find about \$100,000 in the proposed budget, if they look at better ways of combining the activities of the City. He urged the Council to better manage the money that the City has and stop digging in the reserves. He stated that he does not mind paying additional taxes if there will be some benefit but that currently, the City's money is not being managed effectively as evidenced by the City using its reserves. Mr. Torres asked the Council to consider going back to the budget, to eliminate the tax increase, and to make the Department Heads balance the budget on the existing money that is available.

Mr. Leary asked Mr. Hobbs to comment on the OSHA requirements.

Mr. Hobbs said that it is his understanding that City staff has checked with OSHA, MOSHA, the Injured Workers' Association Fund and LGIT regarding the two member crews and the driver getting out of the truck. He stated that City staff has received assurance that these proposals are not in conflict with safety standards. He stated that the issue was raised on whether the ignition in the truck should be either on or off, and that he still had to check on this issue. Mr. Hobbs said that it is his guess that the ignition should be turned off when the driver gets out of the truck and that this is a good safety practice when getting out of any vehicle.

George John McClusky, Holly Avenue said that he came to Takoma Park 26 years ago and that he loves this City. He made a contrast between the number of employees/citizens in years past and currently and asked where the employees are? He said that we are pricing ourselves out of the City. The City does not have a tax base like Rockville and most others. He stated that if the taxes continue to rise there will be citizens that are not able to afford to remain in the City. He stated that it is his understanding that the Public Works Director made the recommendation to reduce the sanitation crews and that he feels that a Director who can say this should go out with the crews and work with them to experience the workload. He said that the Council keeps talking about taxes and that he has heard the Mayor talk about salaries. Mr. McClusky suggested that instead of taxes, the Council should put a moratorium on all salaries and meritorious employee incentives. He asked for clarification on the number of employees/citizens in the City of Takoma Park, taking into consideration the reduction of citizens/employees over the years.

Kim Keller, 11 Pine Avenue stated that she has lived in Takoma Park for about nine years and that she is the new International Union Area Director for AFSCME. She said that from what she has heard this evening there has been no pay-back analysis of the radical change that is proposed, the Union is willing to give up some money in their contract negotiations, and there is proposed expensive modifications to the equipment involved in this change. Ms. Keller said that she does not understand how these changes will contribute more money to the City. She stated that this is

not a practice that a City like Takoma Park should be making and that it is too hard for the workers. She urged the Council to reconsider this proposed change and repeated that it really does not make any sense and that it is not clear how it will save any money.

Larry Rubin, 239 Park Avenue said that he has been a resident of Takoma Park for a number of years and that he has paid the price for living in the City, a City that he is proud of. He stated that the City has excellent services and that by cutting one person out of the sanitation crews, the City will be diminishing City services as taxes are going up. He commented that he is also proud of Takoma Park because he thinks it is a City that values human beings and noted the safety concerns regarding trash trucks, sanitation crews, and children on the streets. He said that the Council cannot expect one worker to do the work of two and that services will suffer and safety will be a constant concern.

Rino Aldrighetti, 7213 Central Avenue said that the basic service of government at this level is the provision of police and sanitation services. He said that 20-25% of the parking spaces behind the Library are taken up with City vehicles and that he counted nine vehicles parked in numbered spaces. He commented on the difficulty of the sanitation work and questioned whether two people can do the work. He stated that he is curious whether the employees have been involved in the discussions regarding staff reductions. He said that his first reaction to the flyer was, who had put it out? He stated that this is the second flyer that he has seen in seventeen years living in the City that is unsigned and does not have the contact numbers of both parties involved in the issue. Mr. Aldrighetti said that he would like to have been able to call the opposing party, with a phone number as usually appears on a flyer in this town, to find out more about the issue so that he could make a better educated determination on what he feels is right or wrong.

Michael Merridith, Woodland Avenue said that he hopes that the Council does not direct the staff to reduce the number of sanitation crew members. He commented on the past decision to reduce trash collection to once per week and said that he believes that this was an excellent decision. It put more of the burden of managing trash on the citizens, but inevitably, it means that there will be more to be picked up on the one day collection per week. He said that he thinks the residents get excellent service from the sanitation workers and commended them.

Bill Braile, 7113 Holly Avenue commented on the difficulty of the job of trash collection and said that in all fairness, if the Council wants to cut the number of sanitation crew members, then the salary of the reduced member should be split between the remaining members of the crews. If the job is degrading, give them more money, but don't make it more difficult for them to do the job. He asked if the Council is taking this action because of the race of the sanitation crew? He suggested that the Councilmembers devote one hour of their time to go out on the street and do the job. He said that the sanitation workers are the only employees of the City that he sees. He urged that the Councilmembers ride on the truck for even 10 minutes.

In the absence of additional citizen comments, Mr. Sharp brought the public hearing to an end at 9:09 p.m.

#2 1st Reading Ordinance re: FY'94 City Budget.

Mr. Leary said that he will vote for this budget, in spite of several misgivings, because he thinks it does represent an honest effort to balance the competing claims before the Council. He said that he would have struck the balance somewhat differently,

as he will explain briefly, but that the Council had debated the realistic alternatives fully and had made some reasonably tough decisions to reduce costs. Before explaining his misgivings, Mr. Leary highlighted the good news in the budget from his perspective. (1) The City is beginning a serious 5-year effort to repair City streets and sidewalks by budgeting \$300,000 for that purpose next year--in addition to regular maintenance. And, the City is paying for this out of current revenues, not by floating a bond, which is absolutely the right and proper way to do it. If there is any responsibility of municipal government that is essential, that is current, and that is never ending, it is the repair and maintenance of City streets and sidewalks. Best of all, this \$300,000 includes the funds needed to match a generous offer from the State Highway Department to repair the sidewalks and resurface the roadway on Piney Branch Road from the Washington, D.C. line to Route 410. This is a project that the City has been working on for years and it finally happened in large part because of the herculean efforts of Delegate Peter Franchot, who deserves much honor and glory for his indispensable role in bringing this to pass. (2) This budget funds a grant proposal for an additional police officer to target street crime--to focus on temporary problem spots throughout the City. (3) The Public Works Director submitted a proposal to improve the efficiency of the waste disposal operations by eliminating three positions in Public Works by attrition. Mr. Leary stated that in his experience, Mr. Knauf, Director of the Public Works Department has always been exceedingly careful, prudent, honest and above all, enormously solicitous of the needs of his employees consistently throughout his tenure in this City. He noted that the Council has heard some things this evening from Public Works staff that the Council has not heard before, particularly about safety considerations, that warrant a re-examination of this proposal. He said that he will not start with a presumption that the proposal is wrong and that he is willing to listen with an open mind to a fuller discussion on this proposal. Mr. Leary said that he would like to point out, particularly to City staff, that this enterprising example of Reinventing Government largely pays for the merit increases included in this budget. (4) Mr. Leary said that a much smaller, but equally enterprising proposal from the City Administrator will save \$15,000 by transferring certain tasks from our legal counsel to the Housing Department staff. Mr. Leary commented that on the other hand, this budget continues the steady increase in the cost of City government to city taxpayers--and at a pace in excess of most other typical family expenditures. Over the past 10 years, the cost of City government has more than doubled--from \$4.5 million in 1984-85 to \$9.2 million next year. More importantly, over the past eight years property taxes have risen an average of 7% annually. Indeed, this year's proposal is a bit worse than the recent average. In Montgomery County, the projected increase in property tax revenues is 8.5%, while in Prince George's County it is 11%. That means, on average, that the taxes on a home assessed at \$200,000 will go up next year by about \$150. He said that he guarantees that these tax increases are larger--in percentage terms--than the average increase in income for Takoma Park residents. And, he submitted that these kinds of increases cannot continue indefinitely--even in the People's Republic of Takoma Park--without sparking a taxpayer's revolt, and when and if it comes, we may have to deal with demands for disincorporation rather than simple reductions. He stated that this is why he has urged his colleagues--unsuccessfully--to cut this year's budget even more than the we have. Specifically, he argued that the Council should cut another \$0.02 from the tax rate by eliminating the merit increases for staff proposed by the City Administrator. These merit increases for most staff are in addition to a COLA of 2% and an increase of 12.7% in the cost of employee benefits. These overall increases also follow several years of even larger increases. Clearly, the increases of 3.7% in wages and 5.4% in total compensation are not extravagant, but they are generous

compared with those received by most public employees in recent years. He said that he is definitely not thrilled with this proposal. He stated that he has no doubt that taxpayers get their money's worth from city employees and that he has never believed that there is any noticeable waste in the City's budget. But, until and unless the Council is prepared to seriously consider eliminating or reducing certain services--until that happens, those who want to slow down the escalating cost of City government have no choice but to cast a covetous eye at the 58% of the budget devoted to employee compensation. For all these reasons, next year the Council should resolve to seriously examine what services might be cut if necessary. The issue is not how to make City government more efficient (little to find), but is it necessary for the government of Takoma Park to provide all the services that the City now provides? The Council needs to reach a consensus, if possible, on what services are essential for the City to perform and which are merely desirable. Then these services need to be ranked in priority order.

Mr. Leary concluded with a few examples of where he would be prepared to cut the budget: (1) The City should make it clear to both counties that if we are not fairly reimbursed, we will end our recycling program next year and turn it over to the counties. The Mayor and City Administrator have already started making that case, but we need to make our intentions clear in writing and soon, so that we and the counties can plan accordingly. (2) The Police Department has agreed to study next year the pros and cons of continuing to staff a detective unit rather than contracting with the counties to perform those services, as Rockville does for example. (3) Many services currently performed by the Department of Housing and Community Development deserve careful scrutiny, including: rent control, annual inspections (rather than biannual, e.g.) of virtually all 4000 rental units in the City, housing rehabilitation, promoting economic development, and the tool library. Many of these programs were started with the benefit of grants that no longer exist and to deal with situations that have changed significantly. We need to ask whether they are still necessary and cost effective. He said that finally, he cannot end a budget diatribe without mentioning his favorite target: a newspaper paid for by taxpayers to compete with a fully satisfactory private newspaper that publishes the same news on the same monthly schedule.

Mr. Prenskey stated for the record that he is married to the City's Recycling Coordinator and that her position is one of those being considered for elimination, and said that he cannot and will not comment or vote on anything that relates to these staff changes proposed in the Public Works Department. He said that he will, however, comment and vote on the budget as a unified document and on any other discussions relative to the budget as a whole.

Ms. Porter stated that one of the reasons the Council is in the bind that it is this year is because we have tried to deal with revenue cuts from the counties. The counties have reduced the revenues that the City ordinarily would get from them below the level that the City was getting last year. In addition, a significant new expense has been added to the budget for street repair. This year's budget includes \$300,000 as a first payment for a multi-year program of street repair. Ms. Porter commented that the original budget that the Council got from the City Administrator incorporated both of these things and proposed a tax rate increase of \$0.05. The street repair alone, if simply added to the budget, is a tax increase of approximately \$0.10. She noted that there are already some reductions in the City Administrator's budget to get it down to a tax increase of \$0.05. In addition, one of the things in the City Administrator's budget was a proposal that the City borrow some money to finance some current equipment purchases, that was included in the \$0.05 tax increase. When the Council got the proposed budget, it decided

that it did not want to impose a \$0.05 tax increase. By cutting out other things in the budget, we got the tax increase down to \$0.02. She said that in addition to that, the Council had also eliminated the proposal to borrow funds for current equipment purchases, so that the City is paying for current equipment out of this year's budget which is also included in the \$0.02 tax increase. She explained that the way this was accomplished was to cut here, cut there, and do a number of different things. One of the things that was originally in the City Administrator's budget and which the Council kept in the budget, is the proposal to reduce the sanitation crews. Ms. Porter stated that she has heard from four of her constituents regarding this proposal and that by the end of each of the conversations she had with these people, she felt that they understood how difficult a decision this has been for the Council and why the Council is doing what it is doing. The Council does not intend to hurt anyone in the sanitation crew, but the Council was forced because of the budget situation to make some cut-backs. Ms. Porter said that she had some concerns regarding the safety issues, some again presented here tonight, and in prior conversations about the proposed crew reductions. She stated that the Council had met with the Director of Public Works at the last Budget Worksession to discuss concerns regarding safety issues. She noted that Mr. Knauf said he was prepared to do a number of things to make this proposal a safer one for the sanitation crews and the citizens: the drivers will be directed not to get out of the trucks when the trucks are parked on hills, one of the recycling trucks will be replaced by a packer truck, the brakes on the recycling truck will be altered to make them a safer brake system (similar to the brakes on the packer trucks), and contrary to a comment made this evening, there has been an analysis of the anticipated savings taking into account the cost of modifying the trucks and the other things that have been raised. She said that this proposal would save the City approximately \$50,000 this year and approximately \$400,000 over the next five years. Ms. Porter stated that the Council does this reluctantly. She commented that some residents have come forward to say, don't raise taxes, but also don't cut the sanitation crews, and add to the police staff. She said that if the Council is going to cut taxes, that it will have to cut some services. She noted that 60% of the budget is salaries and that big cuts cannot be made in the budget without having an impact on salaries. There are approximately 136 people on City staff; Police Department and Public Works staff make up 2/3 of the City staff. She commented that she was one of the Councilmembers that advocated very strongly that a half-time contract person be added to the Youth Outreach staff. She commented on the importance of the Youth Outreach Program and its mission in the community and said that providing additional people as good role models is a very important thing that the City does, and that it should be ranked up there with the services provided by the Police and Public Works Departments.

Mr. Johnson commented that as of last Thursday, he had intended to actively oppose the budget but that sufficient changes have taken place and that he intends to vote for it. He told the story about how this past Saturday an individual came by his home, handed him the anonymous flyer, and indicated that it was about trash. He said his immediate reaction was to call Mr. Knauf and ask what was happening in trash collection that he was learning about through this anonymous flyer. Mr. Johnson said that after carefully looking at the flyer, he realized that the flyer was anonymous and it gave his name and number as someone to call. He stated that he doesn't have a problem with that and that he was elected to his position as a Councilmember and he expects to be called. He said that when he asked the individual distributing the flyer what is going to happen with the \$0.05 tax increase and what would his options be, the person shrugged his shoulders, turned around and left. Mr. Johnson said to those citizens who challenge the Councilmembers to perform certain duties that our valued public employees do perform, that they

should sit as Councilmembers and try to be a responsible steward of the City's funds and make some decisions that are often competing. He recalled that he had said in his newsletter to the residents of Ward 6, early on, that he is saddened to realize that too often municipal budgets are determined by the squeaky wheel--who makes the biggest noise determines what they are going to get and how they get it. He said that he is not going to take this position. He addressed the issue of race that was injected into the issue with respect to sanitation crew reductions and said that he takes strong exception to those comments. He said that it is easy to suggest that race plays an issue in the decision to reduce the sanitation crews without being able to address the fundamental issues.

Mr. Johnson stated that this budget has not been an easy one and that he would like to talk about the problems that he has with the budget. He said that the City proposes to do all things for all people but that he is not sure that the City can enjoy the luxury of having a full-service Library. He stated that he is not sure that he is prepared to continually support the Library, assuming he remains on the Council, as it now stands without some objective evidence about the value and effectiveness of the Library. He noted that the same is true for the Recreation Department and said that he is not satisfied with the claim 'you either pay now, or you will pay later' implying that recreation programs reduce police problems. He said that he is not satisfied with this reasoning and that he is not prepared to fund the programs on anecdotes and on the basis of public pressure. He commented that early on, this City has taken the position that it is important that the citizens have affordable housing and that it is essential that the City have effective Code enforcement. Mr. Johnson said that the Council has asked the Department of Housing and Community Development to do many things and that yet, the Council has no record of what is being done, how well it is being done, and can it be done less expensively. He stated that he does not know the answers and that he is not about to blindly endorse a program simply because it is already there. He noted that the City spends \$95,000 in debt service and that the Council had to address the imperative of street repairs (\$300,000), incorporate that in the municipal budget, and at the same time avoid adding to the debt service. He said that he is not suggesting that these are easy issues and that this budget is a beginning and there is a lot more work to be done. Mr. Johnson said that next year--he intends to use this opportunity to put everyone on notice--for those who support the Library, Department of Housing and Community Services, and the Recreation Department, look out! He said that he wants to make it very clear that these are his feelings because election year is coming up and he does not want it to be said that he blind-sided anyone. He addressed the sanitation workers and said that he is sorry, but that he thinks that the Council is doing the right thing at this time. He said that he respects the fact that the sanitation workers disagree, but that the Council has a responsibility that it has tried to fulfill as best as it can.

Mr. Hamilton stated that since he has been on the Council he has supported all departments in the City and has in fact, advocated more positions. He said that what is important to consider is how the City has gotten where it is. The City, for years, has depended on block grant funds to do curbs and gutters in the City. We use to get block grant funds to do a lot of things that now we have to use tax dollars to do. He said that the City needs to differentiate how the City intends to deal with the infrastructure problem within the City and commented that it cannot be done on the existing tax base or by the existing manpower that the City has. He noted that a lot of City work is contracted and that there are not enough people in the Public Works department to maintain public works and parks, or people to deal with some of the needs that come before the City. However, before it is decided that the City cannot do something, it must

first be decided what the City can do. Mr. Hamilton noted that the City is a very small business and that one question to be addressed is how to make certain departments self sufficient. He said that one of the things that the Council does not want to do is to deal with user-fees. He stated that he feels some people are willing to pay these fees, considering the value of the services that the City offers. He noted that the Council goes through this budget process every year and that if people want to see change then they should be part of the change, they can't drop the weight on the Council, or make it a racial issue. No one has come forward to tell the Council what it needs to do. He commented that many of the policies in the City (recycling, NFZ Ordinance, etc.) have costs and that another question to be addressed is what do the citizens want. Mr. Hamilton explained that the Council receives recommendations from staff and hears testimonies from citizens, but if no one comes forward, the Council is forced to make the decisions for the citizens. He emphasized that the City is a very small business and not a big government and that the City can no longer depend on block grant funds, grants from the State for the Police Department, grants for the Youth Outreach program and Recreation Department, but we can depend on the input and the guaranteed tax dollars from citizens.

Mr. Elrich said that he will vote for the budget with some misgivings. He commented that he thinks the worse part about the budget is that it is balanced by \$500,000 that is unappropriated and that it is highly unlikely that there will be \$500,000 that doesn't get spent next year. He said that the Council got lucky this year in being able to balance the budget this year without a larger tax increase. He stated that he is not happy about the situation in Public Works and that he has an open mind to alternative ways of dealing with it. He said that while he does not feel that the crew-reduction proposal is inhumane, cruel or unusual in the world of how trash is collected but that he is not convinced that it deals with the issues of safety and security for the workers. These are two counter-balancing things that need to be examined. He said that in general, the worse problem facing the Council is to carry on a government as government has been in a time of economic down-turn and that an economic down-turn does not mean that City staff's wage needs go down or that there is no longer a need for certain services. The City is going to need to continue what the City does regardless of whether peoples' incomes go up or down. Mr. Elrich said that he feels that a lot of the things that the City does are done by default and if the residents of the City are willing to continue to support programs that meet needs that other levels of government turn their backs on, then the City should continue to provide those programs. The counties are not providing the assistance that is often needed, and it is the City's responsibility to continue providing services. He said that he will never vote in favor of eliminating rent control and that he will never turn housing inspection over to either county. He stated that there is an intimate relationship between the quality of rental housing and the viability of single-family homes. He commented that in a time of limited resources the City should take a look at whether it really needs an arborist when considering staff reductions. Mr. Elrich stated that he thinks the Police and Public Works Departments provide excellent services. He said that when he looks at the budget, there is probably no waste in the City, and that if there is no waste and the City does the things that it either has a responsibility to do by law or the moral responsibility to do, he is left in a dilemma where he doesn't see anywhere to reduce the job that the City has done. He concluded that there have to be the taxes that are necessary to support the job done by the City and that he will continue to support tax rates that pay for the services and the jobs that the City has. He said that he thinks the Council should fund merits and COLA's and that he regrets that there had not been a more serious discussion about the bond issue. He

stated that he feels the Council has done a reasonable job with the budget, that the staff has done a good job of presenting and defending the budget, that there have been difficult choices and that the Council has made responsible decisions.

Mr. Prenskey highlighted the some of the things that he thinks were important issues in this year's budget: not approving the bond, not approving borrowing money in lease-purchasing arrangements, City funds to support the grant to increase the Police Department capabilities, study of detective services being turned over to the Counties, increase in the Youth Outreach Program and road repair program. He said that the City has lost a lot of money in the County reimbursements, from state shared revenues, and increased charges for handling recycled waste. He stated that the City has participated in finding essential cuts in the costs without sacrificing essential City services. He commented that he rejects the 'simplistic arguments' that the Council should look at the budget and find things to cut. He said that other simplistics that don't work are thinking that we can get along without the services of our Police who he sees as community resources that deserve respect and support. He noted that the code enforcement officers, parking enforcement officers, recreation aides, and Public Works employees all deserve respect and support. For these reasons, he said that he supported the meager half-year merit increase that was put in the budget after having been eliminated last year. Mr. Prenskey pointed out how the Council has lowered and raised the tax rate over the past five years and concluded that there is a net decrease of \$0.075 and a net increase \$0.03 showing that the Council has made efforts to keep the tax rate down to a reasonable, appreciable level of paying top dollar for top services. He said that the City is in a tough position, in a lousy economic situation and that he does not believe that the proposed sanitation crew reductions are going to affect anyone's safety.

Mr. Sharp said that he does not agree with everything that everyone has said this evening but that he certainly agrees with some of what everyone has said. He stated that over the last eight years that he has been on the Council and as Mayor he thinks what becomes more and more clear to him that the essential element of politics is, how to balance various interests. He stated that after going through the budget process he finds it difficult to believe that the interest expressed this evening, to not reduce the sanitation crews, can be satisfied. He also noted that the other expressed interest, not to raise taxes, cannot be met. Mr. Sharp recalled the petition that had been circulated in response to the proposal to reduce the sanitation crews and commented on the second paragraph said "we hereby petition that adequate funding for three-person sanitation crews be provided in the City budget and that if necessary to effect such funding, reductions in staffing in less important areas be made." He submitted that if the petitioners were asked to come up with a list of the 'less important areas' are, that there would not be a list. He said that after going through this process of this budget, there are no less important areas. He stated that he doesn't know if it is the correct decision to go from three-person to two-person crews and that he has not completely made up his mind on that issue yet. He said that he has an open mind on the issue and wants to hear more about the safety issues involved. He commented that he is a little surprised at the statement made by the Union representative that the task system is used because the job is difficult. He said that it is his perception that the task system makes the job more difficult; if the jobs were paid on an hourly basis, it might indeed be less stress on those workers. Mr. Sharp noted that the comment made earlier that some of the money saved by reducing the crews ought to be used to increase the salaries of the workers on two-member crews makes sense to him. He corrected some of the statements that were made that are in his opinion, errors. The Council is not spending reserves; reserves are very important.

Unappropriated monies and dedicated reserves which have specified purposes are being used. He commented on the meeting that was held with the Public Works staff to discuss the budget that includes the proposal that many people have come forward to speak on this evening. He said that it is a concern to him, since the sanitation workers have the most physically difficult jobs in the City, that the jobs deserve to be decently paid but that it is not completely clear to him that the proposal made by the Public Works Director is inappropriate. Mr. Sharp stated that if the safety issue can be addressed, then the proposal is one that he is prepared to support.

CITIZEN COMMENTS

George Y. Malusky asked that if something were to happen to a sanitation crew member or some other person, is the City insured for something like this?

Mr. Sharp responded that the City has the necessary insurance coverage and is covered by the Local Government Insurance Trust (LGIT) but that this is not something that the City is prepared to permit to happen. He said that this is an issue of inspections and repair and that this is something that could happen now. He noted that it has happened with three-man crews. He said that more crew members is not a guarantee for more or less safety.

Mr. Malusky said that he was encouraged to hear the comments of the Councilmembers, especially those of Mr. Leary, and that he is concerned for home owners in the City. He said that he has the impression that there are some things that should not be in the budget. He stated that the residents cannot afford all of the City's services and that the time will come when the residents will not be able to afford a City.

Juan Torres explained that the Public Works and sanitation employees in the Town of Cheverly work on a task system and that they leave when they are finished with their job. The average work day is five hours. He suggested the following eliminations/reductions: the City Newsletter (\$40,000), conference and conventions (\$1500), adult books (\$1500). He proposed that the code enforcement and parking enforcement be combined. He said that the Police and Public Works services are necessary and that the current services need to be evaluated to see if we really need them. Mr. Torres asked when is the gymnasium going to be fixed-up? He said that if the City provides a place, people from Park and Planning will come and provide services for the \$0.21 that tax payers are already paying. He stated that if the Council goes forward with the budget, it may be that the Councilmembers will not be here next year. He suggested that the Council should make Takoma Park a place where the simple services are provided, like those of the Police Department and Public Works Department.

Kay Dellinger, Hampshire Towers commented that the budget process makes it difficult for citizens to make intelligent comments or suggestions about the budget, priorities, or services. She said that the staff needs to analyze every City service, decide what services the City needs to provide, and through a comprehensive analysis decide what the best and most cost effective way of providing each service is. She said that she opposes the process that has been used in regard to reducing the sanitation crews and that there should have been a separate public hearing to discuss this proposal. She stated that the City needs a Newsletter and that there should have been articles in the Newsletter and the Takoma Voice on the issues surrounding the Public Works budget. She commended the sanitation workers and said that she supports the Union and is proud to have been a member of a Union. Ms. Dellinger said that the budget is not clear as to the proposed modifications to the sanitation vehicles. Citizens have not been

able to be in on any discussions because they have not been told the facts. She noted that the Police Department made no analysis about why it was requesting seven additional officers. She said that she supports rent control and thinks that tenants in the City support it as well and that inspections should be done annually for the protection and safety of the residents. She stated that she supports the Library, Recreation Department and the City Newsletter. She said that the City needs to provide more than just police and sanitation services and that there needs to be a comprehensive analysis.

Bob Ingleman, 500 New York Avenue said that he loves Takoma Park and is willing to pay more taxes here than if he were living in another City but that as a future concern, local taxes continue to increase. He said that leadership comes in anticipating what conditions may cross thresholds down the road and making efforts to avoid these conditions. He applauded the Council and staff for its efforts in preparing the budget. He said that he is concerned that if the tax rate in Takoma Park gets enough ahead of the rest of the county that people will begin to identify Takoma Park as a high taxed community. He noted that this in itself will have a negative impact on housing prices. He stated that he does not think that the Newsletter is necessary regardless of the fact that it is a quality publication. He said that he loves the library but questioned whether it is necessary for this community to have a Library when there are other libraries in the county. He said that he thinks that upper income citizens would be willing to pay user fees and that there should be some way to have the people that use services and have the means to pay for them, to pay user fees. He encouraged the Council to look in the future for reasonable cuts so that the City can continue to offer the essential services.

Rino Aldrighetti, 7213 Central Avenue said that this budget discussion is a lot more thoughtful than ones in the past years. He said that the Council can best hope to get from the citizenry a reflection on what is being said by the Council. He stated that the economic diversity that has been the City's strength over the years is in danger of becoming economic extremes and that he hopes that the City does not become a City of extremes. He said that he does not want to see the City move toward user-fees because he feels it encourages people not to "use" services. He suggested that next year each department be assigned to a citizen association so that citizens can make comments and suggestions regarding the individual departmental goals and objectives.

Steven Kline, Takoma Avenue said that he is impressed with the thoughtfulness of the comments made by the Councilmembers and encouraged the Council to start a process now, over the next year, to include more citizens in the budget process.

Clarence Boatman, 133 Ritchie Avenue complimented the Council and said that he liked what Mr. Johnson said about whether particular services provided by the City are effective and needed. He said that there are some things that need to be looked at in terms of what can be offered by the counties against the tax increase to the citizens of Takoma Park for the City to provide the same services. He commented that one of the most valuable experiences for him this year was attending a Worksession and seeing the faces of the Councilmembers and how it hurt them to make the decisions that had to be made.

Mr. Hamilton commented that the tenants of the City and the homeowners in 7611 do pay taxes and that it is false to say that the only people in the City who pay taxes are the home owners.

Mr. Johnson said that he is sorry that individuals who have spoken about the budget, at the same time declined to meet with the Council earlier this year because they had other things to do.

Moved by Mr. Leary; seconded by Ms. Porter. The Ordinance was accepted unanimously at first reading.

Mr. Sharp suggested the Council move to the Hearing on the Pringle Property Subdivision at this point and following it, return to the scheduled agenda order.

ORDINANCE #1993-15
(Attached)

#3 Hearing: Pringle Property Subdivision

Mr. Sharp explained that this is a hearing on the Pringle Property Subdivision and that staff has presented some materials to the Council. He stated that there is staff present to make a presentation and that the Council will also have the opportunity to hear from the owner's representatives. He noted that there will be an opportunity for citizen comments.

Lisa Schwartz, Community Planner, Department of Housing and Community Development stated that the case before the Council is the Pringle Property Subdivision, preliminary plan 1-92035. She said that staff has provided the Council with a Resolution recommending denial of the preliminary subdivision plan and wishes to note that this Resolution may be amended or reversed based on the hearing record and the Council discussion this evening. She noted that the planning board hearing on this issue was originally scheduled for June 3 and that it is now scheduled for June 10.

Mr. Sharp stated that it is possible then that depending on how the debate goes this evening, the Council could return to this issue for a decision on June 1, meaning that the Council does not have to make a decision this evening.

Ms. Schwartz confirmed Mr. Sharp's statement. She explained that the reasons for staff's recommendation of denial of this property which is a nine lot subdivision, two of the lots already developed, are (1) the proposed access for six of the single family lots is a 16 foot wide private driveway with a 12 foot crushed stone shoulder and staff does not consider this acceptable for a number of reasons as detailed in the Resolution, based on Montgomery County subdivision regulations, the City Code, and Montgomery County DOT practice.

Mr. Sharp suggested that if Corporation Counsel thinks it would be appropriate, the text of the staff report and the Resolution be entered into the record so that Ms. Schwartz does not have to read the entire report and Resolution into the record.

Corporation Counsel, Ms. Silber, agreed that both the staff report and the Resolution can be added to the record.

Mr. Sharp opened the floor for testimony from the applicant.

John J. Delaney, of the Law Firm of Linowes and Blocher, 1010 Wayne Avenue, Silver Spring stated that he represents the property owner, William Pringle, (he identified Mr. Pringle) and introduced the Civil Engineer, Frank Steadman and Kenneth Coochinelli, Attorney of the Defenders of Property Rights. Mr. Delaney noted for the record that he objects to the fact that the Council held a Worksession on this case last week, where this case was discussed prior to the public hearing. He explained that this is an adjudicatory process and that he does not think

it was appropriate to hold a Worksession prior to the hearing in a adjudicatory case. He stated that he would like to briefly relate the history of the case. The application was originally submitted in April 1992; it showed 11 lots, including 8 new lots. He pointed out that staff indicated that there are two developed lots and that as the Council probably knows there is one lot today with an old foundation on it, a very large foundation, which straddles two existing lot lines and that is why that parcel is also in. So, there are three lots fronting on Domer, and there were originally eight lots on Wabash. There was an amendment of that application and in March of 1993, they submitted a further amendment reducing the number of new lots with access to Wabash from eight to six making the total subdivision nine lots. It shows six lots with access to Wabash with a 16 foot paved area. On May 6, 1993, they met with staff and at that meeting staff informed them for the first time that the City would not consider a private road but instead that the City wanted a public street with a 50 foot wide right-of-way. In effect, a public street with a 50 foot wide right-of-way makes the subdivision no longer viable, drives costs through the roof and has substantial environmental damage associated with it since many more trees will have to come down and there will be substantial grading with a 50 foot public right-of-way versus a 16 foot paved section for a private street. He said that they also believe that they can address the concerns of the Fire Marshall, the Police Chief, and Public Works with a subdivision with a private street. He stated that they think they have a lot more flexibility with a private street and that a private street is much more environmentally sensitive.

Mr. Elrich said that it had been his understanding that the staff had requested a drawing and a plan before they commented on whether they would require a public or private street for the development. He stated that the issue of making a decision on what kind of a street was contingent on what kind of a development was proposed.

Mr. Delaney said that they had proposed originally eight new lots on the private street and that they had amended that down to six lots. He stated that they assumed again, a private street, because they had not heard differently from the City and that they had gone forward with a private street because they believe a private street is much more environmentally sensitive for the area.

Mr. Elrich asked whether it is true that the current county law requires that there be no more than four houses off a private street?

Mr. Delaney said that it is not technically true. He said that the county law allows access of private lots to a private street. Until about 2-2 1/2 years ago the County has approved numerous subdivisions with more than 7-10 lots on a private street. He stated that you must abut a public road but you have access to the private street. He commented that it is a definition that could use some revision or clarification, but there is no question that up until about two years ago, it was interpreted to allow 7-10 lots and that they have examples of numerous subdivisions where that was done, including one here in Takoma Park. Mr. Delaney remarked that the county law has not been changed but that the policy of the County has changed. He said that he understands that it is the County DOT that has changed its policy to say that it will only allow four lots and that is, what they understand, to be the position of the Planning Board staff. In a meeting last week, the Planning Board staff indicated that they would support four lots on a private road. However, Mr. Pringle thinks the six lot application is extremely reasonable and sensitive to the environment.

He introduced Mr. Steadman to respond to the staff's report.

Mr. Steadman stated his name, Frank M. Steadman, Jr., his address, 6508 Fairbank Street, New Carrollton, Maryland, 20784. He stated that he has been a Civil Engineer for about 40 years and that he is licensed in the District of Columbia and the State of Maryland.

Mr. Steadman stated that he is familiar with the subject property, that he prepared the original application and the amended application that is before the Mayor and Council, and that he is familiar with the staff report that has been submitted this evening.

Mr. Steadman then addressed his concerns and responses to the staff report:

He referred to 'Findings and Evaluations' of the staff report (page 3) and the section on 'Access to Development'. He noted that the staff's recommendation (#1) is that the street be improved to 26 foot width and it curb around existing trees. He noted that there are three oak trees in excess of 20 inch caliper, near the intersection of Roanoke and the eastern edge of Wabash. He stated that his contention is that there is still a net access of 16 feet when you curb around those trees because you narrow the road back down to essentially what it is right now, maybe a little wider than what it is. He said that they cannot widen it to the North because it is private property--a lot with a house fronting directly across from those trees. Regarding recommendation #2, he said that they contended, when speaking with the Fire Department people who were concerned about their ladder truck, that they could increase the radius of the turn at the bottom of the hill where the driveway would turn off Wabash up onto the private driveway. He said that they could also introduce a short vertical curve which could accommodate the fire trucks which tend to bottom-out. Regarding recommendation #3, he noted that the City recommends that the public road be built to City standards which would be a 50 foot wide right-of-way and a 26 foot paved street. He stated that the impact of this recommendation on this site is excessive. He explained that the County allows 14% grade on a private driveway and when you go to a public street the steepest grade allowed for the street is a 12% grade, but that they have to provide a landing grade at the intersection. He said that this means that they would come in off of Wabash--there is a flow line right at the gutter line--and go into what would now be a street at 4% grade, go through a vertical curve and then come up hill at 12%. He said that this, in effect, shoves the whole street down into the ground whether it is a 16 foot wide private driveway or a 26 foot wide street. He explained that the maximum cuts on their site plan were 6-7 feet from existing ground down to grade. With the public street and related street grades required, they would be as much as 13 feet deeper at this point; in other words, they would be taking the entire hillside out just to put in a 50 foot street. Regarding recommendation #4, he said that the normal road maintenance will not be a problem for the City of Takoma Park because it would be a private driveway and that it would be the responsibility of the people living on the homes to maintain the street. He stated that if they have to increase the width of the driveway to accommodate emergency vehicles, they don't have to go all the way to a 26 foot street to provide passage. He said that they could do something in between. Regarding recommendation #5, he stated that there is a 30 foot radius in the cul de sac which is standard for Montgomery County for private driveways. He said that he had admitted to the Fire Chief that the fire truck would have to pull forward and back up to negotiate that turn, but at the same time, even with the County standard curb and gutter cul de sac the fire truck would still jump the curb. So, he said the Fire Chief's suggestion was to provide mountable curbs along the edge of the cul de sac so that their fire truck can, indeed, jump the curb. Regarding recommendation #6, he said that this concern related to the tertiary street and that the staff wants a 50 foot

right-of-way with a 26 foot street, not the amended version of a 27 foot wide roadway which is a right-of-way that goes from the back of the curb on one side to the back of the curb on the other with private property beyond that on each side. Regarding recommendation #7, he said that they agree that they would have to submit a street light plan at the point in time where the grading plans were being prepared for this job. He stated that there would also have to be consideration given to the trees. Regarding recommendation #8, he stated that he had told Chief West that neither of them could determine the location of the fire hydrant. The Sanitary Commission decides where the hydrant goes when they do the report on water and sewer extension. Regarding recommendation #10, he stated that this was not their request in the first place and that they had never brought up this issue. He said that Malcolm Shanaman of the Park and Planning Commission brought up this issue at the meeting on April 20, 1992 and that Mr. Shanaman had suggested that they abandon a portion of Wabash Avenue. He said that this is not a problem for them. Regarding recommendation #9, he stated that they have no problem with maintaining access from Domer Avenue. Regarding recommendation on stormwater management, he stated that the Public Works Director requests that they provide another storm drain concept plan with pre- and post-development flow calculations submitted. He said that these were submitted, at his direction, to the City's consultant, Gilford & Chase, and that he would be happy to xerox them and re-submit them. Regarding recommendation on environmental considerations, he commented on the environmental considerations regarding trees and said that he was able to determine that they would disturb 16% more area with a 50 foot right-of-way street. They would take the whole hillside away from the back of the lots that front on Flower Avenue all the way over to the 150 foot buffer (he referred to the illustrated site plan). He explained that because of the additional excavation required by the 4% and 12% grade, they would be taking out that many more trees, given the same length of street that they are showing on the preliminary plan. Regarding recommendation on environmental considerations and stream buffer, he stated that they have contended all along that lot 36 is a plateau and between it and Sligo Creek Parkway there is a steep bank, but that the slope on that plateau which extends for about 100 feet is about 4%. It is not part of the excessive 25% slope. There had been a house on that property that was built back in the early 1900's that was burned in 1978, and there is evidence that the foundation is still there. He said that he has in his possession a house location survey by Shepherd, Worthington & Prescott which located that house for probably a property transfer. Regarding recommendation on lot configuration, sizes, and number (flag lots), he stated that he submitted, to Ms. Schwartz, a list of approximately 20 subdivisions that he had turned up in the record books at Park and Planning showing flag lots. He said that this is not something that they are proposing for the first time and that there are many of them in the record books. He noted that there is one inside the limits of Takoma Park, South of the site down near Carroll Avenue, which is comprised of five lots--three flag lots. He explained that the flag provides a minimum of legal access of 25 feet to a public right-of-way for a lot that is land-locked. It is against the law to sell someone a lot that they have no access to. Regarding recommendation on lot configuration, sizes, and number (Lot sizes), he said that they have provided all the lots on the most recent plan in excess of 6000 sq.ft. with the smallest being 8890 sq.ft. He noted that he has provided a table on the plan that shows the gross sq.ft. and the net sq.ft. and that the net sq.ft. was requested by Joe Davis of Park and Planning because he wanted to know the real area of the lot in the shape outside of the flag. He stated that he thinks they can accommodate the concerns of the City's staff without having to go so far as a 50 foot wide right-of-way tertiary street.

Mr. Delaney stated that Mr. Steadman has indicated that the concerns of the Fire Marshall and the Police Chief can be addressed more flexibly on a private street than a public street.

Mr. Steadman agreed that they can be addressed.

Mr. Delaney asked Mr. Steadman if the design that he has put forth in the application for six lots, satisfies the County's criteria for public access and access for emergency vehicles.

Mr. Steadman stated that it does.

Mr. Delaney told the Mayor that they were finished with their presentation.

CITIZEN COMMENTS

Several letters and citizen comments that were received by telephone are submitted as part of the record.

Faroll Hamer said that she is here to express the concerns of the Open Space Committee. She summarized a letter that she presented to the Council, which is included as part of the record.

Mr. Sharp asked about the danger if there is not an easement placed on the property.

Ms. Hamer explained that if the property is not put into a recorded easement, once the property is sold the homeowners could come back and take down all the trees if they want. In so doing, they would not be in agreement with the approved plan of development; however, it is difficult for the government to come back after a homeowner has taken out a lot of trees and replace them.

Mr. Sharp asked about the stream buffer even though the County provision is to leave that area undisturbed, is she saying that the provision alone cannot be relied on unless there is an easement or dedication?

Ms. Hamer stated that this is correct and that in her discussion with the County staff today, they indicated that they were going to ask for an easement in any case. She said that they do this in areas where there is a required stream buffer to make sure that the area remains permanently undisturbed. She stated that the County had also indicated to her that the applicant has not, as of this date, submitted a forest conversation plan, which is not Takoma Park's requirement but is a County requirement. She continued to summarize her letter.

James Melton, 411 Domer Avenue (President of Between the Creeks Citizen Neighborhood Association) said that the issue of the Pringle Property was first brought to his attention by residents of Ward 5 who were concerned when they saw trees being cut down behind their homes. He stated that they have held a number of neighborhood association meetings specifically concerned with the issue of this property and that they have held meetings with Mayor Sharp and Councilmember Elrich. He noted that there was one vote with the neighborhood association essentially requesting that open space possibilities be explored and reducing the number of houses if development is what the neighborhood is ultimately facing. He said that speaking in the context of that vote, he feels that he can support the Resolution. Mr. Melton commented that the issue of the current Montgomery County DOT policy of not having more than four houses on a private driveway concerns him personally and from a public safety standpoint. He raised the issue of the stream buffer zone and asked if the stream buffer zone is a County policy and if this a County policy that the Park and Planning Board is obligated to follow. He said that he is concerned by issues raised by the fire department and he realizes

that impermeable surfaces like a 50 wide right-of-way would significantly increase the run-off into the stream system but that he thinks that access to whatever houses are built is going to have to be provided. He stated that if there is going to be development, he wants to be certain that it is responsible development. He remarked that he is concerned that the initial proposals that have been made really overwhelm the site and that this has been the primary concern of most of the homeowners, certainly most of the people who live in the community have all expressed that same basic concern.

Mr. Delaney asked Mr. Melton about the number of members of the Between the Creeks Neighborhood Association?

Mr. Melton responded it depends on whether you are counting how many people live in the area that is serviced by the association or whether you are talking about how many people actually attend meetings.

Mr. Delaney asked the area the Association covers and the number of people attending the most recent meeting.

Mr. Melton stated that at the most recent meeting there were about 8-9 members and that the membership list includes approximately 150-300 members attending frequently. He reminded Mr. Delaney that the association represents a very large area and that the people attend meetings based on what issues affect them most. He said that the citizens in the immediate vicinity of the Pringle Property have been most concerned.

Mr. Delaney asked whether the association had invited Mr. Pringle or his engineer to any meetings?

Mr. Melton said that they had posted public notices on telephone poles, in the Longbranch Library, and in the Giant Food Store.

Mr. Hamilton interrupted with a point of order. He said that he assumes that Mr. Delaney is supposed to be addressing the Council and asked Mr. Delaney why is he challenging a civic association?

Mr. Delaney stated that he is not challenging the civic association and that he just wants to get on the record what went on at that meeting because they had no notice of the meeting and Mr. Pringle had not been invited to the meeting. He said that they just wanted some idea of what went on at that meeting. He asked Mr. Melton when the meeting was?

Mr. Melton stated that he believed that it had been in the last two weeks.

Mr. Delaney asked if Mr. Elrich had attended the meeting?

Mr. Melton stated that he had.

Mr. Delaney asked Mr. Melton what he had meant by his earlier statement that the neighborhood association would support the Resolution?

Mr. Melton stated that he was referring to the proposed Resolution of denial that has been presented by the staff.

Lenora Radloff, 8408 Flower Avenue said that she would like to clarify some things about the Between the Creeks Neighborhood Association meetings. She stated that the recent meeting was the second one that she has attended on this issue and that the previous one was close to a year ago, when the previous plan was being discussed and when the positions that Mr. Melton was describing were taken. She said that the recent meeting was more of an update and that no formal position was taken. It was a brief discussion of what is happening with the revised plan and

an announcement of the dates for upcoming discussions. The previous meeting had approximately 25-30 people in attendance. She said that she would like to see denial of this plan and that she would prefer to see the land remain as open space. She stated that she strongly supports that if there is development, then it should be responsible and quality development. She commented that the site is very sensitive environmentally, and since the site is on a slope, construction will be awkward. She stated that she does not favor taking the whole plot up with a road and that it seems to her that the only sensible solution would be to reduce the number of houses that would be served by a smaller (still adequate for public equipment) access road. She said that she would like to know whether it is possible that the houses being built can be moved further away from abutting property lines. They are presently 15 feet from the backs of the properties that already exist. She noted that she would like to see the consideration of access from other source, particularly the empty lot on Flower Avenue, because the Wabash access is so disruptive to the environment as well as the houses there. The Flower lot is absolutely flat. She stated that she supports the staff's recommendation to not accept the plan as it is now. She commented on the importance that consideration be given to the quality of the houses that will be built and the anticipated disruption during construction.

Elliot McGinnis, 8321 Sligo Creek Parkway said that he owns the property at the intersection of Sligo Creek Parkway and what he refers to as the uncompleted section of Wabash Avenue and that he cannot get to his property from the Parkway. He stated that he has lived on his property for 25 years and that he is particularly concerned with access to his home. He noted that the only entrance/exit to his property is on Wabash Avenue. He explained that on Wabash Avenue there is a dead end sign and that he lives down beyond the sign, on lot 15. He said that over the years he has made the entrance usable and that any construction beyond the dead end sign would completely deny him access to his property. He said that the entrance cannot be blocked off for even a day because it would keep emergency and fire vehicles from being able to reach his property and that he cannot picture months of heavy equipment making that turn into the development. He said that he is pleased to see that the City has objected to the plan as it stands and that he thinks that a maximum of five homes would be feasible for the site without severely disrupting the ecology of the land. He commented on the erosion problems that would result from any large scale construction on this property.

Mr. Delaney stated that they have a response to Mr. McGinnis's access problem. He said that they have addressed this issue and that they have a non-disturbance access that Mr. Steadman can show Mr. McGinnis. He asked that the record show that they do not plan to disturb his access.

Lynette Sting, 209 Domer Avenue stated that she lives in one of Mr. Pringle's houses and that she has lived here for about a year and a half with her husband and nine year old son. She said that when she first heard about this issue, she didn't have an opinion one way or the other because she didn't know much about his plans to develop the lot. She stated that her child and children of her neighbors play in the wooded area behind their houses and that they are concerned with construction. She said that her main concern about not developing the area is the crime element-- gun shots, intruders, traffic in/out of the woods and drinking that goes on in the woods. She stated that her husband was once attacked by a person fleeing the woods. Ms. Sting remarked that she feels it is not fair to say that anyone wanting to develop the area is not concerned with preserving the woods and that she would like to see something done with the property.

Mr. Sharp brought the public hearing to a close at 11:40 p.m. He said that the timing of the subdivision hearing before the County is such that does not appear to him that the Council has to vote on the Resolution this evening. He noted that some of the things that Mr. Steadman was saying when addressing some of the items in the staff report are not necessarily in the Resolution as a basis for denial. There are six items listed as basis for denial but there are about fifteen issues that are raised in the report.

Ms. Schwartz explained that the reason for this is that the staff report is written from the point of view of what would be required for approval while the Resolution is written from the point of view of what the basis is for denial, which is subdivision and other regulations. She noted that at the end of the Resolution there are some additional conditions that are also within the staff report, that would additionally be required for approval.

Mr. Sharp moved the Resolution. He explained that the Resolution recommends denial of the subdivision plan with a list of items that need to be addressed, while noting that the City's denial is not intended to prevent all development on the subject property. The Council would consider a revised property subdivision plan and several additional items--landscaping and lighting plan, forest conservation plan, and stream buffer area dedication. He stated that these additional items are not necessarily problems but are things the Council would like to see. In addition, the concerns about the controls on building, during the building phase, are issues that can and should be incorporated.

Mr. Johnson seconded the motion.

Mr. Elrich stated for the record that he has met with the neighborhood association, the applicant's attorney and engineer, and City staff and that he has been party to discussions regarding this subdivision. He said that, with this in mind, if the applicant is more comfortable, he will recuse himself from voting on the subdivision request. He asked for a response from the applicant and his attorney.

Mr. Delaney said that Mr. Elrich will have to make his own decision.

Mr. Elrich questioned if he is to correctly understand that the applicant and his attorney has no opinion as to whether or not he votes.

Ms. Silber asked the applicant's attorney if they have any objection to Mr. Elrich participating in the vote?

Mr. Delaney stated that they have objected to the process that has gone on here and that they have indicated that it is not appropriate in their view. The reason that they have made that objection is because this is an adjudicatory process where decisions are supposed to be made on the record; this is not a legislative process where it is appropriate for Councilmembers to discuss the application or indeed advocate with citizens prior to the record being made tonight. He said that, therefore, they have objected to the process and that it doesn't really matter at this point if Mr. Elrich votes or not because the damage has already been done. He stated that their objection that was made at the outset of the hearing stands and that Mr. Elrich will have to make the decision whether to vote or not.

Ms. Habada asked that Ms. Silber address the adjudicatory question.

Ms. Silber stated that she agrees with the applicant's attorney that this is an adjudicatory hearing and that she thinks the applicant's attorney simply made an objection to whether or not

there could be a Worksession prior to this meeting. She said that they disagree about that. She noted that he was invited to that Worksession, that it was telecasted, and that a member of his staff had viewed the videotape from the Worksession that is on the record. She remarked that regarding Mr. Elrich's participation in other meetings, he has now put clearly on the record the fact that he has had those involvements and has asked, as a courtesy, whether the applicant or the applicant's attorney has an objection to him voting on the issue. She stated that she thinks this is a fair question and that he deserves an answer to his question. She said that if they do not object, that her opinion would be that the objection has been waived and that Mr. Elrich can proceed to vote.

Mr. Elrich recused himself from the vote and noted that if the applicant had the difficulty with attending the earlier meeting he wished the applicant had voiced it at the meeting when they had the chance. He stated that the neighborhood meeting and other discussions had occurred after this original meeting. He commented that he has been encouraged by people of the neighborhood on several issues and suggested to the applicant that there be a search for a position somewhat different than that brought before the Council this evening. He said that he thinks the applicant raises interesting questions about the disturbance of the environment necessitated by a public road, but that the applicant avoids issues of disturbance to the environment that are caused by the density of the houses that lie on the Flower Avenue side of either a driveway or a public road. He stated that he thinks that he has heard a willingness from the people in the neighborhood association and community to deal with four houses on a private driveway and a fifth house on what is now Lot 35 on Domer Avenue. He said that he thinks a proposal that takes this into account would provide some basis for discussion between the applicant and the City, but that the City has to respond to the proposal made today and the City staff's response to the applicant is very appropriate. He stated that he believes that the staff's response is in sync with the opinions of the Park and Planning staff. Mr. Elrich said that he thinks that the housing is out of character with what is in the neighborhood, that they don't meet the requirements of flag lots, that it is too dense a development for the parcel, but that it would be unrealistic to say that there can be no development there. He said that he thinks there is merit and possibility if the applicant looks at four houses on a private driveway, that between the neighborhood, the City and the applicant, agreement could be reached to satisfy everyone concerned.

In the absence of further comments, Mr. Sharp called the question on the Resolution recommending denial of the preliminary subdivision plan. The Resolution was passed unanimously (ABSTAINED: Mr. Elrich).

RESOLUTION #1993-52
(Attached)

#4 1st Reading Ordinance re: FY'94 Storm Water Budget.

Mr. Sharp asked for a motion for the Council to convene as a Stormwater Board. Moved by Mr. Hamilton; seconded by Mr. Prensky. The Council convened as a combined Stormwater Board and City Council.

Mr. Sharp announced that the Ordinance adopts the FY'94 Stormwater Budget.

Moved by Mr. Hamilton; seconded by Ms. Porter.

Mr. Sharp commented that this an item that the Council can look down the road and know that the taxes will be higher on this item

next year because the operating costs for storm water will be higher next year, since storm drain area to be cleaned next year will be larger.

The Ordinance was accepted unanimously at first reading.

Mr. Sharp asked for a motion to move adjourn as the Stormwater Board. Moved by Mr. Prensky; seconded by Mr. Hamilton.

ORDINANCE #1993-16
(Attached)

#5 1st Reading Ordinance re: FY'94 Tax Rate.

Mr. Sharp explained that the Ordinance will propose only a \$0.02 tax increase where the Council had originally started with a \$0.05 tax increase.

Moved by Mr. Johnson; seconded by Mr. Prensky.

The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-17
(Attached)

#6 1st Reading Ordinance re: FY'94 Employee Pay Plan.

#7 1st Reading Ordinance re: FY'94 Police Pay Plan.

Mr. Sharp explained that these are two Ordinances that amend the current pay plan to incorporate a 2% COLA as proposed in the AFSCME Contract. That order shall not go into effect until such time that a new contract is signed with AFSCME. The other Ordinance establishes a Police pay scale with a 1% market adjustment and a 2% COLA as provided in the existing Local 400 Contract. He said that there is also a pay scale for the crossing guards and the recreation attendant.

Moved by Mr. Hamilton; seconded by Ms. Porter.

The Ordinances were accepted unanimously at first reading.

ORDINANCE #1993-18
(Attached)

ORDINANCE #1993-19
(Attached)

#8 1st Reading Ordinance re: FY'94 Executive Pay Plan.

Mr. Sharp explained that the executive pay plan includes a 2% COLA.

Moved by Mr. Hamilton; seconded by Mr. Johnson.

The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-20
(Attached)

#9 1st Reading Ordinance re: Increase Parking Meter Coinage for Meters on Takoma Avenue.

Mr. Sharp explained that this Ordinance is a proposal to increase the cost from .25¢/2 hours to .25¢/1 hour. The intent is to increase the parking fee for commuters.

Moved by Mr. Leary; seconded by Mr. Hamilton.

The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-21
(Attached)

#10 1st Reading Ordinance re: Increase Handicapped Parking Violations.

Mr. Sharp explained that this Ordinance is a proposal to increase the handicapped parking violations to \$200. He said that he predicts this will be a short term money-maker. He noted that this evening, two of the three handicapped parking spaces in Old Town Takoma Park had cars parked in them that did not have the handicapped authority to be parked there. He stated that he has seen the delivery trucks from Pizza Movers parked in the handicapped parking spaces in front of the store. Mr. Sharp said that staff should alert them that this is an issue. He noted that staff raised the question about whether by raising the Class M fine, the Council had intended to raise the violations for the fire lane and snow emergency violations. The Class M fines cover all three categories; the Council had addressed this issue only as a matter of handicapped parking violations. He explained that if the Council does not want to raise the fines in these other two categories, then there will have to be a new Class of fines created.

Moved by Mr. Sharp; seconded by Mr. Hamilton.

Ms. Porter said that the discussion that the Council had was only about the handicapped parking violations and that in her view it was as much to discourage people from parking in handicapped parking spaces as it was to simply raise the violation fee. She stated that since the Council did not discuss the other two categories and since she does not have the same strong feeling about the other two, that her suggestion is that the Council make a higher fee for handicapped parking violations than for anything else.

Mr. Sharp and Mr. Hamilton accepted that amendment. The Ordinance will apply to handicapped parking violations only, and the staff is to prepare the amendments to the Ordinance for second reading to create a new Class of fines.

Mr. Prensky suggested that if there are any strong feelings on the part of the staff that those feelings be brought to the Council in Worksession.

The amended Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-22
(Attached)

#11 1st Reading Ordinance re: Increase Rental Licensing and Inspections Fees.

Mr. Sharp explained that the Ordinance is a proposal to increase the fees from \$48 per licensing term to \$62 per licensing term.

Moved by Mr. Hamilton; seconded by Mr. Prensky.

The Ordinance was accepted unanimously at first reading.

ORDINANCE #1993-23
(Attached)

#12 Single Reading Ordinance re: Contract for Storm Water Improvements.

Mr. Sharp asked for a motion for the Council to convene as the Stormwater Board. Moved by Ms. Porter; seconded by Mr. Hamilton. The Council convened as the Stormwater Board and City Council simultaneously.

Mr. Sharp explained that the Ordinance is a proposal to award a contract for storm drainage improvements to Jackson Avenue. He stated that the apparent low bid was submitted by Nekoosa Construction Corporation and that the bidder is both responsive and responsible. He said that staff recommends that the Council grant the authority to award a contract to Nekoosa in the amount of \$33,390.

Moved by Mr. Johnson; seconded by Ms. Porter.

Ms. Porter said that she is sure that the residents of the lake front property along Ethan Allen will be happy to see this improvement to the street.

The single reading Ordinance was passed unanimously by roll call.

ORDINANCE #1993-24
(Attached)

Mr. Sharp said that without objection the Council will move out of session as the Stormwater Board and be convened as City Council.

#13 Resolution re: Forfeiture - 6729 Poplar Avenue.

Mr. Sharp explained that the Resolution names the City Attorney as the agent to proceed with the forfeiture.

Moved by Mr. Prensky; seconded by Mr. Hamilton.

Mr. Sharp suggested an amendment to the last whereas clause to read as follows, "WHEREAS, the State's Attorney for Prince George's County has agreed to designate the Corporation Counsel of the City of Takoma Park as the..."

Mr. Prensky said that at this point he feels that it is important to note that Mr. Charles M. Patterson is currently in jail, has pleaded to the felony charge of maintaining a common nuisance, and has been sentenced on that plea of guilty. He stated that the City is proceeding actively with both its options of foreclosure of the property and forfeiture of the real property to the City. This Resolution simply establishes the City Attorney to proceed with one of those actions, the forfeiture action.

The Resolution was passed unanimously.

RESOLUTION #1993-53
(Attached)

#14 Resolution re: Permit Parking Area "B".

Mr. Sharp explained that the Resolution is a proposal to increase the permit fee for parking in permit area "B", the Takoma Park

Metro Station area.

Moved by Mr. Johnson; seconded by Mr. Hamilton.

Mr. Sharp stated that this will increase the permit fee to \$20 in the area of Takoma, Baltimore, and Buffalo Avenues.

Mr. Leary asked if the Council has discussed this item.

Ms. Porter said that she would like to make a strong objection to this item.

Mr. Sharp asked if there is a motion to table the item.

Ms. Porter moved that the item be tabled; seconded by Mr. Leary.

The Council tabled the item for Worksession discussion.

#15 2nd Reading Ordinance re: Street Construction Requirements.

Mr. Sharp explained that this is an Ordinance amending the Code to include a waiver provision for street construction requirements.

Moved by Mr. Johnson; seconded by Mr. Hamilton.

Ms. Porter stated for people's information that this amends the current Code so that the Council has the ability to modify the road requirements.

The Ordinance was adopted unanimously at second reading by roll call.

ORDINANCE #1993-12
(Attached)

#16 2nd Reading Ordinance re: Glengary Road Improvements.

Mr. Sharp explained that this is an Ordinance allowing the proposed Glengary Place road improvements and deviation from the standard road width.

Moved by Ms. Porter; seconded by Mr. Hamilton.

Ms. Porter said that this is the Ordinance that will put into effect the agreement that the Council made with the owner of the lots along Glengary Place. She stated that this has been discussed with the neighborhood and that there is no objection to what is contained here.

The Ordinance was adopted unanimously at second reading by roll call.

ORDINANCE #1993-13
(Attached)

#17 2nd Reading Ordinance re: Voter Registration Deadline

Moved by Mr. Johnson; seconded by Mr. Hamilton.

The Resolution was adopted unanimously.

Mr. Sharp announced that the Resolution will be published in accordance with the Charter provisions allowing an opportunity for citizens to object to this and provide the possibility of a referendum. Mr. Sharp noted that the Councilmembers will have to sign the original copy of the Resolution.

RESOLUTION #1993-47
(Attached)

#18 2nd Reading Ordinance re: Council Procedures.

Moved by Ms. Porter; seconded by Mr. Hamilton.

The Ordinance was adopted unanimously at second reading by roll call.

ORDINANCE #1993-14
(Attached)

Mr. Sharp suggested that the Council skip item #19 and move to item #20, the additional item.

Additional Item - Resolution re: Auditing Contract

Mr. Sharp explained that the Resolution authorizes the extension of the auditing contract with Wooden & Benson for a term not to exceed one year.

Moved by Mr. Hamilton; seconded by Mr. Johnson.

Mr. Sharp asked if there is a motion to table this item. No such motion was made.

Mr. Sharp stated that this should not have happened and that the Council has been talking to staff about bidding out the auditing contract. He said that he wants to see an item in the contract that has some options for the City Council to ask, in addition to the basic auditing functions, that the auditors do some other special program auditing functions that are not typically in the standard contract. He said that he will oppose this Resolution.

Mr. Hamilton stated that he supports the Resolution based on the information that was provided to the Council and that although he is a little concerned with it, the circumstances were unpreventable.

Mr. Leary said that he is willing to support Mr. Sharp's position if there is a realistic alternative.

Ms. Habada said that she doesn't believe that there is a realistic alternative in terms of getting the auditing work done.

Mr. Prensky said that he does not feel that the circumstances are adequate justification for this issue. He stated that he has been asking for a while now that the staff make absolute certain that the audit contract get bid out at the end of the five-year term. He said that this should have been done in December.

Ms. Porter noted that although she is going to vote for this Resolution, she agrees with some of the criticisms that have been made.

Mr. Leary asked that if there is no alternative, what would happen if the Council does not vote to endorse the Resolution.

Ms. Habada stated that the City will have to put out an RFP quickly and try to make a decision so that someone can come in at the end of June to get familiar with the accounting system.

The Resolution was adopted by a 5-2 vote (NAY: Mr. Prensky, Mr. Sharp).

RESOLUTION #1993-54
(Attached)

Mr. Sharp stated that the Council needs to return to the Charter amendment and vote on it by roll call.

The Resolution was adopted unanimously by roll call.

RESOLUTION #1993-47
(Attached - See above Item #17)

#19 Resolution re: Council Rules of Procedure.

Moved by Ms. Porter; seconded by Mr. Hamilton.

Mr. Prensky amended the language following the resolved clause: "Council meetings and Worksessions will commence at 7:30 p.m. unless otherwise advertised." He said that for the convenience of the Council and the citizens having a standard starting time will save confusion and give a prospect that the meetings may be concluded earlier.

Mr. Leary seconded the amendment.

The amendment was passed unanimously.

Mr. Sharp stated that the amended Resolution is now in front of the Council.

Mr. Prensky proposed that the limitations on Councilmembers' speech that are in parallel to the limitations to the citizens' speech that the Council is adopting in this Resolution be added back into the language of the Resolution.

Ms. Porter seconded the amendment.

Mr. Prensky stated that he thinks the Council should be bound by the same rules as the citizens.

The amendment was not passed.

The amended Resolution was adopted unanimously.

RESOLUTION #1993-55
(Attached)

The Council adjourned at 12:18 p.m.

Introduced by: Councilmember Johnson

1st Reading: May 10, 1993

2nd Reading: May 24, 1993

ORDINANCE NO. 1993-12

AN ORDINANCE TO AMEND CHAPTER 11, STREETS, OF THE CITY CODE TO ADD A WAIVER PROVISION TO THE STANDARDS FOR ROAD CONSTRUCTION.

WHEREAS, the Council finds that, under certain circumstances, a waiver of the standard for minimum road paving width may be justified and may be granted without endangering the public health, safety, and welfare, AND

WHEREAS, the Council wishes to set up a procedure whereby such variations from the minimum road width may be considered;

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

SECTION 1. AMENDMENTS TO CHAPTER 11, STREETS.

Article 2 of Chapter 11 of the Code of the City of Takoma Park is amended to read as follows:

Section 11-12. Dimensions of streets and types of material.

(a) Paving or surfacing of roads, streets and highways shall have a minimum width of twenty-six (26) feet between inside faces of curbs unless this minimum width is waived by the City Council in accordance with the provisions outlined in Section 11-14, and shall conform to the approved cross section and specifications shown on a drawing issued by the Director, and shall conform as a minimum to any of the following types:

Section 11-14. Exceptions to requirements of Article.

(a) None of the rules and regulations contained in this Article shall apply to any private road serving a bona fide agricultural use or to any portion of a private automobile driveway located wholly on private property and outside of a public right-of-way. (M.C. 1961, Art. 9, Sec. 13.)

(b) The City Council may, at its discretion, grant a waiver to the minimum width paving provision in Section 11-12. In order for the Council to do so, the following requirements shall be met:

(1) The applicant shall submit a road improvement plan and a statement of justification for the need to vary from the minimum width standard to the

Director of Public Works, with copies to the Chief of Police and the Fire Chief. The applicant shall also pay a fee of \$50 to the Treasurer.

The applicant's statement of justification shall show the following:

- (A) That compelling reasons exist for varying the minimum width standard. These reasons may include: environmental constraints, tree preservation, lack of need for a full 26 foot street due to small number of lots served, or other unusual or unique conditions affecting the site.
- (B) That the degree of variation from the standard is the minimum necessary.
- (C) That the minimum width standard may be waived without endangering public health, safety, and welfare.

(2) After holding a public hearing for which advance written notice is provided to every person who has a financial interest in property or lives on property within two hundred (200) feet of the road, the Council must make the following findings:

- (A) That a waiver of the minimum width provision is justified.
- (B) That the minimum width standard may be waived without endangering public health, safety, and welfare.
- (C) That the degree of variation from the standard is the minimum necessary.

BE IT FURTHER ORDAINED THAT this ordinance shall take effect upon adoption.

ADOPTED THIS 24TH DAY OF MAY, 1993.

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

Note: [brackets] indicate language to be deleted from existing Code language and underlining indicates new language to be added.

rimpwaiv.ord

Introduced by: Councilmember Porter

1st Reading: May 10, 1993

2nd Reading: May 24, 1993

ORDINANCE NO. 1993-13

AN ORDINANCE TO APPROVE ROAD IMPROVEMENTS TO THE 7200 BLOCK OF GLENGARY PLACE UNDER THE WAIVER PROVISION OF CHAPTER 11, STREETS, OF THE CITY CODE

WHEREAS, Dan Dillon, agent for the owner of 3 single-family lots in the 7200 block of Glengary Place (Wildwood Subdivision, Section Two), has applied for permission to make road improvements to Glengary Place in order to provide access to these lots; AND

WHEREAS, the applicant is proposing to pave Glengary Place to a width of 22 feet rather than the 26 foot standard provided in the Takoma Park City Code; AND

WHEREAS, these lots were approved for subdivision by the Prince George's County Planning Board in February 1993; AND

WHEREAS, the City Council reviewed the subdivision plan in November 1992, and adopted Resolution 1992-88 approving the subdivision plan with conditions; AND

WHEREAS, Condition #2 of Resolution 1992-88 stated as follows: "That access to the subdivided lots be provided via Glengary Place, and that the applicant assume all costs for improving Glengary Place to standards determined by the City at the time of proposed development" (emphasis added); AND

WHEREAS, concurrently with the resolution recommending approval of the subdivision plan, the Council also passed Resolution 1992-87 opening and closing Glengary Place, which resolved that "any improvement of Glengary Place that is required for the development of the proposed subdivision shall be to standards established by the City at the time of the proposed development based upon discussion with the owner" (emphasis added); AND

WHEREAS, the closure of Glengary Place at its south end requires the applicant to improve a significant stretch of road that does not front on his property; AND

WHEREAS, all conditions imposed by the Council in Resolutions 1992-87 and 1992-88 either have been or will be met; AND

WHEREAS, under Ordinance No. 1993-12, the Council has adopted a procedure for granting a waiver of the standard for minimum road paving width in the City; AND

WHEREAS, the Council finds that the subject road improvement plan meets the condition of this Ordinance, as follows:

1. The applicant has submitted a road improvement plan and statement of justification that provides as follows:
 - a. The street width of 22 feet will allow the owner to preserve several large trees in the street right of way.
 - b. The completion of the development of the three homesites will have an extremely low impact on traffic volume, however, the new street width of 22 feet will greatly enhance the existing roadway. The new roadway will increase the existing street by 10 feet, provide better storm water run-off, reduce erosion and improve sight lines at the intersection of Sligo Creek Parkway.
 - c. The street width of 22 feet will increase usable parking spaces on Glengary Place and provide sufficient access for Fire, Police and Refuse Vehicles; AND
2. The waiver of the 26 foot standard in the City Code is justified for the following reasons:
 - a. The reduced street width will allow the owner to preserve several large trees in the street right of way, and will also involve significantly less grading than would otherwise be required.
 - b. Due to the closure of Glengary Place at its south end, the applicant must improve a significant stretch of road that does not front on his property.
3. The minimum width standard may be waived without endangering public health, safety, and welfare.
 - a. The Police Department and the Fire Department have reviewed the road improvement plan, and the plan has been revised to include their input.
 - b. The Public Works Director has recommended approval of the proposed plan.

- c. The proposed road improvements will allow room for on-street parking on one side of the street without endangering access by emergency vehicles.
 - d. The proposed road improvements and the subsequent completion of the development of the three homesites will not result in a significant increase in traffic volumes which could pose a public safety hazard, as Glengary Road will remain a dead-end street.
 - e. The limited sight line at the intersection of Glengary Place and Sligo Creek Parkway will be improved by widening Glengary Place and by requiring the developer to remove obstructive vegetation at the intersection.
 - f. The proposed improvements will greatly enhance the existing roadway.
4. The degree of variation from the standard is the minimum necessary, as a greater variation would create difficulties for emergency vehicle access, and any lesser variation would endanger several large trees and would require cutting into a steep slope.

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

- SECTION 1. That the road improvement plans for Glengary Place be approved, subject to the following conditions:
- a) that parking be restricted to one side of Glengary Place.
 - b) that the applicant is required to restore and plant grass in the proposed unpaved area at the south end of Glengary Place near Heather Avenue.
 - c) that the applicant is required to maintain the existing guardrail at the south end of Glengary Place near Heather Avenue at its current location.

- d) that the applicant is required to remove obstructive vegetation at the intersection of Glengary Place and Sligo Creek Parkway in order to improve the sight distance at this location.
- e) that the applicant is required to take measures to preserve the 96 inch black oak located in the right of way between Lots 8 and 9, which measures shall be subject to the approval of the Public Works Director and the Fire Chief.
- f) that the applicant's contractor is required to control mud and dust and maintain a clean worksite during construction, and that the applicant is required to provide temporary parking arrangements during construction for the existing homeowner on Glengary Place.

ADOPTED THIS 24TH DAY OF MAY, 1993.

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

rimpglen.ord

Introduced By: Councilmember Porter
Drafted By: Councilmember Porter &
Linda Perlman, Asst.
Corporation Counsel

1st Reading: 5/10/93
2nd Reading: 5/24/93
Effective Date: 5/24/93

Draft Date: May 7, 1993

ORDINANCE NO. 1993 - 14

(COUNCIL PROCEDURES)

WHEREAS, the Council appointed a committee of Councilmembers to study Council procedures and to make recommendations; and

WHEREAS, after study, the committee recommended revisions to the rules for Council meetings and procedures which are set forth in Chapter 2, Articles 1 and 2 of the Takoma Park Code; and

WHEREAS, the Council has determined that the changes made to Chapter 2, Articles 1 and 2 of the Takoma Park Code by this ordinance will improve procedures and assist the Council in the conduct of its business.

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

SECTION ONE. Chapter 2, Administration, of the Takoma Park Code is amended as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE 1. MEETINGS AND PROCEDURES OF THE COUNCIL.

Sec. 2-1 Council meetings and worksessions. ~~time, place and special meetings; procedure.~~

(a) The Council generally shall hold ~~its regular meetings in the Takoma Park Municipal Building and Sam Abbott Citizens' Center twice at some convenient place in the city at 8:00 p.m. on the fourth Monday of each month, unless the Council shall for any month meeting prescribe a different time or place.~~

(b) In addition to the regular bi-monthly meetings specified in subsection (a), the Council may at any time hold special sessions or public hearings. Unless otherwise determined by the Council, these meetings shall be held in the Takoma Park Municipal Building and Sam Abbott Citizens' Center.

(c) In addition to the meetings specified in subsections (a) and (b) above, the Council shall hold worksessions, at which Council members shall discuss City business but may not adopt ordinances or resolutions. Unless otherwise determined by the Council, worksessions shall be held twice each month in the Takoma Park

Municipal Building and Sam Abbott Citizens' Center. At its discretion, the Council may hold additional worksessions in any month. Worksessions shall be open to the public, except for executive sessions on matters defined by state law. Worksessions are not considered Council meetings as defined in this Article or in Section 304 of the Charter.

~~(b) There shall, unless otherwise determined, be an executive meeting at 8:00 p.m. on the second Monday of each month, to be held in the Municipal Building.~~

~~(c) Special meetings may be called by the Mayor or Acting Mayor at such times and places as he may deem proper. On written request signed by three (3) or more Councilmen, special meetings shall be called.~~

Sec. 2-2 Agenda and order of business.

(a) A written agenda for each Council meeting and worksession shall be available to the public no later than noon on the day of the meeting, unless the meeting is a special session called on an emergency basis. In that case, an agenda shall be available to the public as soon as possible. The agenda shall list the items to be considered at that meeting, briefly describe each item, and, for Council meetings, state what action, if any, the Council plans to take on that agenda item.

(b) Items not on the written agenda of a Council meeting or worksession shall be considered when a majority of the Council members present determine that circumstances require timely consideration of that item. In such cases, the Mayor shall announce the additional item at the beginning of the meeting or worksession, and state why it must be considered at that meeting.

(c) Regular bi-monthly meetings of the Council shall include a citizens comment period, during which citizens may address the Council concerning issues not on the agenda for that meeting.

(d) At each Council meeting, citizens also shall be given an opportunity to address the Council concerning items on the agenda.

(e) The Council may adopt rules of procedure governing the conduct of Councilmembers and citizens at Council meetings and worksessions.

~~(a) At each regular meeting the order of business shall be as follows:~~

- ~~(1) Roll call.~~
- ~~(2) Reading of minutes of last regular and any subsequent executive or special meetings.~~
- ~~(3) Report of the Treasurer.~~

~~(4) Reading of communications.~~

~~(5) Citizens' remarks.~~

~~(A) Suggestions or complaints of citizens and taxpayers and other persons authorized by the Mayor to address the Council.~~

~~(B) Each person wishing to address the Council shall, when recognized by the Mayor, give his name and address, direct his remarks to the Council and not to other citizens present, and be limited to one (1) period of not over five (5) minutes, unless granted additional time by unanimous consent of the Council.~~

~~(C) Priority shall be given to persons who have signified to the Clerk their desire to address the Council.~~

~~(D) The Mayor shall enforce this subsection.~~

~~(6) Unfinished business.~~

~~(7) Reports of special committees.~~

~~(8) Reports of standing committees, in the order as may be determined by the Mayor.~~

~~(9) New business.~~

~~(10) Adjournment.~~

Sec. 2-3 ~~2.1~~ Procedure for handling citizen requests for placing items on Council agenda.

(a) The following procedure shall be followed:

(1) A request to place an item on the agenda shall be in writing, in such manner as to clearly state the issue ~~problem and thus avoid misunderstanding or misinterpretation.~~

(2) Upon receipt of the written request, the Mayor and Council shall determine whether the item is one for further Council consideration or a matter which can be responded to in a follow-up letter, by a directive for action to staff or by an administrative report at a future Council meeting.

(3) If the matter does not lend itself to a clear resolution via the procedures delineated in subsection (a)(2) above, the Mayor and Council, at their its next worksession, shall determine whether or not the matter should be placed on the Council agenda. The decision of the Council shall be communicated in writing to the citizen making the request. ~~will be announced at the next regular Council meeting, the following possibilities being available:~~

~~(A) Placement of item on agenda immediately.~~

~~(B) Placement of item on a future agenda for items of sufficient magnitude to warrant a public hearing, lengthy study, etc.~~

~~(C) Decision not to place item on agenda, in which case reason for decision will be stated at a time of announcement.~~

~~Sec. 2-3 Duties of Mayor.~~

~~(a) The Mayor shall be the executive officer of the Council.~~

~~(b) In addition to the appointment of standing and special committees and the reference of communications to them, as provided in other sections of this Article, he may in his discretion assign to any committee for investigation and report matters which come within the proper functions of that committee.~~

~~Sec. 2-4 Duties of the Clerk.~~

~~(a) At each meeting, the Clerk shall submit to the Mayor a statement of all matters pending and not disposed of by the Council at its last preceding meeting, which matters shall be considered as unfinished business.~~

~~(b) He shall submit a list of all special committees, with the date of appointment and the subjects referred thereto, and a list of all matters specifically referred to each of the standing committees and not yet reported on.~~

~~(c) He shall transmit to the chairman of each committee all papers (or copies thereof) relating to matters referred to that committee by the Mayor.~~

~~(d) He shall submit to the Mayor a list of all persons who have expressed a desire to address the Council, together with all subjects to be discussed by them.~~

~~Sec. 2-5 Council meeting records.~~

~~All information relative to resolutions, motions or ordinances, and pertinent data thereto, and all votes cast for and against, whether by year or nay or otherwise, shall be read back to the Council by the person preparing the record of the meeting.~~

~~Sec. 2-6 Motions.~~

~~All motions shall be made and seconded before being subject to debate. The Mayor may make or second a motion of any nature, the same as if he were a member of the Council.~~

~~Sec. 2-4 Ordinances and resolutions defined.~~

~~(a) Ordinances generally amend, affect or repeal City law, whether an ordinance is codified or not.~~

~~(b) Resolutions are generally not law, but are merely requests or expressions of the opinion of the Council. There are two basic types of resolutions -- simple resolutions and substantive resolutions.~~

~~(1) Simple resolutions are used, for example, to establish or make appointments to various City commissions and task forces, to set forth positions of support or opposition of the City government on a particular subject, to accept reports of various~~

committees, to express congratulations or condolences, or other matters of a nonsubstantive or personal import.

(2) Substantive resolutions are used, for example, to amend the Charter. Substantive resolutions have the force and effect of law.

Sec. 2-5 6-1 Procedure for adoption of ordinances and resolutions.

(a) Except as otherwise provided in this section, ~~All ordinances, with the exception of those listed in subsection (d) below,~~ shall be read at two (2) meetings of the ~~Mayer and Council~~ prior to adoption.

~~(b) (1) The first reading of an ordinance shall be to for the purpose of introduction the ordinance to Councilmembers for study and consideration and to provide an opportunity for citizen input.~~

~~(c) (2) At the second reading, the Council may adopt an ordinance with or without amendment. an ordinance would generally be considered for final enactment except by decision to the contrary by the Council.~~

~~(b)(d) The following classes of ordinances may be adopted after one (1) reading at a meeting of the Council: shall be exempt from the provisions of subsections (a), (b) and (c) above.~~

(1) These Ordinances dealing with appropriations of funds from a previously adopted annual fiscal year budget, previously approved federal revenue sharing fund planned use report or approved community development block grant programs.

(2) Ordinances which are necessary to meet a public emergency affecting designed to cover situations of an emergency nature presenting a clear and present danger to the public health, safety and general welfare.

(A) Emergency ordinances must include and which contain a section of legislative findings defining the describing the claimed emergency and specifying the likely consequences of the emergency situation in the absence of said legislation. Without a section of legislative findings, the provisions of subsections (a), (b) and (c) above shall apply. in clear and specific terms and declaring that the ordinance is necessary for the immediate protection of public health, safety or welfare.

(B) Emergency ordinances shall be effective immediately after adoption.

(c) Resolutions require one (1) reading at a meeting of the Council prior to adoption.

(d) The affirmative vote of a majority of Councilmembers present at a meeting shall be required for adoption of an ordinance or resolution.

Sec. 2-6 6.2 Fiscal notes. and ~~waivers.~~

(a) ~~Required for Council action.~~ Except as otherwise provided in this section, the City Council may not vote on an ordinance which has a significant budgetary effect unless a fiscal note accompanies the ordinance.

~~(1) A fiscal note accompanies the ordinance.~~

(b) Preparation of fiscal notes.

(1) The City Administrator or the City Administrator's designee, with the assistance of appropriate department directors, shall prepare or cause to be prepared a fiscal note for each ordinance which has a significant budgetary effect.

~~(2)(3)~~ The City Administrator or the City Administrator's designee shall submit a copy of a fiscal note for an ordinance to the Mayor and Council prior to second the first reading and adoption of an ordinance.

~~(3)(2)~~ Notwithstanding the foregoing, a fiscal note may be prepared and submitted to the Council prior to the second reading of an ordinance if the Mayor certifies that prompt Council action on an ordinance is necessary. needed to conduct City business and, before the City Administrator or the City Administrator's designee prepares a fiscal note for the ordinance, accepts the ordinance for first reading, the City Administrator or the City Administrator's designee shall prepare a note as soon after first reading as possible but prior to second reading except for ordinances declared to be emergency ordinances as defined in Section 2.6.1(d)(2).

(4) Unless an ordinance provides for expenditures are in excess of the budgeted amount, a fiscal note is not necessary for an ordinance providing for expenditures specifically authorized in the current fiscal year budget ordinance or resolution for the current year previously approved by ordinance or in an ordinance or resolution revising it, that budget.

(5) A fiscal note is not necessary for emergency ordinances as defined in Sec. 2-5(b)(2).

(c) Contents of fiscal notes.

(1) A fiscal note for an ordinance shall contain an estimate of the fiscal impact of the ordinance on the revenues and expenditures of the City government:

(A) During the year in which the ordinance is to become effective and the next year after, as applicable; and or

(B) If the full fiscal impact of an ordinance is not expected to occur during those years, the first year during which that impact is expected to occur.

(2) The A fiscal note shall identify the sources of information that the City Administrator or the City Administrator's designee used in preparing the estimates of fiscal impact.

(d) Copies.

(1) The City Administrator or the City Administrator's designee shall keep a copy of each fiscal note for three (3) years after preparation of the note.

(2) The Copies of fiscal notes shall be reasonably available for public inspection.

~~(e) Publication note required. Fiscal notes need not be published in the City newsletter.~~

~~(f) Effects of Section 2.6.2.~~

~~(e)(1) The validity of an ordinance enactment is not affected by the presence, absence or content of a fiscal note.~~

~~Sec. 2.7 Communications to Council.~~

~~(a) All communications received by the Clerk which require action of any sort by the Council shall be promptly submitted to the Mayor for reference to the proper committee.~~

~~(b) Communications not received in time for the reference shall be read to the Council under Section 2.2(a)(4), except that, by direction of the Mayor, the Clerk shall prepare and read only a brief summary of any communication which is too long to justify its reading in full.~~

~~(c) The Mayor shall refer to the proper committee all communications read or summarized at the meetings of the Council.~~

~~(d) The committee to which the communication is referred shall return the same, with its recommendations thereon, within two (2) months of the date of the first meeting at which the communication was in the hands of the committee.~~

~~Sec. 2-78. Changes in rules.~~

Any rule of procedure may be temporarily waived by a majority vote of the Councilmembers present, but any permanent amendment to a rule must be by ordinance or resolution, as appropriate.

~~Sec. 2.89. Parliamentary authority.~~

Robert's Rules of Order shall be the recognized authority as to any matter of procedure not covered by this Article or by rules adopted by the Council pursuant to Sec. 2-2(e).

~~ARTICLE 2. THE COMMITTEES OF THE COUNCIL~~

~~Sec. 2.10. Council committees.~~

~~There shall be such special and standing committees as may be deemed by the Mayor or Council as needed, with duties prescribed~~

~~by the Mayor or Council at the time of their establishment or subsequently.~~

~~Sec. 2-9 to 2-10. Reserved.~~

SECTION TWO. This Ordinance shall be effective May 24, 1993.

Adopted this 24th day of May, 1993 by roll call vote as follows:

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

Nay: None

Abstained: None

Absent: None

NOTE: Additions to the existing language of the Takoma Park Code are shown by shading. Deletions to the existing language of the Takoma Park Code are shown by strikeout.

c:/corr/kw-mb
counproc.ord
(counproc.3 - cews 5/24/93)

Introduced by: Councilmember Leary

1st Reading: 5/24/93

2nd Reading:

ORDINANCE NO. 1993-15

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994.

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, 1993 and ending June 30, 1994;

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, 1994, there shall be, and hereby are appropriated General Fund revenues of EIGHT MILLION SEVEN HUNDRED TWENTY THOUSAND NINE HUNDRED SEVENTY TWO dollars (\$8,720,972) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY 94 budget as follows:

Taxes-Local	\$5,069,915
Taxes-State Shared	1,030,000
License & Permits	14,500
Revenue from other Agencies	1,831,450
Service Charges	458,807
Fines & Forfeitures	175,000
Miscellaneous	141,300

SUBTOTAL \$8,720,972

Prior year surplus/unappropriated reserve 500,000

TOTAL \$9,220,972

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the FY 1994 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$500,000.

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 1993-94 Fiscal Year:

Public Works	\$2,413,034
Police Department	\$2,444,821
Non-Departmental	\$1,365,091
Government Administration	\$ 982,863
Housing & Community Development	\$ 690,099
Recreation	\$ 483,516
Library	\$ 449,675
Cable	\$ 48,000
Debt Service	\$ 95,828
General Fund Transfer to Special Revenue Fund	\$ 28,825
TOTAL EXPENDITURES	\$9,001,752
Contribution to Equipment Replacement Reserve	67,687
<u>AUTHORIZED FY 94 EXPENDITURES</u>	\$9,069,439

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 THREE THOUSAND FIVE HUNDRED DOLLARS (\$43,500);

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 NINE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED SEVENTY SEVEN DOLLARS (\$955,477) inclusive of a General Fund Transfer of TWENTY EIGHT THOUSAND EIGHT HUNDRED TWENTY FIVE DOLLARS (\$28,825) and an Expenditure appropriation of NINE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED SEVENTY SEVEN DOLLARS (\$955,477).

- SECTION 7. THAT the Council hereby ratifies the stormwater management budget for FY 1994 adopted by the Stormwater Board by Ordinance #1993-16.
- SECTION 8. THAT the approved FY 94 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 10. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.
- SECTION 11. THAT this Ordinance shall become effective July 1, 1993.

Adopted this ____ day of June, 1993, by Roll Call Vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

d#O/R3
O-93BUD

O-94BUD

O-94BUD

Introduced by: Councilmember Hamilton

1st Reading: 5/24/93

2nd Reading:

ORDINANCE NO. 1993-16

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 94 BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994.

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 1993-94 fiscal year, an ad valorem tax of 2 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.

O-94STRM.

SECTION 3. THAT from and out of the monies known to be received from the 2 cent ad valorem tax established by Section 1 of this Ordinance and levied by the FY 94 Tax Rate Ordinance (Ordinance No. 1993-17), and from all monies to come into all funds during the twelve (12) month period ending June 30, 1994, there shall be, and hereby are appropriated Storm Water Management Fund revenues of \$211,095 as follows:

Local Taxes	\$ 57,467
Stormwater Permit fees	5,000
Appropriated Surplus	148,628
TOTAL	\$211,095

SECTION 4. THAT the City Administrator is hereby authorized to transfer funds to the FY 1994 stormwater budget from the prior year surplus and/or unappropriated reserve in the amount of \$148,628.

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 1993-94 Fiscal Year:

Storm Water Management Expenditures	\$211,095
-------------------------------------	-----------

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 7. THAT the approved FY 94 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

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

SECTION 9. THAT this Ordinance shall become effective July 1, 1993.

Page Three
STORM WATER MANAGEMENT BUDGET ORDINANCE

Adopted this _____ day of June, 1993 by Roll Call Vote of the
Stormwater Board for the City of Takoma Park:

AYES:
NAYS:
ABSTAIN:
ABSENT:

Introduced by: Councilmember Johnson

1st Reading: 5/24/93
2nd Reading:

ORDINANCE NO. 1993-17

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1994 BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994.

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. 1993-16 set an ad valorem tax on property at \$0.02 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, 1993, 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 \$1.777 per \$100.00 assessed valuation, including an equivalent of ~~\$0.24~~ \$0.241 per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and \$0.02 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, 1993.

Adopted this 14th day of June, 1993.

AYES:
NAYS:
ABSTAIN:
ABSENT:

O-94TXRA.

Introduced by: Councilmember Hamilton

First Reading: 5/24/93
Second Reading:
Effective:

ORDINANCE NO. 1993-18

Short Title: Pay scale for Employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 94, 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 2% cost-of-living adjustment for FY 1994;

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, 1993 and ending June 30, 1994. This Pay Scale Plan will become effective July 1, 1993, 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
	12,340	12,784	13,295	13,719	14,211	14,728
	G	H	I	J	K	
	15,258	15,813	16,384	16,981	17,626	

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

STEP:	A	B	C
	\$10.03/hour	\$10.83/hour	\$11.70/hour

Page Two
FY 94 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 shall 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 United Food and Commercial Workers Union, Local 400.

(f) This ordinance shall not be effective for those employees who are paid under the terms of the Contract with AFSCME Local 3399 until such time as a new contract, which is under negotiations, with Local 3399 has been ratified by the Union membership and the Council.

Adopted this ___ day of June, 1993 by roll call vote as follows:

AYES:
NAYS:
ABSTAIN:
ABSENT:

O-94PYP

FY – 94 EMPLOYEE PAY PLAN (2% COLA)

		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	\$15,810.61	\$16,482.56	\$17,141.88	\$17,784.68	\$18,407.15	\$19,005.38	\$19,575.54	\$20,113.87	\$20,616.72	\$21,080.59	\$21,523.28
	Weekly	\$304.05	\$316.97	\$329.65	\$342.01	\$353.98	\$365.49	\$376.45	\$386.81	\$396.48	\$405.40	\$413.91
	Hourly	\$7.60	\$7.92	\$8.24	\$8.55	\$8.85	\$9.14	\$9.41	\$9.67	\$9.91	\$10.13	\$10.35
2	Annual	\$16,998.41	\$17,718.75	\$18,427.50	\$19,118.54	\$19,787.68	\$20,430.78	\$21,043.71	\$21,622.41	\$22,182.97	\$22,661.64	\$23,137.53
	Weekly	\$328.85	\$340.75	\$354.38	\$367.66	\$380.53	\$392.90	\$404.69	\$415.82	\$426.21	\$435.80	\$444.95
	Hourly	\$8.17	\$8.52	\$8.88	\$9.19	\$9.51	\$9.82	\$10.12	\$10.40	\$10.66	\$10.90	\$11.12
3	Annual	\$18,271.14	\$19,047.66	\$19,809.57	\$20,552.43	\$21,271.76	\$21,963.09	\$22,621.99	\$23,244.09	\$23,825.19	\$24,361.26	\$24,872.85
	Weekly	\$351.37	\$366.30	\$380.95	\$395.24	\$409.07	\$422.37	\$435.04	\$447.00	\$458.18	\$468.49	\$478.32
	Hourly	\$8.78	\$9.16	\$9.52	\$9.88	\$10.23	\$10.56	\$10.88	\$11.18	\$11.45	\$11.71	\$11.96
4	Annual	\$19,641.47	\$20,476.23	\$21,295.28	\$22,093.86	\$22,867.14	\$23,610.32	\$24,318.63	\$24,987.40	\$25,612.08	\$26,188.35	\$26,738.31
	Weekly	\$377.72	\$393.77	\$409.52	\$424.88	\$439.75	\$454.04	\$467.67	\$480.53	\$492.54	\$503.62	\$514.20
	Hourly	\$9.44	\$9.84	\$10.24	\$10.62	\$10.99	\$11.35	\$11.69	\$12.01	\$12.31	\$12.59	\$12.85
5	Annual	\$21,114.58	\$22,011.95	\$22,892.43	\$23,750.90	\$24,582.18	\$25,381.10	\$26,142.53	\$26,861.45	\$27,532.99	\$28,152.48	\$28,743.68
	Weekly	\$406.05	\$423.31	\$440.24	\$456.75	\$472.73	\$488.10	\$502.74	\$516.57	\$529.48	\$541.39	\$552.78
	Hourly	\$10.15	\$10.58	\$11.01	\$11.42	\$11.82	\$12.20	\$12.57	\$12.91	\$13.24	\$13.53	\$13.82
6	Annual	\$22,698.18	\$23,682.85	\$24,609.36	\$25,532.21	\$26,425.84	\$27,284.68	\$28,103.22	\$28,876.06	\$29,597.96	\$30,263.92	\$30,899.46
	Weekly	\$438.50	\$455.05	\$473.28	\$491.00	\$508.19	\$524.71	\$540.45	\$555.31	\$569.19	\$582.00	\$594.22
	Hourly	\$10.91	\$11.38	\$11.83	\$12.28	\$12.70	\$13.12	\$13.51	\$13.88	\$14.23	\$14.55	\$14.86
7	Annual	\$24,400.54	\$25,437.56	\$26,455.07	\$27,447.13	\$28,407.78	\$29,331.03	\$30,210.96	\$31,041.76	\$31,817.61	\$32,533.71	\$33,216.92
	Weekly	\$469.24	\$489.18	\$508.75	\$527.83	\$546.30	\$564.06	\$580.98	\$596.96	\$611.88	\$625.65	\$638.79
	Hourly	\$11.73	\$12.23	\$12.72	\$13.20	\$13.66	\$14.10	\$14.52	\$14.92	\$15.30	\$15.64	\$15.97
8	Annual	\$26,230.58	\$27,345.38	\$28,439.19	\$29,505.66	\$30,538.36	\$31,530.66	\$32,478.79	\$33,369.90	\$34,204.14	\$34,973.74	\$35,708.19
	Weekly	\$504.43	\$525.87	\$546.91	\$567.42	\$587.28	\$606.36	\$624.55	\$641.73	\$657.77	\$672.57	\$686.70
	Hourly	\$12.61	\$13.15	\$13.67	\$14.19	\$14.68	\$15.16	\$15.61	\$16.04	\$16.44	\$16.81	\$17.17
9	Annual	\$28,197.87	\$29,396.28	\$30,572.13	\$31,718.59	\$32,828.74	\$33,895.67	\$34,912.54	\$35,872.64	\$36,769.46	\$37,596.77	\$38,366.30
	Weekly	\$542.27	\$565.31	\$587.93	\$609.97	\$631.32	\$651.84	\$671.40	\$689.86	\$707.10	\$723.01	\$738.20
	Hourly	\$13.56	\$14.13	\$14.70	\$15.25	\$15.78	\$16.30	\$16.78	\$17.25	\$17.68	\$18.08	\$18.45
10	Annual	\$30,312.71	\$31,601.00	\$32,865.04	\$34,097.48	\$35,290.90	\$36,437.85	\$37,530.99	\$38,563.09	\$39,527.10	\$40,418.53	\$41,265.27
	Weekly	\$582.94	\$607.71	\$632.02	\$655.72	\$678.67	\$700.73	\$721.75	\$741.60	\$760.14	\$777.24	\$793.56
	Hourly	\$14.57	\$15.19	\$15.80	\$16.39	\$16.97	\$17.52	\$18.04	\$18.54	\$19.00	\$19.43	\$19.84
11	Annual	\$32,586.17	\$33,971.08	\$35,329.92	\$36,654.80	\$37,937.71	\$39,170.69	\$40,345.81	\$41,455.32	\$42,491.70	\$43,447.77	\$44,360.17
	Weekly	\$626.66	\$653.29	\$679.42	\$704.90	\$729.57	\$753.28	\$775.88	\$797.22	\$817.15	\$835.53	\$853.08
	Hourly	\$15.67	\$16.33	\$16.99	\$17.62	\$18.24	\$18.83	\$19.40	\$19.93	\$20.43	\$20.89	\$21.33
12	Annual	\$35,030.13	\$36,518.91	\$37,979.67	\$39,403.90	\$40,783.04	\$42,108.49	\$43,371.75	\$44,564.47	\$45,678.58	\$46,706.35	\$47,687.18
	Weekly	\$673.66	\$702.29	\$730.38	\$757.77	\$784.29	\$809.78	\$834.07	\$857.01	\$878.43	\$898.20	\$917.06
	Hourly	\$16.84	\$17.56	\$18.26	\$18.94	\$19.61	\$20.24	\$20.85	\$21.43	\$21.96	\$22.45	\$22.93

Introduced by: Councilmember Hamilton

First Reading: 5/24/93
Second Reading:
Effective:

ORDINANCE NO. 1993-19

Short Title: Pay Scale for Police.

AN ORDINANCE TO:

Establish a pay scale for police officers for FY 94, 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 a 1% market adjustment and a 2% cost-of-living adjustment for FY 1994;

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, 1993 and ending June 30, 1994. This Pay Scale Plan will become effective July 1, 1993, and will remain in effect until amended or repealed by the City Council:

(a) Special rule for employees who are represented by a certified employee organization.

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement, as it was adopted by Council pursuant to the provisions in Article 2 of Chapter 8B of the City Code.

Adopted this ____ day of June, 1993 by roll call vote as follows:

AYES:
NAYS:
ABSTAIN:
ABSENT:

O-94/PYPD

POLICE PAY SCALE FY 94
2% COLA + 1% 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 6	ANNUAL WEEKLY HOURLY	24,071.08 462.91 11.57										
PRIVATE 7	ANNUAL WEEKLY HOURLY	25,876.41 497.62 12.44	26,976.15 518.77 12.97	28,055.20 539.52 13.49	29,107.27 559.76 13.99	30,126.03 579.35 14.48	31,105.12 598.18 14.95	32,038.27 616.12 15.40	32,919.33 633.06 15.83	33,742.31 648.89 16.22	34,501.51 663.49 16.59	35,226.04 677.42 16.94
PFC 8	ANNUAL WEEKLY HOURLY	27,817.14 534.94 13.37	28,999.37 557.68 13.94	30,159.34 579.99 14.50	31,290.32 601.74 15.04	32,385.48 622.80 15.57	33,438.01 643.04 16.08	34,441.15 662.33 16.56	35,388.28 680.54 17.01	36,272.98 697.56 17.44	37,089.13 713.25 17.83	37,868.00 728.23 18.21
CORPORAL 9	ANNUAL WEEKLY HOURLY	29,903.42 575.07 14.38	31,174.32 599.51 14.99	32,421.29 623.49 15.59	33,637.09 646.87 16.17	34,814.39 669.51 16.74	35,945.86 691.27 17.28	37,024.23 712.00 17.80	38,042.40 731.58 18.29	38,993.46 749.87 18.75	39,870.81 766.75 19.17	40,708.10 782.85 19.57
SERGEANT 10	ANNUAL WEEKLY HOURLY	32,146.18 618.20 15.45	33,512.39 644.47 16.11	34,852.89 670.25 16.76	36,159.87 695.38 17.38	37,425.47 719.72 17.99	38,641.79 743.11 18.58	39,801.05 765.40 19.14	40,895.58 786.45 19.66	41,917.97 806.11 20.15	42,861.42 824.25 20.61	43,761.20 841.56 21.04
LIEUTENANT 12	ANNUAL WEEKLY HOURLY	37,148.93 714.40 17.86	38,727.76 744.76 18.62	40,276.87 774.56 19.36	41,787.25 803.60 20.09	43,249.81 831.73 20.79	44,655.42 858.76 21.47	45,995.09 884.52 22.11	47,259.95 908.85 22.72	48,441.45 931.57 23.29	49,531.38 952.53 23.81	50,571.54 972.53 24.31

Introduced by: Councilmember Hamilton

1st Reading: 5/24/93

2nd Reading:

Effective:

ORDINANCE NO. 1993-20

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 2% adjustment to the Pay Plan for FY 94.

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, 1993:

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]	34,729 - 38,659
	2nd Quartile = [37,902 - 41,734]	38,560 - 42,568
	3rd Quartile = [41,735 - 45,566]	42,569 - 46,478
	4th Quartile = [45,567 - 49,399]	46,479 - 50,387
Executive 2:	1st Quartile = [36,624 - 40,744]	37,356 - 41,558
	2nd Quartile = [40,745 - 44,864]	41,559 - 45,761
	3rd Quartile = [44,865 - 48,984]	45,762 - 49,963
	4th Quartile = [48,985 - 53,104]	49,964 - 54,166
Executive 3:	1st Quartile = [39,371 - 43,800]	40,158 - 44,676
	2nd Quartile = [43,801 - 48,229]	44,677 - 49,194
	3rd Quartile = [48,230 - 52,658]	49,195 - 53,712
	4th Quartile = [52,659 - 57,088]	53,713 - 58,230
Executive 4:	1st Quartile = [42,324 - 47,085]	43,170 - 48,027
	2nd Quartile = [47,086 - 51,847]	48,028 - 52,883
	3rd Quartile = [51,848 - 56,608]	52,884 - 57,740
	4th Quartile = [56,609 - 61,369]	57,741 - 62,596

SECTION 5. COST OF LIVING ADJUSTMENTS

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


SECTION 6. DATE OF PAY INCREASES

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

Page Four
Executive Pay Plan Ordinance

Adopted this ___ day of June, 1993 to take effect July 1, 1993.

AYE:
NAY:
ABSTAINED:
ABSENT:

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

O-EX92PY

O-EX94PY

Introduced by: Councilmember Leary
(Drafted by: C. Sartoph)

1st Reading: 5/24/93
2nd Reading:

ORDINANCE #1993 - 21

AN ORDINANCE TO AMEND CHAPTER 13, VEHICLES AND TRAFFIC., OF THE CITY CODE TO CHANGE THE METER COINAGE FOR TWELVE-HOUR LIMIT PARKING METERS.

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

SECTION 1. AMENDMENTS TO CHAPTER 13, VEHICLES AND TRAFFIC.

Article 4, Section 13-32.2. Parking meter zones; twelve-hour limit., of the Code of the City of Takoma Park is amended to read as follows:

(a) Twelve-hour-limit meters shall require twenty-five cents (\$0.25) for [two (2) hours] one (1) hour, one dollar (\$1.00) for [eight (8)] four (4) hours and so forth, up to twelve (12) hours, from 7:00 a.m. to 7:00 p.m. except Sundays and holidays at the following locations:

(1) Takoma Avenue, west curb, from Albany Avenue south to Baltimore Avenue: thirty-eight (38) meters.

(2) Takoma Avenue, north curb, from New York Avenue to Fenton Street: twelve (12) meters.

SECTION 2. THAT this ordinance shall be effective _____, 1993.

Adopted this _____ day of _____, 1993.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Note: [brackets] indicate language to be deleted from existing Code language and underlining indicates new language to be added.

Introduced by: Mayor Sharp

1st Reading: 5/24/93
2nd Reading:

ORDINANCE NO. 1993-22

AN ORDINANCE TO AMEND CHAPTER 13, VEHICLES AND TRAFFIC., OF THE CITY CODE TO CHANGE THE FINES FOR HANDICAPPED PARKING VIOLATIONS.

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

SECTION 1. AMENDMENTS TO CHAPTER 13, VEHICLES AND TRAFFIC.

Article 7 of Chapter 13 of the Code of the City of Takoma Park is amended as follows:

(11) On public or private property designated as parking reserved for the physically handicapped with the proper signs posted in conformance with the sign standards in the Maryland Manual, unless said vehicle displays a special registration plate or permit issued by any state or the District of Columbia with the handicap designation.

(b) Violations of Subsection (a)(6) (Fire Lanes) and ~~Subsection (a)(11) (Handicapped Parking)~~ are is a Class M offenses.

~~(c) Violations of Subsection (a)(11) (Handicapped parking) is a Class B offense.~~

SECTION 3. THAT this Ordinance shall be effective _____, 1993.

Adopted this _____ day of _____, 1993.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Note: ~~Strikeout~~ indicates language to be deleted from existing Code language and shading indicates new language to be added.

Introduced by: Councilmember Hamilton
Drafted by Juan Castillo

1st Reading: 05/24/1993
2nd Reading:
Effective :

ORDINANCE 1993-23

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

WHEREAS, Section 6-107(a) (1) of the Takoma Park Code currently requires the payment of \$48.00 by rental property owners for the license and inspection fee, AND

WHEREAS, There has been no increase in this fee since 1990.

NOW THEREFORE, BE IT ORDAINED THAT the City shall replace the current fee of \$48.00 per licensing term with the a \$62.00 fee per licensing term, AND

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

Sec. 6-107 Licensing and inspection fee

(a) Each rental property subject to licensing under this Article shall be charged the following fee:

(1) One (1) or more units: [forty-eight (\$48.00)] sixty two dollars (\$62.00) per licensing term, where such term or duration is specified in Sec. 6-106 of the Code.

This ordinance becomes effective July 1, 1993.

Adopted this _____ day of _____.

AYE:

NAY:

ABSTAINED:

ABSENT:

Deletions are [bracketed]; additions are underlined.

Introduced by: Councilmember Johnson Single Reading: 5/24/93

Ordinance No. 1993-24
Jackson Avenue Drainage Improvements

WHEREAS, \$50,000 was earmarked in the FY-93 Budget for correcting deficient storm drainage at the intersection of Ethan Allen and Jackson Avenues; AND

WHEREAS, in accordance with City procurement procedures a request for bids was advertised in the Washington Post, Montgomery Journal, Dodge Reports and Blue Reports; AND

WHEREAS, bids were publicly opened at 2:00 p.m., May 19, 1993 with two bids being received; AND

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

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

SECTION 1. THAT the low bid being received from Nekoosa Construction Corporation in the amount of THIRTY THREE THOUSAND THREE HUNDRED AND NINETY DOLLARS (\$33,390) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$33,390 be charged to Capital Expenditures Account #3700-8001.

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

Introduced by: Mayor Sharp
(Drafted by: Paula S. Jewell)

1st Reading: 5/03/93
2nd Reading: 5/24/93
Posted: 5/25/93
Effective: 7/13/93*

* Unless a petition meeting the requirements of Sec.602 of the City Code is received by 7/6/93.

CHARTER AMENDMENT RESOLUTION #1993-47

AMENDING CHARTER SECTION 702(c) REGARDING FINAL LISTS OF REGISTERED VOTERS: CERTIFICATION BY SUPERVISORS OF ELECTIONS

WHEREAS, Section 702(c) of the Takoma Park Charter of 1989, as amended, requires that at least three weeks prior to the City's election, the respective boards of election supervisors certify to the City Council, a revised listing of voters in the City; AND

WHEREAS, Charter Section 702(c) is in conflict with Maryland State law which requires that municipalities close their books 30 days prior to municipal elections; AND

WHEREAS, the Council has determined that closing of the City's voter rolls thirty days before a City election would not present any administrative hardships in planning for the City's November election.

SECTION 1. NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1990 edition, as amended), title: "Corporations - Municipal," that Section 702(c) of the Charter or the City of Takoma Park is hereby amended as follows:

Section 702 Lists of Registered Voters: Certification by Supervisors of Elections

(c) The respective boards of election supervisors shall, on or before the last Monday in October falling at least ~~thirty (30) days~~ ~~three weeks~~ prior to the election of each second year, beginning in October, 1983, certify to the Council, revisions, if any, in the lists so certified theretofore by them.

- SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is May 24, 1993, and the amendment of Section 702(c) of the Charter of the City of Takoma Park hereby enacted shall become effective on July 13, 1993, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until July 6, 1993, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.
- SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.
- SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against the amendment hereby enacted at any referendum thereon and the date of such referendum.
- SECTION 5. The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, May 24, 1993, seven (7) members of the City Council voting in the affirmative, no members of the City Council voting in the negative, no members of the City Council abstaining and no members of the City Council absent, and the said Resolution becomes effective in accordance with law on the 13th day of July, 1993.

SECTION 6. In this Resolution, ~~striketrough~~ shall denote language to be deleted from the current City Charter and ~~shadow~~ shall denote language to be added.

Adopted this 24th day of May, 1993 by Roll Call vote as follow:

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

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Edward F. Sharp, Mayor

William Leary, Councilmember, Ward 1

Kathy Porter, Councilmember, Ward 2

Hank Prensky, Councilmember, Ward 3

Greg V. Hamilton, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Lloyd Johnson, Councilmember, Ward 6

ATTEST:



Acting City Clerk

5/25/93

Date

Introduced By: Mayor Sharp

ADOPTED: MAY 24, 1993

Resolution No. 1993-52

A Resolution Recommending Denial of A Preliminary Subdivision Plan for the Pringle Property (Preliminary Plan No. 1-92035)

WHEREAS, Mr. William Pringle has submitted a revised preliminary subdivision plan to the Montgomery County Maryland-National Capital Park and Planning Commission for proposed Lots 28-36, Block 57, B.F. Gilbert's Addition to Takoma Park, located in the 8400 block of Sligo Creek Parkway between Wabash Avenue and Domer Avenue, Takoma Park; AND

WHEREAS, this preliminary plan proposes a subdivision of nine single-family lots, two of which are currently improved with single-family homes; AND

WHEREAS, the proposed access for six of the proposed single-family lots is a 16 foot wide private driveway with a 12 foot crushed stone shoulder extending into the site from a 16 foot wide extension of Wabash Avenue; 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 DENIAL of the application on the basis of analysis contained in the pertinent staff report dated May 14, 1993; AND

WHEREAS, after providing reasonable public notice, the Council has held a hearing and taken public comment on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby OPPOSES the preliminary subdivision plan for this property, and recommends that the Montgomery County Planning Board DENY the preliminary subdivision plan because it does not meet the required standards for a preliminary subdivision plan for the following reasons:

1. The proposed 16 foot private driveway does not meet the requirement in the Montgomery County subdivision regulations that the Planning Board may not approve more than two lots on a private driveway or private right-of-way (Sec. 50-29(a)(2). Although the Planning Board has in the past

approved more than two lots on a private driveway, the current Montgomery County Department of Transportation practice is not to approve more than four lots on a private driveway.

2. The proposed private driveway does not meet Montgomery County standards for a standard tertiary road, which require a 50 foot right-of-way and a cul-de-sac with a radius of 44.33 feet (Montgomery County Government Design Standards, Department of Transportation). City staff has further determined that the 30 foot radius of the proposed cul-de-sac will not provide adequate turn-around room for the Takoma Park Volunteer Fire Department's ladder truck.
3. The proposed extension of Wabash Avenue and the proposed private driveway do not meet City standards for a 26 foot wide public road (City Code, Chapter 11, Article 2), and also do not meet fire standards in the Montgomery County Code that require private roads serving homes set back more than 150 feet from a public road to be at least 20 feet wide (Montgomery County Code, Sec. 22-32). Furthermore, City staff has determined that, for the number of lots proposed to be served, the width and grade of the proposed extension of Wabash Avenue and the proposed private driveway will create a hazardous condition for fire and police emergency access and for service by sanitation and recycling vehicles. City staff has also determined that the proposed 12 foot wide crushed stone shoulder will not adequately address concerns about emergency and service access because the shoulder cannot be maintained by normal road maintenance and may be used for parking by residents, thus negating its intended use.
4. The preliminary subdivision plan has not obtained stormwater management concept plan approval from the City of Takoma Park.
5. The preliminary subdivision plan indicates that the homes on Lots 35 and 36 would be constructed in the 150 foot stream buffer. According to the environmental guidelines in the Environmental Management of Development in Montgomery County, Maryland, no building/structure, impervious surfaces, or activities requiring clearing or grading (except for necessary utility or stormwater management construction) will be permitted in stream buffers, with exceptions for small amounts

of clearing and grading on a case-by-case basis. Because the proposed home on Lot 35 would be built on an existing foundation and would therefore require minimal clearing and grading, the Council has no objection to construction of this home; however, the City objects to the location of the home on Lot 36 within the stream buffer.

6. The preliminary subdivision plan proposes flag (panhandle) lots, and lots that are less than the average of 7,000 to 7,500 square feet of surrounding lots. These lots are not in character with other lots within the existing block, neighborhood or subdivision as required by Section 50-29(b)(2) of the Montgomery County subdivision regulations.

BE IT FURTHER RESOLVED THAT the intent of the City's recommendation of denial is not to prevent all development on the subject property, and that the Council would consider a revised preliminary subdivision plan with a reduced number of lots that addresses the concerns outlined above.

BE IT FURTHER RESOLVED THAT, in addition to the conditions outlined above, the City would require the following as conditions of any revised subdivision plan:

1. That a street landscaping and lighting plan be submitted for City approval when the applicant applies for a grading and sediment control permit.
2. That the applicant submit a forest conservation plan as required under the Montgomery County Forest Conservation Law, and take steps to preserve as many trees as possible, to replace trees that must be removed, and to otherwise comply with the terms of the City of Takoma Park Tree Ordinance.
3. That the 150 foot stream buffer area be dedicated to a homeowners association or the City of Takoma Park.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a copy of this Resolution with a written record of this hearing to the appropriate Montgomery County authorities.

ADOPTED THIS 24TH DAY OF MAY, 1993.

Introduced by: Councilmember Prensky Resolution Date: 5/24/93

Drafted by: Linda Perlman
Assistant Corporation Counsel
Draft Date: June 17, 1993

RESOLUTION NO. 1993-53

(Approving Forfeiture Action Against the Real Property Located at
6729 Poplar Ave., Takoma Park, MD 20912)

WHEREAS, for several years, the City of Takoma Park Police Department has received complaints of narcotics activity coming from the house located at 6729 Poplar Ave., Takoma Park, Prince George's County, Maryland (hereinafter referred to as "the real property"); and

WHEREAS, as a result of these complaints a court ordered search and seizure warrant was executed on or about May 2, 1992 at which time controlled dangerous substances and paraphernalia were recovered; and

WHEREAS, neighbors in the area continued to complain of drug activity at the real property along with high levels of pedestrian and vehicular traffic in and out of the real property, which is consistent with drug trafficking; and

WHEREAS, because of these complaints and an ongoing investigation into the drug-related activities of one of the occupants of the real property, officers of the City of Takoma Park Police Department applied for another search and seizure warrant; and

WHEREAS, on or about January 22, 1993, officers of the City of Takoma Park Police Department executed a court ordered search and seizure warrant at the real property at which time crack cocaine, marijuana, and paraphernalia were recovered; and

WHEREAS, as a result of the activities found and the evidence seized at the real property, a number of arrests were made and, on February 19, 1993, an indictment was issued against Charles M. Patterson, Phyllis Denna Patterson, Leroy Calvin Patterson, and Andrew Michael Patterson; and

WHEREAS, Charles M. Patterson was charged in CT930299A with maintaining a common nuisance, possession of cocaine with intent to distribute, possession of cocaine, possession of marijuana with intent to distribute, possession of marijuana, conspiracy to maintain a common nuisance, conspiracy to possess cocaine with intent to distribute, conspiracy to distribute cocaine, and possession of paraphernalia; and

WHEREAS, the Land Records for Prince George's County show that the real property is titled in the names of Charles M. Patterson

and Hattie B. Patterson, as tenants in common; and

WHEREAS, Hattie B. Patterson died on August 11, 1992, but to date no estate administration has been opened with the Register of Wills for Prince George's County; and

WHEREAS, the City of Takoma Park has a lien on the real property by virtue of a Mortgage from Charles M. Patterson and Hattie B. Patterson made on May 15, 1991 and recorded on June 11, 1991 in Liber 7985, Folio 966 among the Land Records of Prince George's County, Maryland; and

WHEREAS, Article 27, §297(m) of the Annotated Code of Maryland provides that an owner's interest in real property may be forfeited if the real property was used in connection with certain drug-related violations (Article 27, §286, §286A, §286B, §286C, or §290) of the criminal laws of the State of Maryland; and

WHEREAS, the criminal charges against Charles M. Patterson indicate that the real property was used in connection with violations of Article 27, §286 of the Annotated Code of Maryland; and

WHEREAS, the State's Attorney for Prince George's County has agreed to designate the Corporation Counsel of the City of Takoma Park as the "forfeiting authority", under Article 27, §297(a)(5)(i) of the Annotated Code of Maryland, for the purposes of prosecuting a forfeiture complaint pertaining to the real property.

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

RESOLVED, that the City of Takoma Park shall proceed with a complaint seeking the forfeiture of the real property known as 6729 Poplar Ave., Takoma Park, MD 20912; and

RESOLVED, that the Council authorizes the Mayor on its behalf to enter into an agreement with the State's Attorney for Prince Georges's County to designate the Corporation Counsel of the City of Takoma Park as the "forfeiting authority" for the purposes of prosecuting a forfeiture complaint pertaining to the real property known as 6729 Poplar Ave., Takoma Park, MD 20912.

ADOPTED THIS 24th DAY OF MAY, 1993.

forfeit.resol
tp.disk/lsp

Introduced by: Councilmember Hamilton

RESOLUTION 1993-54

A Resolution to authorize the extension of the auditing contract with Wooden & Benson for a term not to exceed one year.

WHEREAS, under the terms of the request for proposals issued in 1988, the City solicited bids for a five year term auditing contract with an option for a one year extension; AND

WHEREAS, the bid was awarded to Wooden & Benson, a Maryland firm, under the terms of the original request for proposals; AND

WHEREAS, the letter of agreement with Wooden & Benson included an offer of one year extensions at an increase according to the latest Consumer Price Index (CPI)

NOW THEREFORE BE IT RESOLVED THAT the City Council authorizes the City Administrator to negotiate a one year extension of the Wooden & Benson auditing contract, for an audit of the FY 93 financial year records, at a cost increase not to exceed the CPI.

Adopted this 24th day of May, 1993.

Introduced by: Councilmember Porter

RESOLUTION #1993-55

COUNCIL RULES OF PROCEDURE

WHEREAS, the Council wishes to conduct its meetings in such a way as to maximize the opportunity for citizens to participate; AND

WHEREAS, long Council meetings that continue until a very late hour inhibit the ability of citizens to address the Council on issues that concern them; AND

WHEREAS, the Council also wishes to conduct its business in an efficient and timely fashion.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby establish the following rules of procedure to govern the conduct of council meetings:

- 1) Council meetings and Worksessions will commence at 7:30 p.m. unless otherwise advertised.
- 2) Announcements made at the beginning of council meetings should be informational in nature. Discussion of substantive issues should be avoided during the period of time set aside for announcements.
- 3) As each agenda item is taken up, the Mayor or a member of the Council shall summarize the content of the agenda item and state the action the Council is considering.
- 4) Citizens who wish to address the Council must be recognized by the Mayor before speaking, must state their name and address for the record, and must direct their remarks to the Council.
- 5) Councilmembers who wish to speak must be recognized by the Mayor before speaking and must address the issue under discussion.
- 6) All those present at Council meetings shall permit speakers to express their opinions without interruption.
- 7) In general, speakers should limit their comments to no more than five minutes. When a large number of citizens wish to address the Council on an issue, speakers shall:
 - a) Sign up to speak on a form designated by the City Clerk, and
 - b) Limit their comments to no longer than three minutes, in order to give all those who wish to speak an opportunity to be heard in a timely manner. After all those who wish to speak on an issue have spoken, the

Mayor may allow those who have already spoken to address the Council a second time.

8) During citizen comment period and public hearings, Councilmembers' comments shall be limited to asking informational questions of speakers or responding to requests for information.

9) Councilmembers are encouraged to work with city staff before Council meetings to make editorial changes to ordinances or resolutions. During Council meetings, Councilmembers shall make every effort to avoid purely editorial changes to the language of ordinances or resolutions. Such changes may be ruled out of order by the Mayor.

10) At the discretion of the Mayor, noncontroversial resolutions or other matters may be passed as part of a consent agenda. If any Councilmember wishes to discuss an item on the consent agenda, that item shall be removed from the consent agenda and placed on the regular agenda for that meeting.

11) Meetings and worksessions of the Council shall be recorded on audio tapes and videotape and simultaneously broadcast on the Takoma Park public educational and governmental cable channel. Videotapes of Council meetings and worksessions will be preserved for one year, audio tapes will be preserved for three years, and copies of the videotapes will be available to the public for the cost of the tapes and the copying.

Adopted this 24th day of May, 1993.