

Public Hearing and Regular Meeting of the City Council

Monday, June 14, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Administrator Grimmer
Councilmember Hamilton	Assistant City Administrator Hobbs
Councilmember Johnson	City Clerk Sartoph
Councilmember Leary	Deputy City Clerk Espinosa
Councilmember Porter	Corporation Counsel Silber
Councilmember Prensky	Library Director Arnold-Robbins
	Recreation Director Ellis
	Police Chief Fisher
	DHCD Director Nance-Sims
	Community Planner Schwartz

The City Council convened at 7:38 p.m. on Monday, June 14, 1993, in the Council Chamber at 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Ms. Habada announced the appointments of Catherine Sartoph to City Clerk and Thomas Espinosa to Deputy City Clerk. She stated that Ms. Sartoph had been appointed to Deputy City Clerk in November 1992 and that since the departure of the former City Clerk Jewell, she has become well acquainted with minutes preparation. Ms. Sartoph has a Bachelor of Arts Degree in English and Philosophy from the University of Maryland. She said that Thomas Espinosa came to the City in 1990 and that he has worked in the Accounting Office in the capacities of Account Clerk and Administrative Clerk handling the parking enforcement program. He has served as the City translator for the City Newsletter, translating the monthly calendar into Spanish. Ms. Espinosa has a Bachelor of Arts Degree in Spanish from the University of Maryland. Ms. Habada welcomed both Ms. Sartoph and Mr. Espinosa to their new positions.

Mr. Sharp stated that he is pleased with the selections and that he thinks that both Ms. Sartoph and Mr. Espinosa have had a lot of experience in the City in a number of different ways that will be useful to the City in their new capacities. He said that he looks forward to working with them.

Ms. Habada noted that Mr. Espinosa has resigned from the Union as Union President, effective with his appointment to Deputy City Clerk.

Mr. Johnson announced that he will not be available next Monday, June 21 through Wednesday, June 23. He will be out of town attending a state-wide conference of State's Attorneys.

ADOPTION OF THE MINUTES FROM 5/3/93 AND 5/10/93 Moved by Mr. Hamilton; seconded by Ms. Porter. Mr. Sharp noted a typographical error on page 8 of the 5/10/93 minutes.

The Minutes for 5/3/93 and 5/10/93 were unanimously adopted.

ADDITIONAL AGENDA ITEMS

Mr. Prensky remarked that all Council meetings and Worksessions will be scheduled to begin at 7:30 p.m.

## CITIZEN COMMENTS

Sharon Ellis, Director of Recreation stated that she is speaking for Diana Kohn, Co-President PTA, Takoma Park Elementary School. She explained that she has been working with Ms. Kohn in an effort to get some information for the Council regarding the Before School Program that has been requested by the PTA's of the two schools, Piney Branch and Takoma Park. Ms. Ellis stated that they have met with several of the school board members and the school board itself; as recent as last Thursday, they addressed the School Board. She noted that in the absence of Ms. Kohn, who is ill this evening, that she will be reading a letter addressed to the Council from Ms. Kohn.

(Letter attached)

Mr. Prenskey asked whether it is true that the ICB will also be charging the City rent for their facility to run this program.

Ms. Ellis responded that it is true and that the cost will be between \$2.50 and \$3.00 per hour, per room, which to make the program self-supporting would be paid for by the parent in the registration fee.

Mr. Hamilton stated that the reason this issue is before the Council is because the School Board has changed the starting time of the elementary schools from 9:00 a.m. to 9:20 a.m. beginning in September.

Mr. Sharp stated that the issue will be put on a future agenda.

Ralph Coleman, 7611 Maple Avenue stated that Peter's Sub Shop is open too late on the weekend; there is a lot of traffic, children and young people after school, and loitering in the immediate Maple Avenue area. He noted that there have been drug sales on the sidewalks and said that the problem is that the City is not making the parents take responsibility for children that are out in the streets. He stated that something needs to be done to impose a curfew in the Park Ritchie area. Young people need to have a place to go to expend their restless energies. Peter's Carry-out and Sub Shop should not be opened after 9:00 p.m. during the week and 10:00 on the weekend. He stated that he is concerned with drug trafficking and that he thinks the City can do something about this problem before it gets worse. The community and the government can work together on this problem. Young people who desire to do something for themselves in the afternoons and evenings should have places to go. He stated that he has a constructive way to sit down and talk with the Outreach Program and Recreation and Police Departments to discuss how we can get corporations to help the City bring about some alternative avenues for young people to channel their energy. He said that he would like to see that senior citizens can safely walk up and down Maple Avenue.

Mr. Hamilton stated that he has spoken with the Police Chief about setting up a meeting with some of the newer tenants in 7611 Park Ritchie. He said that the Police and Recreation Departments are working on alternatives to address this problem but that because there is no avenue for some of the young people to go somewhere, does not mean that there is a serious crime problem on Maple Avenue. He said that he does not think any business owner should have to change his hours because parents are not supervising their children.

## AGENDA

Mr. Prenskey noted that one of the items on the Consent Agenda is a Resolution appointing members to the new Takoma Junction Development Citizen Advisory Committee and asked that the item be removed from the Consent Agenda because it will be important to explain the goals and responsibilities of the committee. He

suggested that the Council consider this item following the Public Hearing on the Open Space Plan.

#### PUBLIC HEARING

##### #1 Affirmative Action Plan

Mr. Sharp noted that following the citizen comment period, the Council may vote on the Affirmative Action Plan this evening.

Mr. Sharp asked how Mr. Hobbs has incorporated the comments of Mr. Longen into the plan and how this changes the plan.

Mr. Hobbs stated that the incorporation of the comments does not change the plan; it clarifies some areas of the plan. For example, the self analysis will be something that occurs on an annual basis as part of the annual update of the plan, and on the Complaint Grievance Process, the language has been reworded to show that an individual can apply through the City's grievance process, file a complaint with the City's Equal Employment Opportunity (EEO) officer or use one of the County or State Agencies or the EEO Commission.

Mr. Sharp asked for citizen comments. He stated that the floor will remain open for citizen comments but that the Council can also comment at this time.

Mr. Johnson noted that there has been extended discussion of this issue and that he hopes the prompt enactment of this plan will be regarded for what it is--a plan that will only be as effective as it is implemented. He stated that he hopes this is one more step to insure that the work force of Takoma Park reflects the rainbow nature of the City and that the City doesn't rely on the good faith efforts of the Council and the senior managers in the City. He said that the plan will provide a mandate in which the City will have to address the problem and a means by which grievances may be addressed.

Mr. Sharp said that he thinks the plan is very good and that he is pleased to see it before the Council. He looks forward to vigorous implementation of the plan.

Ms. Porter noted that in her experience an affirmative action plan is only as effective as the recruitment efforts that accompany them. She said that she is pleased that this plan includes a listing of contacts for recruitment efforts.

Dave Cruse, 7912 Lockney Avenue asked if this is a great departure from the previous affirmative actions plans that Takoma Park has had?

Mr. Johnson responded that there have been no previous plans.

Mr. Sharp said that he thinks this plan will help the City make systematic outreach efforts and have standards to monitor these efforts.

Mr. Fisher noted that there have been departmental plans.

Mr. Sharp agreed with this point and noted that this is the first systematic City-wide plan.

Ms. Silber stated that in her opinion, there has been an informal affirmative action plan that has not been written down until this point.

Mr. Johnson said that in all due respect he does not share this opinion and that by putting the plan in writing, there will be some guidance in implementing the plan.

Mr. Sharp brought the public hearing to a close at 8:06 p.m. and opened the floor for the Council to discuss the Resolution adopting and implementing the Affirmative Action Plan.

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

RESOLUTION #1993-56  
(Attached)

Mr. Johnson stated that due to the length of the plan, it would be helpful that at some point a synopsis (approximately 2 pages) of the plan be made available to the public.

Mr. Sharp agreed with the suggestion.

PUBLIC HEARING

#2 Open Space Plan

Mr. Sharp noted that the Open Space Plan has been in creation for quite some time, early attempts going back 10 years. The latest effort has been a year-long one. He emphasized that the Council does not have scheduled this evening any resolution with regard to adoption of the plan and that this is the first public hearing to hear comments from the citizens of the community--a second public hearing will be scheduled in the future. He said that this Plan needs to be discussed more generally in the community, so that all citizens understand what the City is doing. He stated that the process will continue to go on for several more months.

Ms. Schwartz introduced Ms. Faroll Hamer, Chair of the Open Space Committee and noted some of the history of the Open Space Committee. She noted that this is a public hearing on the first draft of the plan and that although staff made every effort to notify affected property owners, some of the property owners on Ethan Allen and Woodland Avenue have stated that they did not receive notice of this public hearing.

Ms. Hamer explained the overlay map that she presented to the Council; a similar map faces page 18 of the Open Space Plan. Since the maps in the Open Space Plan have the same information as the large map, she turned it toward the audience. Ms. Hamer explained the process that the Committee has gone through to arrive at the draft Open Space Plan and the process of elimination that led to a preliminary final selection list of open spaces. She stated that the sites were visited and separated into two categories: (1) some type of physical use and (2) open space that would be maintained for environmental use, aesthetic purposes, or buffering incompatible use. She said that the committee has recommended that the City acquire only the lots that are recommended for actual physical use and that the City acquire easements on other properties to include the lots, which are in the majority, that fell in the second category. She stated that the Committee strongly recommends that the City start an easement program to aggressively pursue the properties that the Committee felt most worthy of becoming permanent open space in Takoma Park. Ms. Hamer said that the committee was attempting to provide a basis for the Council and citizens to save what open space is left in Takoma Park and some rational basis for making this decision. She noted that the Committee is limited (not representing a specific neighborhood or constituency) and that there are probably sites that were missed due to inadequate information in the beginning. She stated that there are many issues that are open for debate and that the committee has opened the issues for debate. It is hoped that the Council and citizens will use this plan as a beginning to create a comprehensive open space for the City of Takoma Park.

Ms. Porter stated that she has gotten some questions from her constituents about why some lots were not selected and asked what would be the appropriate way to handle those questions? How were the lots that were selected for acquisition different from those that were selected for easement?

Mr. Sharp noted that the Committee has presented the Council with a first draft of the Open Space Plan and asked whether it is the conception that the Committee will listen to further discussions and maybe, offer changes to the plan?

Ms. Hamer stated that at this point, the Committee has completed its work and that the Committee believes it is now up to the Council and citizens to adopt a final draft of the plan. If there are changes to be made, the Staff should make them.

Ms. Hamer responded to Ms. Porter's question, that the information can be found in the plan. She stated that the Committee filled out site selection criteria sheets for each individual property that was visited. The Committee has copies of that which they will make available to the staff.

Mr. Prenskey noted that one of the major recommendations of the plan is the creation of an easement program for the City and asked for a brief explanation of easements.

Ms. Hamer began by contrasting easements with fee simple acquisition--out right purchase of a piece of property with full, unconditional control over the property aside from zoning regulations and development requirements. She stated that if the City were to purchase an easement, the underlying property would still be owned by the original property owner. So there is a property owner and an easement holder. The easement must be held by either a non-profit corporation or some kind of agency, or a City government. She gave some examples of easements: egress and ingress, utility, conservation, and landscape. She stated that the easement holder has the right to ensure that the conditions in the easement are fulfilled. The benefits to the property owner are that there is a fifteen year tax credit on the land agreement, ownership of the underlying property, and often in many cases, partial control over the property (e.g. maintenance, limited development rights). The benefit to the City is that the property cannot be built on; it will be permanent open space.

Kathy Michos, 7117 Woodland Avenue stated that she is very concerned about this program. She said that she understands that it is very important to keep the space in natural space but that she has a big concern that there is going to be a trail between her and her neighbor's homes.

Sally Rider, 7005 Woodland Avenue stated that where she lives is part of the superlots and that she does not believe that safety has been a consideration in this plan. She commented on the use of the trail, as proposed by the plan. The trail does not currently extend from Forest Park to Woodland Avenue or Ethan Avenue; under the plan, the trail would go all the way through and there would be a change in the use. She said that pedestrian traffic along the trail will increase.

Betsy Strange, 7005 Woodland Avenue said that her concern is that the proposal creates a trail that will connect Route 410 down to the park. She stated that instead of creating just an easement, the plan proposes to change the use of the property. Ms. Strange asked how the easement will be controlled? She noted that she is equally concerned about the issues of security and safety.

Michael Theis, 7107 Woodland Avenue stated that he is opposed to the recommended City acquisition of a recorded easement for what is described as the superlots between Ethan Allen, Elm, Woodland and Prince George's Avenue. He noted that he recently bought his

property in Takoma Park and that he purchased his property with the understanding and expectation that the area described in the plan as a pristine wooded area would remain that way. He commented that the acquisition of the easement is presumably to create a right-of-way between Ethan Allen and Forest Park. Contrary to whatever else may be thought, this will be the inevitable result of acquisition. He said that he thinks this will result in increased ingress/egress behind homes in the neighborhood and contribute to security risks. Contrary to the representations in the Open Space Plan, there is no existing trail in this area--at least none that is discernable for the entire length of what the plan proposes should be acquired. He commented on the increased security risks. He remarked about the crime statistics and stated that the acquisition of an easement for this area is inconsistent with what the Open Space Plan intends to address. He said that increased foot traffic in this area will increase erosion and problems in preserving the environment in this area. He stated that these are all reasons for why the Council should not consider acquisition of easement in what is described as the superlots.

Karin Anderson, 7007 Woodland Avenue stated that the affected residents in the neighborhood have had several meetings concerning this path. She noted that the Chief of Police, City Attorney, two Councilmembers and a representative from the Recreation Department were present at the meetings. She said that the citizens would like to limit access to this property. She stated that there are five property owners who did not receive a copy of the Open Space Plan and that when inquiries were made, City staff responded that renters were not sent a copy of the plan. However, there were five property owners that did not receive the plan. She noted that the map is not accurate. There are ten small lots in the woods. The neighborhood has reached a consensus that the trail should remain as it is, with limited access and a sign. She requested that the Council withdraw the superlots from the proposal.

Pat Kutsner, 6908 Prince George's Avenue stated that she is a renter but that the property owner did not receive a copy of the report either. She said that if the Open Space Plan is adopted, it would destroy the beauty of the property. She stated that she thinks it is very unlikely that anyone will ever be building in this area.

Frank Scott, 425 Ethan Allen Avenue stated that he is opposed to the proposed trail and is concerned with the issue of safety. He said that he bought the property so that he can control the land and that if the plan goes through, he will erect a high privacy fence and keep dogs in the yard.

Jeff Stern, 7011 Woodland Avenue stated that he is opposed to the plan for security reasons and is concerned with the issue of liability. He said that he questions whether the property can be developed on the Prince George's side anyway, because of zoning.

Bob Hodash, 7115 Woodland Avenue stated that the trail will come 20 from his back yard and 15 feet from the side of his property line.

David Weldman, 7111 Woodland Avenue noted that there are a lot of citizens who are interested in the superlots and that so far, all who have spoken this evening have shared the same sentiment. He asked the Council what can be done at the end of this discussion so that the superlots as proposed will be withdrawn from the plan?

Mr. Sharp commented that the Council will continue a discussion of this issue following the public hearing.

Mr. Prenskey said that he does not read the plan to state that the intention of the plan is to create a path that exists the woods. He asked the Committee if their intention, as presented in the plan, is to create a path where one does not currently exist.

Mr. Sharp said that what he understands from the citizen comments is that the residents do not want any kind of easement in their backyards.

Ms. Hamer said that she thinks there is a mistaken assumption about the creation of a path, and that she believes that if the Committee had had any idea about the neighborhood meetings and the popular sentiment, that it never would have been included in the plan to begin with.

Mr. Weldman stated that there is a consensus among the neighbors that if the recommendation regarding the superlots is not removed from the plan, then the neighbors will ask that the City completely close access to the area.

Ed Scorza, 7333 Piney Branch Road said that the plan is asking that the citizens give the City an easement in exchange for years of forgiveness of property tax. He stated that he is concerned that the Committee had gone about researching this issue without first contacting the neighbors and considering their responses. He noted that from the way his neighbor's lot had been identified in the plan, that he doesn't believe his neighbor, Niva Sterns, had been notified of the plan. He stated that in the area of the super lots, there are single family homes and commented on the area. He noted that there is dumping in the wooded area near his property and that the area is not as frequently used as a trail as it used to be and that the neighborhood would like to keep it that way.

Mr. Sharp closed the public hearing at 8:50 p.m. Mr. Sharp allowed five minutes for Council discussion of the plan.

Mr. Leary commented that the neighbors have control over this situation and that the Council is not about to condemn this property and seize an easement where it is not wanted. Given what the Council has heard, the Council is certainly not going to pursue such an easement.

Ms. Porter stated that she responded to several calls regarding the super lots identified in the Open Space Plan. She noted that the Open Space Committee was an independent committee appointed by the Council and that it was instructed to make recommendations to the Council based on its own observations. She said that she is sure that there was no intention on the part of the committee to do anything that is contrary to what citizens want for their area. Ms. Porter said that in terms of the superlots proposal, she thinks the committee made a couple of errors; the assumption that the trail runs through to Ethan Allen, which it does not, and being unaware of the history of the trail. She said that the proposal violates an agreement made by the entire neighborhood about the use of the trail and that the Open Space Committee was unaware of this agreement. Given the history, the existence of the agreement and the kinds of concerns presented by the citizens this evening makes it unlikely that the superlots proposal will ever go forward. She stated that she would oppose this proposal.

Mr. Elrich suggested that the Council take a straw vote to direct staff to remove this section from the next draft of the Open Space Plan.

Mr. Sharp asked that staff remove the portions of the plan proposing the easement recommendations with regard to the superlots and with regard to Piney Branch Road lots. Mr. Sharp thanked the Open Space Committee and particularly Faroll Hamer and said that he thinks, once again, that this is a situation where the City is well served by the volunteer work of citizens. He commented that notwithstanding some disagreements with some of the outcome, the draft Open Space Plan is a good document and is certainly a basis for future discussions.

#3 (15b) Resolution re: Takoma Junction Development Citizens Advisory Committee.

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

Mr. Prensky asked that the Resolution be read, so that persons interested in the committee can understand what the Council's charge will be to the committee. He read what is listed in the Resolution as the four goals and the three responsibilities of the committee. Mr. Prensky noted that the committee will have members representing different interest groups of the City.

Ms. Porter noted this committee, as with all Council appointed committees, all deliberations and discussions of this committee will be open to participation by anyone who is interested.

Mr. Leary stated that the Resolution does not permit the City to develop the property. What it does allow is for the City to explore how it might be developed and perhaps in what way the City may or may not be involved. The Council is only agreeing to begin a process and try to do what can be done to see that whatever development might take place at Takoma Junction, takes place in a way that the City would be most comfortable with.

Mr. Hamilton noted the importance of the professional project coordinator's input on the financing and the community's input and needs in making this collective report that will, in time, be presented to the Council and citizens. He asked whether there is a time line regarding when the committee will have a recommendation prepared for the Council.

Ms. Habada stated that there is not a project time line, in terms of the committee's recommendation, at this point. The committee will be working with the staff and responding to the development process as it goes forward. She explained that the committee will not be making a separate recommendation.

Mr. Prensky said that the committee will not be starting with a blank piece of paper, trying to determine what they will design for the Takoma Junction area. Instead, the committee will be working with City staff and the project coordinator to give feedback on proposals as they are developed. The City Administrator will provide the Council with final recommendations.

Resolution was passed unanimously.

RESOLUTION #1993-57  
(Attached)

#4 2nd Reading Ordinance re: FY'94 City Budget

Mr. Sharp explained that this is a second reading Ordinance establishing the FY'94 City Budget.

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

Montez Boatman, 133 Eastern Avenue stated that this being the completion of the budget process, that she would like to make some observations regarding the process that she hopes will be considered in future deliberations. She stated that citizens have come forward to state that there are services offered by the City that are also offered by the County; the Council does not dispute these comments and states that at some point in time the citizens will have to decide what services they want or need and are willing to pay for as opposed to those they are willing to do without. She said that the debate goes on and will not be resolved until



sufficient and appropriate information is made available to the residents of the City. Ms. Boatman suggested that the City gather and make available the following information: (1) a comparative listing all of the City's departments and the services provided by the departments, (2) a corresponding column indicating services provided by the County, including variations, if any, (3) some cost analysis information for #1, and (4) information as to the extent to which the status of the City as a municipality might be affected as a result of the choices the City makes. She suggested that the information be presented in simple, easy to understand language, and not in the legal or philosophical language often associated with the budget which would tend to justify the existence of various departments of services. She stated that the purpose is not to justify but to educate. Ms. Boatman said that she hopes this information might be provided to the general public at an early date, so that community associations might include it as an agenda item for discussion at their meetings prior to the beginning of the budget hearing process.

Ms. Habada requested a copy of Ms. Boatman's testimony.

Mr. Sharp stated that he agrees with Ms. Boatman's observations about the sequence of events that happens at budget hearings. He said that he thinks it is fair to say that the City does not view itself as providing duplicate services. The question is not one of whether duplicate services are being offered by the City but rather has to do with whether the County services are sufficient in quality, speed and comprehensiveness to what citizens want. He stated that the Council is interested in knowing what the citizens want to know in terms of evaluating the budget. He said that he feels that Ms. Boatman's recommendations will be very useful and thanked her for her comments.

Mr. Elrich said that virtually every service that is listed in the City budget is offered by the County. He stated that the issue is not what we do that the Counties do not do, but whether the services that the City provides is worth the tax increments the residents pay versus having the County provide the services and receiving less of a service. Local government is responsive to the community in providing the services in a better way. He said that he honestly does not believe that the County services would be as good as the services that are presently offered by the City. Mr. Elrich noted that he would be interested in suggestions about how the Council can further clarify to residents what the differences are in City versus County services, not just in dollars but in terms of a qualitative measure.

Mr. Leary said that he agrees that the comparison is not an easy one. He asked whether the citizens of Takoma Park think that the quality of the services offered by the City is worth the price that they pay in taxes. He said that he feels that the Council has taken a step in this type of analysis by instructing the Police Department to make an analysis of the need for a Criminal Investigation Division (CID) over the next year. A similar comparative analysis could be made for other services. He encouraged Ms. Boatman to participate in these future discussions.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-15  
(Attached)

# 5 2nd Reading Ordinance re: FY'94 Storm Water Budget.

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

Mr. Sharp noted that a significant amount of this year's operating budget comes from the stormwater surplus that has been built up, some of which has come from stormwater fees and some from unspent

funds from previous years. He stated that there is an expectation that this item will have to be larger next year because of the schedule for cleaning of storm drains.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-16  
(Attached)

Mr. Sharp asked for a motion to move out of session as a Stormwater Board. Moved by Mr. Hamilton; seconded by Mr. Prensky. The Council convened as the City Council.

#6 2nd Reading Ordinance re: FY'94 Tax Rate.

Moved by Mr. Hamilton; seconded by Mr. Elrich.

Mr. Sharp stated that Ms. Habada had noted, with regard to this, that the County has set a fire tax rate that is .001 cent higher than had been originally set in the City budget. The County will vote on adoption on June 30; at this point, the City does not know what the final rate will be. However, the City has not raised its rate to cover the additional amount.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-17  
(Attached)

#7 2nd Reading Ordinance re: FY'94 Employee Pay Plan.

Moved by Mr. Hamilton; seconded by Mr. Elrich.

Mr. Sharp noted that the ordinance includes a 2% cost of living adjustment for FY'94.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-18  
(Attached)

#8 2nd Reading Ordinance re: FY'94 Police Pay Plan.

Moved by Mr. Hamilton; seconded by Mr. Elrich.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-19  
(Attached)

#9 2nd Reading Ordinance re: FY'94 Executive Pay Plan.

Moved by Mr. Hamilton; seconded by Mr. Elrich.

Mr. Sharp noted that the pay plan provides a cost of living adjustment of 2% for employees covered by the executive pay plan.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-20  
(Attached)

#10 2nd Reading Ordinance re: Increase Parking Meter Coinage for Meters on Takoma Avenue.

Mr. Sharp noted that this ordinance will raise the parking meter cost from 25 cents/two hours to 25 cents/one hour--doubling the cost.

Ms. Habada noted that there needs to be an effective date of July 1, 1993, added to Section 2 of the ordinance.

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

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-21  
(Attached)

#11 2nd Reading Ordinance re: Increase Handicapped Parking Violations.

Mr. Sharp noted that there has been a change to the language of the Ordinance since first reading, that reflects the Council's discussion during Worksession. The location of the handicapped violation in the City Code is in a section that includes other violations that have the same fine attached to them. The Council determined that it wants to distinguish handicapped parking violations from the other violations and set the handicapped parking violation at a separate and higher rate. He explained that instead of establishing a new class of violations, staff has apparently included this violation in a separate section of municipal infractions that carries a higher rate of \$200.

Ms. Habada noted that the Ordinance needs an effective date of July 1, 1993.

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

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-22  
(Attached)

#12 2nd Reading Ordinance re: Increase Rental Licensing and Inspections Fees.

Mr. Sharp explained that the ordinance will increase the licensing and inspections fees from \$38 to \$62 per unit/per licensing term. Which means that if an apartment is inspected every two years, this would cover that period of time. He stated that one of the justifications for the increase is that has not been an increase in the fee since 1990 and that this increase represents 8-9% a year over that time period. He asked that the fee be reviewed on an annual basis. He asked how the City stands in comparison to other municipalities?

Ms. Grimmer responded that without the specifics in front of her, she believes that the City is fairly comparable to other jurisdictions.

Lisa Hooper, Representative of the Apartment-Office Building Association for the Metropolitan Washington Area asked what is the licensing term? She said that she had previously understood that it was every year.

Mr. Sharp stated that the City generally inspects every year but that there are provisions for certain landlords to be inspected

every two years if their record has been good. However frequently the inspection is done, that is when the fee would have to be paid.

Ms. Hubbard said that several Association members have properties within Takoma Park and that she is here in opposition to the increase in the licensing fees. She made some comparisons between the fees charged by the Counties and other municipalities and explained that these figures are the combined licensing and inspection fees. She said that the City's proposed increase is quite high and pointed out that there are extremely high vacancy rates during the current economy slump and this rate increase puts an unjust burden on the landlords. She noted the City is increasing property taxes and that the landlords are significant property tax payers. Another increased fee that will be going to the landlords is the trash collection fee. As tax payers, they do not get the pleasure of trash pick-up; they either have to have private pick-up or pay \$50 every six months, per unit for trash pick-up. She asked that the Council reassess the proposed fee increase.

Mr. Sharp asked Ms. Habada what is the trash collection fee?

Ms. Habada stated that it is \$100 a year for those who choose City service.

Mr. Prensky asked what is the vacancy rate for the City?

Ms. Hubbard stated that she would estimate 12-15% based on studies in the Metropolitan area.

Mr. Prensky asked that Ms. Hubbard provide the Council with details on the vacancy rates.

The Ordinance was unanimously adopted at second reading.

ORDINANCE #1993-23  
(Attached)

#13 Resolution re: Hiker/Biker Trail.

Mr. Sharp stated that the Council is considering what was previously discussed at the last Council Worksession and recalled the issues that were raised during the discussion with the citizen advisory committee--level of contractor liability insurance WSSC would require and the order in which the phases of the project would be done. He said that he and the City Administrator have contacted Mr. Bauman and that Mr. Bauman was very responsive to the points made regarding the bids themselves being the determining factor of the order in which the project is done. Mr. Sharp said that Mr. Bauman requested a copy of the Resolution. He noted that there was also a discussion of the liability insurance coverage and that he had tried to do some addition of the estimates provided by Mr. Deluigi and WSSC. WSSC was saying that it was going to cost \$20,000+ more a year than the estimate that Mr. Deluigi provided. Mr. Sharp asked for clarity.

Mr. Hamilton asked whether WSSC has the responsibility of liability insurance?

Mr. Sharp said that WSSC will only mandate what insurance the construction company has to provide. He recalled that Mr. DeLuigi was very adamant in his discussion that the original \$2,000,000 insurance coverage was not adequate. Mr. Sharp said that based on the figures provided by Mr. Deluigi, that if it is an extra \$300 a year to increase the base amount from \$500,000 to \$1,000,000, this seems to be an easy increase. The other would be more; the additional amounts would be \$5200 to increase the umbrella amount from \$2,000,000 to \$10,000,000. Mr. Sharp explained that this would work out to total of \$5500 a year for a base amount of

\$1,000,000 and umbrella amount of \$10,000,000, if he correctly understands Mr. Deluigi's quote. He said that Mr. Vitigliano has come up with a figure five times that amount. Mr. Sharp recommended that the Council go ahead with the two conditions.

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

Mr. Elrich said that he is not comfortable with either recommendation or the general tone of the Resolution. The Council should, at the most, be asking WSSC to consider, but in no way implying that the Council's approval of going ahead with this project is contingent upon them meeting these two conditions. He said that if the Council is going to examine things based on the cost, there needs to be an analysis of costs that will be passed on to the tax payers of each County as a result of the costs incurred by the ordering of the phases. The only analysis being considered is that of WSSC. If the rationale was to examine the costs of tax payers, this Resolution does not capture what the Council is trying to do. He stated that he continues to oppose the Council telling WSSC how much liability insurance they have to have for the Council to approve the project.

Ms. Porter noted that the Council is not talking about WSSC getting the insurance, but about the contractor getting the insurance. She said that if there are damages for which the contractor is liable, she assumes that there is nothing preventing the person whose property is damaged from suing WSSC and potentially suing the City. She stated that she would not want to put a citizen in the position of having damages that were in excess of a contractor's liability, for their sake or the City's sake. Ms. Porter said that she thinks it is to the City's benefit that the contractors be adequately insured.

Mr. Prenskey said that if a contractor wants to make a bid on this project, they will be bound by their bid. He said that the City does not stand to lose anything if there is a postponement of work on the Montgomery County phase, if in fact that was the more economic way to do it according to a bidder.

Mr. Elrich said that the issue is the cost of doing this project. Apparently, there are some costs associated with work that needed to be done in Montgomery County and that if it were not done as part of this project, the County would have to undertake separately because they could not wait longer for the work to be done. He stated that he would like to know the additional costs of the County having to undertake this work early.

Mr. Prenskey said that there are not County representatives here this evening to speak on behalf of the County's interests. He stated that the two presentations of the insurance costs are irreconcilable and that the additional coverage, at this point, seems well advised.

Mr. Leary suggested some modification of the language of the Resolution based on his impression that the Council wants the conditions to be met but is not really intending to say that if they are not met, that the project should not proceed. He said that the current language suggests something more stern than that. He suggested a revision to the first resolved clause: "approves the proposed Sligo Creek Sewer Reconstruction and Hiker/Biker Trail Project and urges that the following stipulations be incorporated by the County Council's in their respective funding authorizations for this project", "1. That WSSC amend the bid...", and "2. That WSSC increase the amount..."

Mr. Leary made a motion for the amendments to the language of the Resolution; seconded by Mr. Hamilton.

John D'Estachio, Speaking on behalf of Mr. DeLuigi and the Citizen Advisory Committee said that the intention was to accomplish exactly what the Council is saying and that perhaps the wording of the Resolution did not accomplish that as well as the Council has just amended the language to read.

Amendment carried unanimously.

Mr. Elrich made a motion to amend the first condition of the first resolved clause by adding two sentences to the end: "The contractor should be required to demonstrate the cost savings related to a particular sequencing. A WSSC cost analysis as used for the basis for this decision, should include any cost that may be incurred by the Counties as a result of a change in the proposed order of the contract."

There was no second to the motion for this amendment.

Mr. Sharp said that he does not support the amendment but that he does support the point that the cost is not just the cost of this project. If there is truly an opportunity cost to the County, it ought to be taken into account. He said that the point is to force some public accountability of how WSSC is going about how to bid these things. It should be an economic decision and not simply a political accommodation. He stated that if the hiker/biker bid plus additional costs to Montgomery County is greater if the project starts in Prince George's County, than it would be if it were started in Montgomery County, then this should be taken into account.

Mr. Elrich stated that his concern is that WSSC only looks at the bids and has no requirement to look at the costs that the County may have to bare. He said that his question about the additional costs came from the committee members at last week's discussion.

Mr. Sharp explained that WSSC may not necessarily have any reason to investigate the nature of the costs to the Counties and that the Counties would be the only ones concerned with these costs.

Mr. Prensky said that what he thinks the Council is doing by this Resolution is responding to the concerns presented by the Citizen Advisory Committee (CAC) that was created to inform the Council of the concerns of the community and affected neighborhoods in regards to this project. He said that he is apt to vote along with the CAC's recommendations. He noted that WSSC did not send a representative for tonight's discussion.

Mr. Hamilton suggested that there be an attachment letter with additional recommendations that WSSC might want to consider as a part of the Resolution.

Mr. Sharp stated that he will write a transmittal letter that will address this concern.

Mr. D'Estachio said that this has been years of work and that by calling and researching estimates provided by WSSC all along the way, the CAC is given a different cost figure. There is a constant battle to find out the truth of every argument. He asked if Mr. Elrich has received from Montgomery County or Prince George's County a detail of the costs that will be incurred as a result of the phasing? The CAC has not been provided with figures. He said that asking a contractor to bid a job twice is very expensive. He urged the Council to pass the amended version of the resolution and thanked the Council for its support over the past 12 years.

Janice Martin, 1319 Elson Place stated that she urges the Council to pass the resolution and that she has been working on the committee since before she was on the Council. She said that once the project gets done, it will be wonderful and that having the hiker/biker trail linked with the sewer project is an advantage.

She noted that WSSC gets its money from the citizens via water bills. She commented on the first time the recommendation to change the order of phased construction was discussed; WSSC made the decision. She said that at that time, she felt it was a good idea, but that since then a lot of different things have happened. She noted that one thing she has been concerned about the issue of the water quality and that no one thought about the water quality when they changed the sequence of the phasing. She made remarks about some of the things that have happened since the project was first proposed.

Mr. Elrich stated that the Prince George's County residents are welcomed to use the portion of Sligo Creek Parkway that is closed on Sundays.

Ms. Porter said that she has been impressed, at meetings of the CAC she has attended, by the level of technical expertise the members of the committee have developed over the years. She thanked the committee for their work and devotion.

Ruth Harwood, 707 Sligo Creek Parkway said that she thinks this discussion reflects the problem with the phasing, that it goes back and forth. She stated that there should not be a problem with making a contractor have to choose the order of the phases.

The Resolution was adopted (ABSTAIN: Elrich).

RESOLUTION #1993-58  
(Attached)

#14 Resolution re: Transportation Plan, Phase I.

Mr. Sharp explained that the Transportation Plan, Phase I, is up for adoption.

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

Mr. Sharp explained the cover memo that lays out the changes made to the plan based on the Council's last discussion at Worksession on June 1, 1993. He noted that there is also a further discussion about some of the other issues that were raised by the Council regarding speed limit strategy and the traffic consultant.

Mr. Prensky noted his dismay about why Lynn Bradley's testimony has been presented to the Council on several occasions. He stated that it seems irrelevant to the matter that is before the Council and that it applies more to Phase III of the plan.

Ms. Porter said that she had requested that the testimony be provided because it should have been provided the last time Council discussed Phase I, but it was mistakenly omitted.

Mr. Leary said that he thinks the plan is a very useful piece of work that will help the Council in the even more difficult work ahead--evaluation and making decisions about specific traffic control plans for individual neighborhoods. He stated that it contains a lot of useful information and is an excellent example of the good results that come about from careful and constructive dialogue between City staff, citizens and the Council. He commented on Ms. Schwartz's efforts in presenting the initial draft and the work leading up to the final document. Mr. Leary recalled that the Council had requested that the Police Department submit a proposal about how it would go about implementing the plan to give priority for traffic enforcement to the arterial roads (residential streets). He stated that he would like to see this proposal in the not too distant future.

Ms. Porter said that the process by which the Council has arrived at this plan should be a model for other similar kinds of plans that the City develops (e.g. open space plan).

Tom Kaufman, Manor Circle said that he would like to thank the Council for the good work on the Transportation Plan and stated that the traffic problems are not limited to rush hour; they are a 24-hour problem. He stated that he is interested in seeing the finalization of Phase II and Phase III. He mentioned the link between the traffic problem in Takoma Park and the development of Takoma Junction. He stated that he has a petition with over 1,000 signatures of citizens concerned with the development at Takoma Junction and the subsequent traffic considerations.

Ms. Porter noted that in terms of the Takoma Junction development, the traffic issues are going to be part of the feasibility plan in the beginning. Steps will be taken to do what is possible about the traffic.

The Resolution was unanimously adopted.

RESOLUTION #1993-59  
(Attached)

#15 Resolution re: AFSCME Agreement.

Mr. Sharp explained that the resolution will ratify the AFSCME Agreement.

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

Mr. Hobbs stated that the AFSCME membership voted Friday afternoon for ratification of the agreement. It is a three year contract with provisions for cost of living increases over the next three years: 2% effective July 1, 1993; 2 1/2% effective July 1, 1994; and 2 1/2% effective July 1, 1995.

Mr. Prensky stated that there are a number of editorial changes that he will pass on to staff.

The Resolution was unanimously adopted.

RESOLUTION #1993-60  
(Attached)

#16 Single Reading Ordinance re: Professional Services Contract.

Mr. Sharp explained that the ordinance is regarding professional services contracts for the Takoma Junction Development Project.

Ms. Habada noted that staff has requested that this item be deferred to the next Council Worksession.

#17 Consent Agenda.

Ms. Habada noted that there are some additional names (Laurie O'Connor and Sonya Turner-Cook) that need to be added to the Resolution re: Takoma Park Recreation Council appointments and asked that the names be included as part of the understanding for the consent agenda.

Mr. Sharp explained that the first consent agenda item is a resolution appointing C.P. Cook, Howard Kohn, Kathy O'Neill, Laurie O'Connor and Sonya Turner-Cook to the Takoma Park Recreation Council.



Mr. Sharp stated that the second consent agenda item is a resolution appointing members to the Citizen Advisory Committee for the Community Development Block Grant (CDBG) Program Year 20. He noted that additional citizen groups can still take part in the process and that the resolution provides for this.

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

The items on the consent agenda were unanimously adopted.

RESOLUTION #1993-61  
(Attached)

RESOLUTION #1993-62  
(Attached)

Mr. Sharp noted that the Council will be putting the City Administrator's evaluation on the agenda next week and that Councilmembers who have their sections discussed should have them written and in the Friday package as confidential items. There will also be a discussion of the work plan for the City Administrator for the next fiscal year.

Mr. Sharp stated that the Council will need to discuss the Council's Summer recess plans on July 6.

The Council adjourned at 10:25 p.m.

STATEMENT FOR COUNCIL MEETING, June 14, 1993

Mayor Sharp and Members of the City Council

I am Diana Kohn, Co-President of the Takoma Park Elementary PTA. I came before you several weeks ago asking for the city's assistance with setting up a morning program to supervise elementary children before school begins. .

As you requested, I have spent the intervening weeks exploring options at the school board and county. I am sorry to report that they are unwilling to help. One Assistant Superintendent put it most succinctly when he told us, "if you come up with a good solution, let us know and we'll tell the other schools."

The Board did direct the ICB to determine whether there are any openings in current private programs and if not, to seek a private provider to run a program for us. They did not offer any monetary support.

Even the ICB admits this it will take more time to process than we have before school begins again. We need a program up and running on September 1st, and we need a program that will be affordable to the parents who most need it.

Therefore, I am returning to you to once again ask you to consider providing such a morning program on a self-supporting basis. This would help insure that the program was at a price parents could afford.

I have the names and addresses of parents interested in a program so we can reach them even with school adjourned for the summer. We await your reply.

Sincerely  
Diana Kohn

Introduced by: Councilmember Hamilton

**RESOLUTION # 1993-56  
ADOPTION AND IMPLEMENTATION OF AN AFFIRMATIVE ACTION PROGRAM**

WHEREAS, as set forth in the City Code, it is the policy of the City of Takoma Park to provide equal employment opportunity to all persons without regard to political affiliation, race, color, religion, national origin, sex, ancestry, marital status, age, sexual orientation, disability, veteran status, or any other non job-related characteristic; AND

WHEREAS, it is the desire of the Council to promote the full realization of equal opportunity through an Affirmative Action Program which provides for expanded recruitment of minority and female applicants; to encourage the training and promotion of minority and females from within the City's work force; and to establish appropriate affirmative action goals and programs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, THAT the Affirmative Action Program as attached to this resolution is hereby ADOPTED as the Affirmative Action Program of the City of Takoma Park; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized to implement this adopted Affirmative Action Program as set forth in the attachment; AND

BE IT FURTHER RESOLVED THAT the City Administrator is directed to update the Program and modify the Affirmative Action Goals contained therein as may be necessary by changes in the relevant labor market and other relevant data.

Dated this 14th day of June, 1993.

ATTEST:

  
\_\_\_\_\_  
Catherine E. Sartoph  
City Clerk

Drafted by: V. VinCola

Introduced by: Councilmember Prensky      Adopted: 6/14/93

Resolution 1993-57

To establish and appoint members to a Takoma Junction Development  
Citizens Advisory Committee

WHEREAS, the City Council has directed staff to explore the opportunities for developing the last vacant lot and possible adjacent lots in the Takoma Junction commercial area;

WHEREAS, the principal goals of the City's involvement in the development process are:

- to ensure the site(s) is developed in a comprehensive manner which is compatible with the existing commercial district and neighboring residential areas, and which is in accordance with the proposed Open Space Plan;
- to increase the City's commercial tax base and provide employment opportunities to City residents;
- to strengthen the existing commercial area and ensure that the goods and service needs of the citizens are considered in the tenant mix and preserves the character of Takoma Junction; and
- to encourage the incorporation of an affordable housing component in the project; and

WHEREAS, the City Council desires to appoint several Takoma Park residents have expressed an interest in serving on the Takoma Junction Development Citizens Advisory Committee; and

NOW, THEREFORE BE IT RESOLVED THAT the City Council hereby appoints the following members to the Takoma Junction Development Citizens Advisory Committee to act in an advisory capacity to the Project Coordinator and ensure that there is public input in the development process:

S.S. Carroll  
B.F. Gilbert  
Old Takoma  
Ward 2  
Ward 4  
Ward 5  
Ward 6  
At Large  
Businesses

TOTBA  
Historic Takoma  
Volunteer Fire Dept  
Affordable Housing Com.

Dan Robinson  
Bill Kules  
Nina Seavey  
Roy Kahn  
Dwayne Redman  
\* To Be Designated \*  
Eric Sepler  
Susan Robb (Ward 3)  
Sue Kin (T.J.'s Market)  
C.P. Cook (Takoma Letter Shop)  
Uk Pong Udo (Access Internt'l Press)  
\* To Be Designated \*  
\* To Be Designated \*  
\* To Be Designated \*  
Bruce Williams

BE IT FURTHER RESOLVED THAT the Takoma Junction Development Citizens Advisory Committee is charged with the following responsibilities:

- provide citizen input by communicating the concerns and views of the neighborhood group or entity which they represent;

- consider the needs and desires of those segments of the population which may not be formally represented on the committee (e.g., low/moderate income, handicapped, unemployed, non-english speaking)

- to balance the environmental concerns associated with the site(s) with the City's overall goals.

BE IT FURTHER RESOLVED THAT the City Council hereby authorizes the City Administrator to make the remaining appointments to this Committee that have not yet been designated by their respective organizations.

Adopted this 14th day of June, 1993.

Introduced By: Councilmember Porter

ADOPTED: 6/14/93

Resolution No. 1993- 58

A Resolution Recommending Authorization of Project Expenditures with conditions for the Sligo Creek Trunk Sewer Rehabilitation, a Project of the Washington Suburban Sanitary Commission (Contract No. 80CR3456-C)

WHEREAS, Washington Suburban Sanitary Commission (WSSC) is scheduling sewer reconstruction work which will run through Sligo Creek Park from Piney Branch Road to the intersection of East West Highway and Riggs Road including construction of 16,000 feet of hiker/biker trail along the sewer alignment; AND

WHEREAS, a request for a project endorsement from Takoma Park City Council has been made by WSSC in order to satisfy the requirements for authorization of the expenditure of project funds by the respective County Councils in Montgomery and Prince George's Counties; AND

WHEREAS, the City's Sligo Creek Citizens Advisory Committee was appointed to represent the community concerns in discussions with WSSC and the representatives of the Planning Departments from both Montgomery and Prince George's Counties and report the Committee recommendations on the various issues involved to City Council; AND

WHEREAS, the final report of the Citizens Advisory Committee was presented to Council on June 1, 1993, which recommended that City Council approve the Sligo Creek Sewer Reconstruction and Hiker/Biker Trail Project with two contingencies, (1) that the sequence of the three phases of construction be determined by the successful bid of the selected contractor and (2) that the amount of contractor liability insurance required by WSSC be increased.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby concurs in the recommendation from the Sligo Creek Citizens Advisory Committee and approves the proposed Sligo Creek Sewer Reconstruction and Hiker/Biker Trail Project and urges that the following stipulations be incorporated by the County Councils in their respective funding authorizations for this project:

1. That WSSC amend the bid documents to allow the sequencing of the three phases of construction to be determined by the successful bid of the contractor selected for the job in order to realize potential cost savings.

2. That WSSC increase the amount of contractor liability to a base amount of \$1 million with an umbrella coverage of \$10 million in order to protect citizens of Takoma Park and their property.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a copy of this Resolution to the respective County Councils in Montgomery and Prince George's County; Mr. Gus Bauman, Chair of M-NCPPC; and Mr. John Rhoads, Vice-Chair of M-NCPPC along with any supporting documentation to clarify the Council's action.

ADOPTED THIS 14th DAY OF June, 1993



Introduced By: Councilmember Leary  
Drafted By: L. Schwartz

ADOPTED: JUNE 14, 1993

**Resolution #1993-59**

**A Resolution Adopting Phase I of the  
City Transportation Plan**

WHEREAS, the City Council has identified a need for a traffic management plan to set overall traffic policy in the City; AND

WHEREAS, City staff has therefore prepared a draft traffic management plan (known as Phase I of the City Transportation Plan); AND

WHEREAS, this draft plan has been presented to the community at public forums on September 24 and November 19, 1992, and at a public hearing on February 19, 1993; AND

WHEREAS, the draft plan has been revised based on public testimony provided at this public hearing;

NOW THEREFORE BE IT RESOLVED THAT the City Council does ADOPT Phase I of the City Transportation Plan, effective July 1, 1993.

BE IT FURTHER RESOLVED THAT the City Council will also consider an additional element of the Transportation Plan, to be known as Phase III, which will address the need to reduce overall traffic volumes in the City through alternatives to the single-occupant vehicle, such as transit, ridesharing, bicycling, and pedestrian activity.

BE IT FURTHER RESOLVED THAT the City Administrator or her designee is authorized to prepare administrative regulations implementing Phase I of the City Transportation Plan.

ADOPTED THIS 14TH DAY OF JUNE, 1993.

tplanpl.res

Introduced By: Councilmember Leary

**RESOLUTION # 1993-60**

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT - AFSCME**

WHEREAS, the Negotiating Team representing the City of Takoma Park and the Union representing employees of Council 67, Local 3399 of the American Federation of State, County, and Municipal Employees, AFL-CIO, have culminated negotiations with a three-year collective bargaining agreement; AND

WHEREAS, both parties have executed the written agreement; AND


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

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

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1993 to June 30, 1996 between the City of Takoma Park and the American Federation of State, County, and Municipal Employees, Council 67, Local 3399.

Dated this 14th Day of June, 1993.

ATTEST:

  
Catherine E. Sartoph  
City Clerk

Introduced By: Councilmember Hamilton

**RESOLUTION NO. 1993 - 61**

**APPOINTING MEMBERS TO THE RECREATION COUNCIL**

**WHEREAS,** the Takoma Park Recreation Council has been established by the City Council as a means to promote citizen volunteers and their assistance to the Recreation Department of the City; AND

**WHEREAS,** there are vacancies on the City's Recreation Council; AND

**WHEREAS,** the following Takoma Park residents have made application to serve on the Recreation Council.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND,** does hereby appoint to the Takoma Park Recreation Council:

Name	Address	Term Expires
C.P. Cook	7212 Carroll Avenue	June 14, 1994
Howard Kohn	16 Jefferson Avenue	June 14, 1994
Kathy O'Neill	500 Ethan Allen Avenue	June 14, 1994
Laurie O'Connor	7110 Maple Avenue	June 14, 1994
Sonja Turner Cooke	7667 Maple Avenue	June 14, 1994

**BE IT FURTHER RESOLVED, THAT** this appointment becomes effective immediately.

Adopted this 14th day of June, 1993.

ATTEST:

  
\_\_\_\_\_  
Catherine Sartoph  
City Clerk

Introduced By: Councilmember Hamilton

Adopted: 6/4/93

Resolution No. 1993-62

A resolution establishing a committee to review and evaluate proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1995/Program Year 20, and to recommend CDBG funding proposals and priorities to the City Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1995/PY20 to use for eligible projects; AND

WHEREAS, to achieve maximum citizen input into how CDBG funds are spent, it is the practice of the City government to form a Community Development Block Grant Citizens' Advisory Committee (CAC) each year composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to serve on the CAC.

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THE FY 1995/PY20 Community Development Block Grant Citizens' Committee is hereby formed for the term of one (1) year of the following individuals: [Note: (P) indicates primary representative; (A) indicates alternate]

<u>NAME</u>		<u>REPRESENTING</u>
Susan Gibson Amstadter/ Ira Amstadter	(P)	Between-the-Creeks Citizens' Assn.
Alfred Martins	(P)	Edinburgh Tenants' Association
David Whyte	(A)	Edinburgh Tenants' Association
Carl Elefante	(P)	Westmoreland Area Community Org.
Bill Valdez	(A)	Westmoreland Area Community Org.
Roger McGary	(P)	North Takoma Citizens Association
Bruce Williams	(P)	S.S. Carroll's Citizens' Assn.
G. Neel Teague	(P)	Takoma/Langley CDA, Inc.
Jeff Zellmer	(A)	Takoma/Langley CDA, Inc.
C.P. Cook	(P)	Takoma Park Recreation Committee
Bryan Sayer	(P)	Circle Woods Community Assn.
John Hartmann	(A)	Circle Woods Community Assn.
Abby Eden	(P)	B.F. Gilbert Citizens' Assn.
William Love	(P)	Ritchie Avenue Citizens' Assn.
C. Eudora Clayton	(A)	Ritchie Avenue Citizens' Assn.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee formed herewith is charged with reviewing, evaluating and prioritizing all FY 1995/PY20 CDBG proposals received by the City for the purpose of submitting funding recommendations to the City Council for final action.

BE IT FURTHER RESOLVED THAT the City Administrator shall be, and hereby is empowered to appoint additional representatives from recognized citizens' associations which have made known to the City their wish to participate on the committee and are recommended for participation by the Council representative for the ward; such additional appointments are to be effected on or before July 2, 1993.

BE IT FURTHER RESOLVED THAT the activities of the Citizens' Advisory Committee shall be conducted in accordance with the "Standards of Participation for the Citizens' Advisory Committee" attached hereto and made a part hereof by reference.

ADOPTED THIS 14th DAY OF JUNE 1993

Introduced by: Councilmember Leary

1st Reading: 5/24/93

2nd Reading: 6/14/93

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
<b>TOTAL EXPENDITURES</b>	<b>\$9,001,752</b>
Contribution to Equipment Replacement Reserve	67,687
<b><u>AUTHORIZED FY 94 EXPENDITURES</u></b>	<b>\$9,069,439</b>

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 14th day of June, 1993, by Roll Call Vote:

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

d#O/R3  
O-93BUD

O-94BUD

O-94BUD



Introduced by: Councilmember Hamilton

1st Reading: 5/24/93

2nd Reading: 6/14/93

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.

O-94STRM.

Page Three  
STORM WATER MANAGEMENT BUDGET ORDINANCE

Adopted this 14th day of June, 1993 by Roll Call Vote of the  
Stormwater Board for the City of Takoma Park:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Introduced by: Councilmember Johnson

1st Reading: 5/24/93

2nd Reading: 6/14/93

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

NAYS: None

ABSTAIN: None

ABSENT: None

O-94TXRA.

Introduced by: Councilmember Hamilton

First Reading: 5/24/93  
Second Reading: 6/14/93  
Effective: 7/01/93

**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 14th day of June, 1993 by roll call vote as follows:

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

O-94PYP

FY - 04 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	\$17,141.86	\$17,784.68	\$18,407.15	\$19,005.38	\$19,575.54	\$20,113.87	\$20,618.72	\$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	\$413.81
	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	\$16,996.41	\$17,718.75	\$18,427.50	\$19,118.54	\$19,787.68	\$20,430.78	\$21,043.71	\$21,622.41	\$22,162.97	\$22,681.64	\$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	\$8.86	\$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	\$408.05	\$423.31	\$440.24	\$456.75	\$472.73	\$488.10	\$502.74	\$516.57	\$529.48	\$541.39	\$552.76
	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	\$23,662.85	\$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	\$436.50	\$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	\$30,210.98	\$31,041.78	\$31,817.81	\$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	\$13.68	\$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	\$30,538.38	\$31,530.86	\$32,476.79	\$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	\$39,527.16	\$40,416.53	\$41,265.27
	Weekly	\$582.94	\$607.71	\$632.02	\$655.72	\$678.87	\$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: 6/14/93  
Effective: 7/01/93

**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 14th day of June, 1993 by roll call vote as follows:

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

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	38,272.98 697.56 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	38,841.79 743.11 18.58	39,801.05 765.40 19.14	40,895.58 788.45 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	41,767.25 803.60 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	46,441.45 931.57 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: 6/14/93  
Effective: 7/01/93

**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]
	2nd Quartile = [37,902 - 41,734]
	3rd Quartile = [41,735 - 45,566]
	4th Quartile = [45,567 - 49,399]
Executive 2:	1st Quartile = [36,624 - 40,744]
	2nd Quartile = [40,745 - 44,864]
	3rd Quartile = [44,865 - 48,984]
	4th Quartile = [48,985 - 53,104]
Executive 3:	1st Quartile = [39,371 - 43,800]
	2nd Quartile = [43,801 - 48,229]
	3rd Quartile = [48,230 - 52,658]
	4th Quartile = [52,659 - 57,088]
Executive 4:	1st Quartile = [42,324 - 47,085]
	2nd Quartile = [47,086 - 51,847]
	3rd Quartile = [51,848 - 56,608]
	4th Quartile = [56,609 - 61,369]

34,068 - 37,901  
37,902 - 41,734  
41,735 - 45,566  
45,567 - 49,399

36,624 - 40,744  
40,745 - 44,864  
44,865 - 48,984  
48,985 - 53,104

39,371 - 43,800  
43,801 - 48,229  
48,230 - 52,658  
52,659 - 57,088

42,324 - 47,085  
47,086 - 51,847  
51,848 - 56,608  
56,609 - 61,369

SECTION 5. COST OF LIVING ADJUSTMENTS

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

SECTION 6. DATE OF PAY INCREASES

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

Page Four  
Executive Pay Plan Ordinance


Adopted this 14th day of June, 1993 to take effect July 1, 1993.

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

NAY: None.

ABSTAINED: None.

ABSENT: None.

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: 6/14/93

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 July 1, 1993.

Adopted this 14th day of June, 1993.

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

Introduced by: Mayor Sharp

1st Reading: 5/24/93  
2nd Reading: 6/14/93

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 July 1, 1993.

Adopted this 14th day of June, 1993.

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

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: 06/14/1993  
Effective : 07/01/1993

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 14th day of June, 1993.

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

NAY:None

ABSTAINED:None

ABSENT:

Deletions are [bracketed]; additions are underlined.



Special Session, Worksession and Executive Session of the City Council

Monday, June 21, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Hamilton	Deputy City Administrator Grimmer
Councilmember Johnson	Assistant City Administrator Hobbs
Councilmember Leary	City Clerk Sartoph
Councilmember Porter	Deputy City Clerk Espinosa
Councilmember Prensky	DHCD Director Nance-Sims
	Public Works Director Knauf
	Corporation Counsel Silber

CITY OFFICIAL ABSENT:

Councilmember Elrich

The City Council convened in Worksession at 7:42 p.m. on Monday, June 21, 1993, in the second floor meeting room in the Municipal Building, 7500 Maple Avenue.

Mr. Sharp explained that the Council will be holding a Special Session this evening to adopt Council meeting minutes and to address several other items requiring Council action. He noted that in addition to the adoption of the Council meeting minutes from May 24, 1993, there is also an Opinion and Recommendation that was drafted by staff and reviewed by Corporation Counsel concerning the Pringle Property. He reminded the Council that the public hearing on this matter was held on May 24, and that in following the staff's suggestion, the Council should address the opinion as a separate item that the Council is endorsing because of the quasi-judicial nature of that public hearing.

Following the Council's interview with Ms. Wanda Moore, who is seeking re-appointment to another term on the Commission on Landlord-Tenant Affairs (COLTA), the City Council convened in Special Session and the following remarks were made.

Mr. Sharp called the Special Session to order at 7:49 p.m.

ADOPTION OF THE MINUTES FROM 5/24/93. Moved by Mr. Hamilton; seconded by Ms. Porter.

Mr. Sharp asked whether staff has reviewed the section of the minutes regarding the Pringle Property issue.

Ms. Habada confirmed that a staff member of the Department of Housing and Community Development has reviewed the minutes.

The minutes for 5/24/93 were unanimously adopted.

#1 Opinion and Recommendation on Pringle Property Preliminary Plan #1-92035. Mr. Sharp recalled that this issue was reviewed as an adjudicatory or quasi-judicial hearing that the Council will address as a separate matter and issue an Opinion and Recommendation. He noted that there is a "Findings of Fact" and "Conclusions" attached to the documentation. Mr. Sharp noted that the staff memo notes that the Planning Board hearing is scheduled for July 8, but that the applicant has yet to submit a forest conservation plan and consequently, it is indicated that the date may be postponed. He asked if there is any further information to date about when this matter is scheduled before the Planning Board.

Ms. Nance-Sims said that the staff is not aware of any different information or scheduling.

Mr. Sharp explained that what the Council will be doing is adopting the Opinion and Recommendation as the City's position and stated that there is material included in the document that are not reflected in the Council meeting minutes and material that he does not recall from Council discussions. He noted some of the findings that staff has included in the document that he feels are not inconsistent with what was presented to the Council, but pointed out that the Council did not take a vote on everything that is stated as findings.

Ms. Silber noted that the applicant was notified that this item would be before the Council this evening.

Mr. Sharp noted two corrections to the Opinion and Recommendation: (1) top of page two, change "public" to "private", and (2) bottom of page two, change "nor" to "or", and called the question on the document.

The Opinion and Recommendation was adopted unanimously.

(Attached)

#2 Street Improvements - Keating Construction Company's Request to Pave the Alley Between Heather Avenue and Linden Circle. Mr. Knauf explained that the purpose of the resolution is to allow the developer to pave an existing alleyway that runs from Heather Avenue to Linden Circle subject to meeting certain conditions that were discussed at the Council Worksession on June 7. He said that three additional conditions have been added at the request of Councilmember Porter and that, in response to the Council's concern regarding stormwater management, the developer has submitted a stormwater concept plan. Mr. Knauf stated that it is his and the developer's judgement that the issue of stormwater should not be the over-riding one in the consideration of Mr. Keating's request.

Ms. Porter recalled that at the last Council Worksession discussion Mr. Knauf made a very rough estimate that the total area of disturbance would be less than 5,000 square feet and said that subsequent to that discussion, she spoke with Mr. Knauf who after more careful calculations determined that the area was indeed more than 5,000 square feet.

Mr. Knauf stated that his reference to the area being over 5,000 square feet was a judgmental determination based on the inclusion of the alleyway in the calculation and emphasized that again, the 5,000 square foot area is marginal. He said that he made the assumption that there is a chance that the contractor will be required to meet stormwater provisions that control the stormwater run-off from the alleyway.

Ms. Porter said that in the case that the total area is found to be under 5,000 square feet, her interest is in making sure that there is some provision for control of stormwater run-off from the paved part of the alleyway. She stated that under the City's authority to specify how the alleyway is paved, she wants to make sure that this issue is addressed regardless of the size of the disturbance area.

Mr. Knauf responded that the control of stormwater run-off will be included in the provisions of the permit.

Mr. Johnson said that from the last Council discussion, he had the impression that what is described as the "Agreement Between Tom Keating and Neighbors Surrounding Alleyway off Heather Avenue" had not been signed-off on by all parties. He asked whether all parties have reached an agreement to date, because from this

evening's discussion it is now his understanding that some additional conditions have been added to the agreement that were not initially agreed to on April 14, 1993.

Mr. Keating said that he is not in agreement with the seven conditions. He noted that he had not been given the opportunity to review the Agreement prior to the time it was passed out at the last Council discussion and that he was unable to prepare comments. Mr. Keating stated that the first condition does not clearly define which set of Public Works specifications are being referenced. He said that he was advised by his attorney that he cannot fulfill the second requirement because it would involve closing the alley.

Ms. Porter said that another condition had been added to the resolution which would give Mr. Keating the authority to place the barrier closing the alley.

Mr. Johnson said that he is concerned about the extent to which there is agreement between the involved parties in regards to what is described as the Agreement and that he does not have the feeling that there is an agreement. He questioned whether there is a recommendation from the Public Works and Police Departments regarding this matter since whatever the Council decides is going to directly affect them. Mr. Johnson asked Mr. Knauf whether or not he recommends enactment of the resolution in so far as the Department of Public Works is concerned?

Mr. Knauf stated that he concurs but that he would prefer to see that the access to the alley be from Linden Circle. He noted that access to the alley from Linden Circle was the developer's initial request and that it is the preference of the Police and Fire Departments as opposed to Heather Avenue access.

Mr. Hamilton noted that the construction requirements could address the issue of control of stormwater run-off and asked whether the current plan before the Council--access from Heather Avenue--is workable?

Mr. Knauf responded that the plan will work; however, that it is not the preferred plan or what he feels to be the safest approach. The current plan is based on the consensus of the residents in the area surrounding the alley.

Ms. Porter moved to table consideration of the resolution.

Mr. Keating noted that he has been trying to work out this plan for the past five months. He stated that he was told that the resolution before the Council this evening is the only option that he has for an agreement. He said that when he was presented with this agreement, he objected, but when he tried to make his points at a meeting on April 14, he was told that the decision had already been made. Mr. Keating said that following the last discussion when stormwater management appeared to be the concern, he went back out and hired people to make a stormwater report. He stated that he spoke to the Public Works, Police and Fire Departments, and a large number of people in the neighborhood who expressed that they would prefer access from Linden Circle in light of the safety concerns associated with access from Heather Avenue.

Ms. Porter stated that she disagreed with some of the statements made by Mr. Keating and she noted her objection on the record.

Mr. Sharp requested that Ms. Porter work with the neighborhood on reaching an agreement by the July 19 Council Worksession.

Mr. Hamilton asked that the staff also come back to the Council with a solid recommendation.

Kathleen Bouchet, Sligo Creek Parkway noted that Ms. Porter had arranged for several meetings between Mr. Keating and neighborhood residents over the past months and that at no time did Mr. Keating ever indicate that he would object to the Heather Avenue entrance. She said that his only concern was having an entrance to two parking spaces from Heather Avenue, but that in reference to the alleyway, he never indicated an access preference.

Fred Levenson, corner of Heather and Sligo Avenues. He stated that he believes that Mr. Keating always kept it as an option, the various ways to enter the properties. Mr. Levenson said that Heather Avenue is a very steep hill and that automobiles often speed up the street to gain momentum as they reach the hill. He stated that the entrance to the alleyway is blind and noted that many trees will need to be removed to increase visibility.

#3 Commission on Landlord-Tenant Affairs (COLTA). Mr. Sharp noted that the resolution enacts four reappointments (Elizabeth Bentley, Sarah Stevens, Wanda Moore, and Sherri Morgan) and makes an appointment (Vanita Adams) to fill-out the term of one vacancy.

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

RESOLUTION #1993-63  
(Attached)

#4 Takoma Junction Development Professional Service Contracts. Mr. Leary asked whether the company to be awarded the market-financial analysis contract is felt to be the best?

Ms. Nance-Sims stated that she did not have the specifics on the company with her but that in making the decision staff had reviewed the company's proposal looking at the various types of projects they have done, most of which were completed market studies in other areas. She said that staff also checked three references and that Bolan Smart, Inc. came in at the lowest quote.

Mr. Leary asked for more information on where the company has conducted previous studies.

Mr. Prensky questioned whether staff sought the bids from these three firms specifically or whether it was an advertised process.

Ms. Nance-Sims responded that the bids were solicited.

Ms. Habada stated that the solicitation was based on the previous experiences of individual staff members who had knowledge of the firms. She noted that she and Mr. Tobias had experience with one firm, Geigerich & Associates, which came in at approximately \$9900. Valerie Vincola had some familiarity with Bolan Smart, Inc. She said that there was one other firm, ZHA, that she was not sure of the background on. She noted that under the procurement ordinance, for anything under \$10,000, staff is required to get three quotes, and that for professional services above \$5,000, Council approval is required.

Ms. Nance-Sims noted that the staff is discussing whether the environmental assessment could possibly be handled in-house by the staff of the Department of Housing and Community Development.

Mr. Prensky stated that the description of the market-financial analysis says it will include an evaluation of the previous traffic study and make a determination of whether additional studies are needed. He said that he thinks it is important for people to know that the City is not going out to do a new traffic study at this point but, instead, the City is trying to determine whether the previous study is sufficient for current needs.

Mr. Hamilton expressed his concern about whether staff really has the time to work on a project like this in-house in consideration of the other projects that have been assigned to staff.

Ms. Nance-Sims stated that staff should be able to make a determination within the week regarding the feasibility of staff managing the environmental assessment.

Moved by Mr. Hamilton; seconded by Mr. Johnson. The Single Reading Ordinance was adopted unanimously (ABSENT: Elrich).

ORDINANCE #1993-25  
(Attached)

Ms. Habada announced that the first meeting of the Takoma Junction Development Committee is tentatively scheduled for July 1, 1993.

Mr. Sharp accepted a motion from Mr. Hamilton (seconded by Mr. Prensky) to move out of Special Session and into regularly scheduled Worksession at 8:36 p.m.

Council later adjourned from Worksession at 9:10 p.m. and convened in Executive Session at the conclusion of which the Council adjourned for the evening.

# City of Takoma Park, Maryland

OFFICE OF THE CITY COUNCIL  
TELEPHONE 270-1700



7500 MAPLE AVENUE  
TAKOMA PARK, MD. 20912

PRELIMINARY SUBDIVISION PLAN #1-92035  
LOTS 28-36, BLOCK 57, B.F. GILBERT'S ADDITION TO TAKOMA PARK  
PRINGLE PROPERTY  
MONTGOMERY COUNTY

## OPINION AND RECOMMENDATION

### I. INTRODUCTION

The current preliminary subdivision plan is the third that has been submitted by the applicant. The first preliminary plan was submitted to the M-NCPPC in April of 1992. After a meeting with City staff and the applicant, his attorney, and his engineer in July, at which initial comments were provided to the applicant, the applicant submitted a revised plan in September. Staff brought the revised plan to Council for discussion at two worksessions, at which time staff was informed that the applicant intended to revise the plan again. The current plan was submitted to the M-NCPPC in March of 1993. City staff from DHCD, the Department of Public Works, and the Police Department, as well as members of the Fire Department, met with the applicant's engineer and M-NCPPC staff on April 9 to review the new plan. Written staff comments were subsequently provided to the applicant's engineer and attorney at a meeting on May 6. At that meeting, the applicant's engineer and attorney indicated that they felt they could not revise the plan in the manner indicated by the City and the Fire Department. Therefore the matter was scheduled for discussion at the May 17 worksession and decision at the May 24 regular Council meeting after a public hearing.

### II. DISCUSSION

At the hearing in this matter on May 24, 1993, City staff presented the City's position on the application as contained in the May 21, 1993 staff report. The applicant's attorney and engineer responded to the staff report by making the following statements concerning the facts of the case (for a detailed account of the hearing on this matter and a copy of the staff report and Council resolution, please see the attached hearing record):

--That up until two or two-and-one-half years ago, the County Planning Board's practice was to approve as many as 10 lots on a private street, including one subdivision in Takoma Park, which justifies the applicant's request for 6 lots on a public street, although the County DOT's current practice and the Planning Board staff's position is no more than 4 lots on a private street.

--That providing a 26 foot wide public street on Wabash Avenue but curbing around existing trees would still result in a net access of 16 feet or slightly more at these locations, and that the street cannot be widened to the north because it is private property.

--That increasing the radius of the turn at the bottom of the hill where the driveway would turn off of Wabash up onto the private driveway and introducing a short vertical curve would accommodate the access needs of the Takoma Park Volunteer Fire Department's ladder truck.

--That the impact on the site of a 26 foot wide public road on the site with a 50 foot right-of-way would be excessive in its impact on the environment, in terms of both grading and tree preservation.

--That if necessary to provide access for emergency vehicles, the private driveway could be widened, but that a 26 foot wide street would not be necessary for this purpose, and that the concerns of the Fire Chief and the Police Department can be addressed more flexibly on a private street rather than a public street.

--That a 30 foot radius for a cul-de-sac on a private driveway is standard in Montgomery County, and the fire truck would still need to jump the curb even with a standard public street cul-de-sac.

--That normal road maintenance would not be a problem on a private driveway because it would be the responsibility of the residents of the street.

--That City staff has called for a 26 foot street with a 50 foot right-of-way rather than a modified tertiary street with a 27 foot right-of-way.

--That they agree to submit a street light plan and to provide consideration for trees [in accordance with the City's Tree Ordinance] at the time that a grading plan is submitted.

--That WSSC, not the applicant nor the Volunteer Fire Department, is responsible for the placement of fire hydrants.

--That the M-NCPPE staff, not the applicant, requested the abandonment of Wabash Avenue, and that the applicant does not have a problem with the City's position that Wabash Avenue not be abandoned.

--That the applicant has no problem with maintaining access to Lot 35 from Domer Avenue.

--That the City's Public Works Director had requested another stormwater concept plan with pre- and post-development stormwater flow calculations, and that these had already been submitted to the City's engineering consultant.

--That Lot 36 is located on a plateau with a 4 percent grade, and a house was previously located on this site. Therefore, this lot should remain as part of the subdivision.

--That flag lots are common in Montgomery County, that a subdivision with flag lots exists in Takoma Park, near Carroll Avenue, and that flag lots are needed to provide the legally required access to a public street.

--That the smallest lot on the existing subdivision plan is 8,890 square feet, and that all net lot sizes are in excess of 6,000 square feet.

In addition, the applicant's attorney made the following statements concerning procedure:

--That, based on his determination that this is an adjudicatory process, he objects to the fact that the Council held a worksession on this matter the previous week, where the case was discussed prior to the public hearing.

--That the applicant was informed for the first time on May 6, 1993 that City staff would not accept a private street but instead wanted a public street with a 50 foot right-of-way.

### III. FINDINGS OF FACT

1. The Council finds that the proposed 16 foot wide 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. 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. The Council finds unpersuasive the argument by the applicant's attorney that two years ago, the



Planning Board approved up to 10 lots on a private street. The fact that precedent exists for a previous practice does not justify its continuance, particularly when this practice is greatly in excess of the requirement of the subdivision regulations.

2. The Council finds that curbing around existing trees on Wabash Avenue will produce roughly the same effect as a parked car at these locations. By prohibiting parking on both sides of the street at these locations, adequate access can be maintained. However, for the number of lots proposed, Council finds that 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, and that the applicant's proposals to increase the radius of the turn and introduce a short vertical curve does not satisfy the access needs of the Takoma Park Volunteer Fire Department. Council finds that a 26 foot wide public street is necessary to provide adequate access for emergency and sanitation vehicles.

3. As noted above, the Council finds that, for the number of lots proposed, a public street is required by County subdivision regulations, by County Department of Transportation policy, and by City Code. Therefore, the applicant's arguments concerning the environmental benefits of a private street, the ability to widen the private street, the reputed greater flexibility of addressing emergency access needs on a private street, and the adequacy of a 30 foot radius for a cul-de-sac on a private street are irrelevant as concerns the current site plan.

4. The Council finds that, while the applicant's statement concerning the responsibility of residents to maintain a private street may be technically accurate, in practice such maintenance is often not carried out as diligently as the maintenance provided by a Public Works Department, thus creating potential hazards for access by emergency and sanitation vehicles, particularly in a development of this size. Furthermore, the Council finds 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.

5. The Council finds that a 26 foot wide street with a 50 foot right-of-way is the standard for a tertiary street in Montgomery County, and that providing a lesser right-of-way for a public street would not allow adequate right-of-way for a public street in this size development.

6. The Council finds that the applicant is correct in stating that the WSSC is responsible for the placement of fire hydrants, but notes for the record the Takoma Park Volunteer Fire Department's preference for location of the hydrant at the

beginning of the access road into the site. Furthermore, the applicant is correct in stating that he is not requesting abandonment of Wabash Avenue. However, the Council is going on record with its opposition to abandonment of Wabash Avenue at the request of M-NCPPC staff to address this issue.

7. The Council finds that it concurs with the applicant that access to Lot 35 should be provided from Domer Avenue rather than by an interior access road.

8. The Council finds that the pre- and post-development flow calculations submitted to the City's consultant are out of date and in any case exceed the waiver provisions in the City's stormwater management ordinance. The Council therefore finds that the Public Works Director's request made on May 13 for a revised stormwater management concept plan has not been satisfied, and that a stormwater management concept plan has not been approved for the site.

9. The Council finds that the applicant's argument to locate a house on Lot 36 within the stream buffer due to the lesser grade in this area is not persuasive. M-NCPPC staff has defined a 150 foot stream buffer for this site based on the environmental regulations contained in the manual Environmental Management of Development in Montgomery County, Maryland. However, because the proposed home on Lot 35, which is partially located within the stream buffer, would be built on an existing foundation and would therefore require minimal clearing and grading, the Council finds that the environmental regulations do not prohibit construction of this home, provided that limits of disturbance are clearly marked, with staking or fencing required prior to construction and subsequent site inspections.

10. The Council finds that on this site, flag lots and lots less than 7,000-7,500 square feet in area would not be 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. The existence of other flag lots within Montgomery County, and even within Takoma Park, is irrelevant in this case, because they are not within the existing block, neighborhood, or subdivision.<sup>1</sup> While the gross square footage of the smallest lot is 8,890 square feet, the applicant has calculated the net square footage (exclusive of panhandles) of Lots 29 and 30 at 6,020 and 6,700 square feet, respectively, which is less than the average of 7,000 to 7,500 square feet of lots in the surrounding area.

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<sup>1</sup>Although the applicant has identified a street containing flag lots in Takoma Park, it is nowhere near the proposed subdivision and is therefore irrelevant to this case.

11. The Council additionally finds that all development should not be prevented on this property, and that it would consider a revised preliminary subdivision plan with a reduced number of lots.

On the procedural issues raised by the applicant's attorney, the Council finds the following:

1. That, although the Council agrees that this is a quasi-adjudicatory process,<sup>2</sup> the Council worksession was publicly advertised and telecast, the applicant's attorney was specifically invited to attend, and that a member of his staff has viewed a videotape of the worksession. Therefore, no flaw exists in the process.

2. That, at a meeting in November 1992, City staff specifically requested that the applicant provide drawings and plans showing the impacts of both a public and a private street on the site in terms of grading and tree removal. These were not provided as requested, and therefore City staff had no basis to recommend either a public or a private street until the new preliminary plan was submitted in March.

#### IV. CONCLUSIONS OF LAW

Based upon the foregoing Discussion and Findings of Fact, the Council concludes that the subject preliminary subdivision plan does not meet the requirement that no more than two houses may be allowed on a private street (Section 50-29(a)(2)), and that the preliminary plan also exceeds the number of houses that would be recommended by the Montgomery County Department of Transportation for access on a private street. The Council concludes that the subject plan does not meet the requirement to provide lots that are in character in terms of size and configuration with other lots within the existing block, neighborhood or subdivision (Section 50-29(b)(2)), and the requirement for approval of storm drainage as may be required by the municipality (Section 50-24(d)) of the Montgomery County subdivision regulations. The Council further concludes that 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). The Council concludes that 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

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<sup>2</sup>This process is considered quasi-adjudicatory because the Council's role is to recommend, not to be the deciding body.

servicing homes set back more than 150 feet from a public road to be at least 20 feet wide (Montgomery County Code, Sec. 22-32). The Council concludes that the location of a house on Lot 36 within the stream buffer is not permitted by the environmental guidelines in the manual Environmental Management of Development in Montgomery County, Maryland. This manual states that 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 concludes that the environmental regulations do not prohibit construction of this home.

#### R E C O M M E N D A T I O N

Upon consideration of the foregoing Findings of Fact and Conclusions of Law, it is this \_\_\_\_\_ day of \_\_\_\_\_, 1993, by the City Council of the City of Takoma Park,

RECOMMENDED that the Montgomery County Planning Board DENY the preliminary subdivision plan because it does not meet the required standards for a preliminary subdivision plan as stated in the Findings of Fact and Conclusions of Law.

RECOMMENDED that, should the applicant agree to revise the proposed preliminary plan, the City should have the opportunity to review and comment on any such revised plan before the Planning Board takes final action on it.

RECOMMENDED that, should a preliminary subdivision plan be approved, a street landscaping and lighting plan be submitted for City approval when the applicant applies for a grading and sediment control permit, that the applicant submit a forest conservation plan as required under the Montgomery County Forest Conservation Law, and that the applicant 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, and that the 150 foot stream buffer area be dedicated to a homeowners association or the City of Takoma Park.

\_\_\_\_\_  
Edward F. Sharp  
Mayor (for the City Council)

Introduced by: Councilmember Hamilton

**RESOLUTION #1993 - 63**

**REAPPOINTING COMMISSIONERS TO COLTA AND  
APPOINTING A NEW COMMISSIONER TO COLTA**

**WHEREAS**, as of June 30, 1993, four members' terms on the Commission on Landlord-Tenant Affairs (COLTA) will expire; **AND**

**WHEREAS**, all four current Commissioners have requested to be reappointed to continue service on COLTA; **AND**

**WHEREAS**, there are two additional vacancies on COLTA; **AND**

**WHEREAS**, one person has applied for appointment to fill one of the remaining vacancies.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby reappoints the following Commissioners to serve three year terms on the Takoma Park Commission on Landlord-Tenant Affairs:


	<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
1.	Elizabeth Bentley	407 Tulip Avenue #101	6/30/96
2.	Sarah Stevens	8304 Eastridge Avenue	6/30/96
3.	Wanda Moore	7667 Maple Avenue #611	6/30/96
4.	Sherri L. Morgan	7101 Thirteenth Avenue	6/30/96

**BE IT FURTHER RESOLVED THAT** the City Council appoints the following individual to fill-out the term of a vacancy on COLTA:

	<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
1.	Vanita Adams	666 Houston Avenue #310	6/30/95

**BE IT FURTHER RESOLVED THAT** these appointments become effective July 1, 1993.

**ATTEST:**

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Hamilton

Single Reading: 6/21/93

Ordinance 1993-25

Award of Professional Services Contracts  
for Takoma Junction Predevelopment Analysis

- WHEREAS, The City Council is committed to strengthening the City's commercial districts and promoting affordable housing;
- WHEREAS, The owner of the last vacant commercial site in Takoma Junction commercial district has expressed an interest in possibly working with the City to jointly develop his property;
- WHEREAS, The City Council views this development potential as a possible opportunity for furthering the City's goals for the public good;
- WHEREAS, The City Council approved staff's recommendation to apply for Department of Housing and Urban Development (HUD) Section 108 Guarantee loan funds, through the Montgomery County Department of Housing and Community Development (DHCD), to pursue the development of that site in a manner consistent with the City's goals;
- WHEREAS, Montgomery County DHCD requires that certain predevelopment analysis be undertaken to assess the feasibility of site development before applying to the HUD Section 108 Loan Guarantee program;
- WHEREAS, the Council approved, by straw vote, the reprogramming of Program Year 18 Community Development Block Grant (CDBG) funds from the Transitional Housing (\$38,000) and Housing Rehabilitation programs (\$12,000) for predevelopment expenses related to the Takoma Junction Development project;
- WHEREAS, Montgomery County DHCD has approved the City's request to use PY 18 CDBG funds for this purpose;
- WHEREAS, in accordance with City procurement procedures, staff received proposals for geotechnical services and market analysis, and is proceeding with sole-source purchase for project coordination.

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

- Section 1: THAT the apparent low bid received from TLB Associates, Inc. in the amount of THREE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$3,350) for a geotechnical study be accepted; AND
- Section 2: THAT a contract be awarded to Eddie Tobias for project coordination, not to exceed the amount of TEN THOUSAND DOLLARS (\$10,000); AND
- Section 3: THAT the apparent low bid received from BOLAN SMART, Inc. in the amount of NINE THOUSAND DOLLARS (\$9,000) for market and financial analysis be accepted; AND
- Section 4: THAT this work and any other predevelopment expenses associated with the Takoma Junction project be funded through the reprogramming of \$50,000 in Program Year 18 Community Development Block Grant Funds; AND
- Section 5: THAT this work and any other Takoma Junction predevelopment expenses procured in accordance with City procurement procedures, approved by the City Council and Montgomery County DHCD, and which do not exceed \$50,000, be charged to Special Revenue Expenditure Account 0010-6908.

This Ordinance shall take effect on June 1, 1993.

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

VV:VD/profsvcs.ord