

Executive Session, Special Session and Worksession of the City Council

Monday, July 6, 1993

PROPERTY OF  
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	City Clerk Sartoph
Councilmember Johnson	Deputy City Clerk Espinosa
Councilmember Leary	DHCD Director Nance-Sims
Councilmember Porter	
Councilmember Prensky	

CITY OFFICIAL ABSENT:

Councilmember Hamilton

The City Council convened in Worksession at 7:45 p.m. on Monday, July 6, 1993, in the second floor meeting room in the Municipal Building, 7500 Maple Avenue.

Mr. Sharp accepted an immediate motion from Mr. Prensky (seconded by Ms. Porter) to move into an Executive Session to discuss a land acquisition matter at 7:48 p.m.

The City Council returned from Executive Session and reconvened in Worksession at 8:38 p.m. Mr. Sharp accepted a motion by Mr. Leary (seconded by Ms. Porter) to move into a Special Session to consider an ordinance to change the previously designated contractor (Bolan Smart, Inc.) for the market feasibility study in conjunction with the Takoma Junction Development Project.

#1 Single Reading Ordinance re: Takoma Junction Project Market Analysis. Ms. Habada explained that the staff is recommending that the Council adopt this ordinance which will rescind the award made by previously adopted Ordinance #1993-25 to Bolan Smart, Inc., for the market-feasibility study for the Takoma Junction Development Project and instead, award the study to Giegerich & Associates. She noted that the staff believes that Giegerich & Associates will better meet the needs and interests of the City in this project.

Mr. Leary asked if staff has interviewed the new contractor?

Ms. Habada responded that the new contractor has indeed been interviewed.

Ms. Nance-Sims added that staff went forward with the interviews of the other two bidding contractors--Giegerich & Associates, Inc. and ZHA.

The Single Reading Ordinance was adopted unanimously (ABSENT: Hamilton).

ORDINANCE #1993-26  
(Attached)

Mr. Sharp accepted a motion from Ms. Porter (seconded by Mr. Prensky) to move out of Special Session and into the regularly scheduled Worksession at 8:50 p.m.

The City Council later adjourned from Worksession at 10:00 p.m. for the evening.

Single Reading: 7/6/93

Ordinance 1993-26

An Ordinance to rescind the market analysis contract award referenced in Section 3 of Ordinance 1993-25 and to award a Contract for Market and Financial Analysis related to the Takoma Junction Predevelopment Project

WHEREAS, The Council the adopted Ordinance 1993-25 on June 21, 1993 awarding professional services contracts for predevelopment analysis of the proposed Takoma Junction project; AND

WHEREAS, Bolan Smart, Inc. was awarded the professional services contract for market and financial analysis; AND

WHEREAS, As a result of a subsequent meeting with representatives of Bolan Smart, Inc., City staff concluded that the experience and problem-solving ability of Bolan Smart, Inc. was not in the best interests of the City; AND

WHEREAS, City staff has recommended that the previous award for market and financial analysis to Bolan Smart, Inc. be rescinded and that Giegerich & Associates be awarded the new contract for market and financial analysis.

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

SECTION 1: THAT the contract award to Bolan Smart, Inc., referenced in Section 3 of Ordinance 1993-25, be rescinded; AND

SECTION 2: THAT the bid received from Giegerich & Associates in the amount of NINE THOUSAND NINE HUNDRED DOLLARS (\$9,900) be accepted for market and financial analysis related to the Takoma Junction predevelopment project.

This Ordinance shall take effect on July 1, 1993.

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

Regular Meeting, Worksession and Executive Session of the City Council

Monday, July 12, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Asst. City Administrator Hobbs
Councilmember Johnson	City Clerk Sartoph
Councilmember Leary	Deputy City Clerk Espinosa
Councilmember Porter	
Councilmember Prensky	

The Council interviewed Patricia Hill and Eugene Pawlikowski, both of whom are seeking reappointment to the Takoma Park Tree Commission, and Linda A. Rabben and Gaby O'Brien, who are seeking appointment to a vacancy on the Commission on Landlord-Tenant Affairs (COLTA).

The City Council convened at 8:07 p.m. on Monday, July 12, 1993, in the Council Chamber at 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that Tyrone Laster, the Deputy Director for the Department of Public Works, is in the hospital after having suffered a stroke last week. He is in critical condition in the Intensive Care Unit at Alexandria Hospital, and City staff is in constant contact with his family. Mr. Sharp said that the residents will be kept up-to-date about Tyrone's condition as it progresses and requested that persons keep Mr. Laster and his family in their thoughts during this time.

CITIZEN COMMENTS

Mary Ann Leary, 7301 Takoma Avenue asked the Councilmembers to become team leaders in AIDS Walk '93, which will be held September 18th, in Washington. It will begin in front of the National Theater. She explained that one doesn't need to walk to be a team leader and that a team leader has to recruit ten walkers that will hopefully be willing to collect \$10 for their walk from their loved ones and neighbors. Ms. Leary noted that the walk is being coordinated by Whitman-Walker Clinic and that the local clinic is in Langley Park. Most of the monies that are raised throughout the Country will be put toward research, client services, and education. All of the money raised in the State of Maryland will go back to Maryland. She said that she would like to put an article in the Takoma Park Newsletter in the hope of recruiting walkers.

Mr. Johnson noted that the Whitman-Walker Clinic is in Takoma Park. He said that he very much endorses all that Ms. Leary has said and that he appreciates her bringing it to the Council's attention. Mr. Johnson said that she can sign him up as a team leader.

Rino Aldrigetti, 7213 Central Avenue stated that he picked up a copy of the City Newsletter and that he read the headline article, "Residents Block Bid to Open Woods to Public". He quoted from the article, "...the debate, nearly an hour long, pointedly illustrates the Council's immediate responsiveness to organized resident opposition to a particular proposal. The seven member Council generally has been most attentive throughout the year to resident

questions about plans to alter the character or nature of the City" and expressed his feeling that these comments do not have a place in a tax payer funded newspaper. He said that he believes that this is an example of editorializing and that it ought not happen.

#1 Resolution of Appreciation - Debra Selby, Library Volunteer. Mr. Sharp read the resolution into the record. He commented that this type of volunteerism is one of the extraordinary things about Takoma Park and that Ms. Selby is one of the City's volunteers that puts in a lot of hours without compensation or much notice that are absolutely essential. Mr. Sharp presented the resolution to Ms. Selby and thanked her for her service to the City.

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

RESOLUTION #1993-64  
(Attached)

#2 Resolution re: Zoning Legislation. Mr. Sharp explained that the resolution concerns a bill (CB89-1993) which has been introduced by County Councilmember DelGiudice and addresses eating and drinking establishments in Prince George's County. The issue has come before Council as to whether Council will take a position on the bill.

Ms. Porter said that the bill is an amendment to the zoning ordinance and it would require that restaurants that have live music and patron dancing for hours later than 11:00 p.m. only be permitted adjacent to residential areas only through a process of Special Exception. This would mean that such establishments would not automatically be permitted in these kinds of areas as they are now, under the normal restaurant rules.

Mr. Sharp noted that there had been some question regarding whether there is some other legislation covering the same topic, with variations, but that as far as Council knows, that legislation is not currently before the Prince George's County Council.

Ms. Porter stated that when the legislation came up before committee, one of the members of County Council, who ultimately voted against the legislation, made some amendments to the bill which would only apply this rule to BYOB establishments, not to all establishments. She said that she believes the objection to doing that and the reason the amendment did not pass in committee, was that this would not carry out the purposes of the bill. An establishment could be allowed in a particular zone as a BYOB and later get a liquor license. The County Council was also concerned that they did not want to interfere with the Liquor Board's jurisdiction by making distinctions between establishments that have different kinds of liquor licenses.

Mr. Sharp announced that the County Council has scheduled a public hearing on this legislation for Tuesday, July 27.

Ms. Porter stated that as of the end of last week, the public hearing date has been moved to September 7.

Mr. Johnson indicated that at the Council's last discussion of this issue in Worksession, he asked for information about the other bill and noted that the information has been provided to him. He stated that he is satisfied and that the resolution that Council is considering is one that Council should endorse and one that he will support.

Nancy Weil, President of SOSCA said that she was concerned when she first heard about this bill, that there was going to be an attempt to legislate a specific business out of existence. In fact, it is not that effort; the idea is to address all such establishments

whose hours of operation and type of clientele clash with the surrounding area. Ms. Weil noted some of the problems that residents of the area covered by South of Sligo Citizens Association (SOSCA) have experienced from one such establishment, that is loosely described as a restaurant in the Code. However, the establishment is without chairs, tables, menus, or a cook. She said that it seems necessary to differentiate in the law and in the zoning that it is a different type of operation that operates at different hours and at a different decibel level, and that therefore, its impact in the immediate neighborhood is going to be much different. Ms. Weil stated that SOSCA supports this legislation and urged the City to support the legislation.

Jane Buckwalter, Representative of the Neighbors of Hampshire Knolls (an organization of Takoma Park residents and neighboring Prince George's County residents) thanked Ms. Porter for introducing the resolution and urged the Council to support the resolution. She said that the organization feels that the County bill is a good first step in giving neighborhoods, such as theirs which are adjacent to commercial areas that are zoned for night clubs, the opportunity to be heard through the Prince George's County Special Exception process on the establishment of night clubs near residential areas. She said that they feel this bill will go a long way in preserving the peace and tranquility that their neighborhood has fought so hard to attain.

Mr. Sharp asked Ms. Porter what the County Council votes are on this matter?

Ms. Porter referred the question to Ms. Buckwalter. Ms. Buckwalter responded that there are three votes for the bill, two votes against the bill by Councilmembers that are philosophically opposed to Special Exceptions in general, and a couple that are undecided.

Ms. Porter noted that the bill passed out of committee by a three to two vote. She emphasized that this bill is designed to address an inherent conflict between a night club and a residential neighborhood. The bill is not designed to keep all night clubs out; it just sets up a more stringent process where some issues can be examined and people can determine before an establishment moves in whether there is going to be a potential problem.

Mr. Sharp noted that this bill offers a Special Exception option to people in a situation where such an option does not currently exist.

Ms. Porter agreed with Mr. Sharp and stated that the bill does not say that there cannot be night clubs in these areas. It just says that if there are going to be, there has to be a public process that presumably people in the surrounding neighborhood could be involved in and know about.

The resolution was passed unanimously.

RESOLUTION #1993-65  
(Attached)

#3 Resolution re: DPLS 156 - 1021 University Boulevard. Mr. Sharp explained that the resolution recommends approval, with conditions, of the applicant's request for a waiver of the required parking spaces at 1021 University Boulevard. He noted that the Council had an extensive discussion on this matter at the last Council Worksession and that the one issue, at that time, that was raised had to do with the handling of stormwater management.

Ms. Schwartz noted that there is a memo from Mr. Knauf regarding the issue of stormwater.

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

Mr. Johnson noted that Mr. Knauf's recommendation is to strike the language "in consultation" and replace with "in accordance with drawings and specifications prepared by a registered professional engineer at the applicant's expense and approved by the Public Works director" in the resolution. He asked for the property owner's views on this language.

Thomas Haller, Attorney with Offices in Lanham, representing the property owner, Dr. Samuel stated that he has not had an opportunity to read the memo from Mr. Knauf but that he did have the memo read to him over the phone today. He took a minute to glance over the memo. He stated that again, his only concern is the timing of the work being performed. Mr. Haller said that the parking lot area that is being discussed is in essentially good shape but that it is evident that the lot has been patched in the past, on a couple of occasions. The area in question is the section right in front of the driveway apron on Ann Street; it was an area that had deteriorated, and the property owner had been requested by the City's inspector to repair it last year. Mr. Haller stated that the property owner replaced an area approximately 20 square feet to repair this area, and that the new asphalt is a little bit higher than the older asphalt. He said that this has created a situation where there is not positive drainage out to Anne Street, and that the drainage problem would be taken care of if a new layer of asphalt were to be put over the entire parking lot. Mr. Haller said that he does not have a problem with the recommended language as long as the conditions regarding paving could be staged as discussed at the Worksession.

Mr. Sharp asked Mr. Haller to remind the Council of the items that the applicant had asked for a phase-in under the staff recommendations.

Mr. Haller stated that they were numbers 7 (providing a curb along the edge of the asphalt parking lot), 9 (repaving of the parking lot and striping of the parking spaces), and 12 (repairing the cracked walkway on the property), basically the paving and concrete type work. He explained that rather than being required to implement all fourteen conditions prior to putting in the first residential tenant, because of the cost associated with the conditions, the applicant is requesting that these three items be deferred until prior to the conversion of the third of the four units. All other conditions would be implemented before the conversion of the first unit.

Mr. Leary asked what will happen if there are never more than two tenants?

Mr. Haller stated that in this case, the work would not be required to be done.

Mr. Leary suggested that the language be phrased such that staging will be done prior to the installation of a third tenant or after two years, whichever comes sooner.

Mr. Haller said that his only concern, one that is shared by City staff, is how this would be monitored.

Mr. Leary stated that this would make the job of monitoring easier. The work must be completed by the end of two years, if not sooner.

Mr. Haller said that if this is something that the City feels comfortable monitoring, it is certainly preferable to being required to doing the work immediately.

Ms. Porter asked whether the residential units are currently vacant?

Mr. Haller responded that the units are occupied.

Ms. Porter stated her understanding that there would be more rent collected when the units are turned over to commercial tenants, but that some rent is currently being collected from the units that could be used for some of the work.

Mr. Haller noted that the difference in rent is not that much greater. He said that conditions #7, 9, and 12, are repairs that need to be made at some point, but that these repairs are not immediately necessary. He commented that there is not a health/safety issue dealing with the stormwater management problem.

Mr. Prensky noted that the City Administrator had raised the point that it would be difficult for the City to monitor contingent situations. He pointed out the cost of putting off repairs--increased deterioration and rebuilding costs. He stated that he is not thrilled with delaying such repairs or creating the extra burden of timing and re-inspection for the Department of Housing in this situation. Mr. Prensky said that he is inclined to consider Mr. Leary's suggestion preferable.

Mr. Prensky said that the issue regarding the potential loss for affordable housing by the conversion had been raised during the Worksession discussion. He said that one of the concerns that had been discussed was whether granting this exception now would be a precedent to further reducing affordable housing by commercial conversions. He asked whether any other properties are owned by Mr. Samuels.

Mr. Haller said that Mr. Samuels does not own any other units. He said that there are a total of six units--four are residential and two are commercially occupied.

Mr. Johnson stated that there is a need for a distinction between "affordable housing" and residential units. He said that he agrees that the discussion is about residential units but that he doesn't know whether any of these units have been defined as "affordable housing". He added that this has been a very serious issue within Ward 6 and particularly with the individuals who are most directly affected by that area.

Ms. Porter said that she believes that the 43 units includes 20 units in a building that is not zoned "commercial". The 20 units would not be a part of the conversion process.

Mr. Prensky noted that there are occupied units in Dr. Samuel's building, in the basement.

Mr. Haller stated that the two basement units, that are half-way underground and have ground windows, are occupied by businesses. The first and second floor units are presently occupied by residents.

Ms. Porter asked for a clarification from the Housing Director as to the number of actual units there are, as opposed to licensed residential units.

Ms. Nance-Sims stated that she could not tell the Council, off-hand, the total actual number of units, when she tries to count the number of buildings because one is vacant. She said that she does have the information on the licensed units and that she recalled seeing approximately four offices.

Bill Mihuc, 8101 Hammond Avenue stated that he would be surprised if there are 32 residential units in all the buildings along that block, excluding the one on the end, because there are quite a few commercial entities in the eight buildings. He said that there may be 12 residential units and that there are about 12 commercial units. He stated that under the original master plan, 1021 University Boulevard was called a four-unit apartment house. There is a basement that has three commercial entities and there are four

residential units on the upper floors. He noted that the tenants use the back ends of the apartment buildings, the emergency wrought iron escapes as the entrance/exit. He recalled that in 1985, the zoning allowed for residential-commercial and that the buildings are not in compliance with the Special Exception. He made mention of the parking situation. He stated that he feels that the City might have some problems getting the conditions fulfilled unless there is some stringent way of enforcing the conditions.

Tom Guins, President of Hampshire Gardens Citizens Association stated that there has been a long history of problems with this building and that the history demonstrates the inability of the City and the County to enforce either the Code or normal conduct of the citizens living in the building at 1021 University Boulevard. He noted that the master plan calls for the conversion, as a long standing plan, but that there has been no specific plan as to how that is to be implemented. Mr. Guins stated that none of the buildings have sufficient parking now and certainly not in the future if these units convert to commercial units. He said that what is needed is more control over the enforcement of the Code. He said that the City needs to generate a plan for the rest of the buildings along the University Boulevard strip.

Mr. Sharp asked Mr. Guins' view on the process of staging the conditions.

Mr. Guins stated that the citizens association is not opposed to the staging but that they are adamant that the beautification and isolation from the neighborhood type conditions be done before Dr. Samuels moves in. He said that they of course have a concern about how the City will enforce the second stage of conditions being fulfilled.

Mr. Sharp asked staff how the issue of parking will be addressed as the rest of the units seek conversion and what is the expectation on the part of the master plan in making the necessary change for the parking "that is not there"?

Ms. Schwartz stated that the expectation is that as further conversions take place, additional waivers would be needed.

Mr. Sharp responded that the waivers then become not really a matter of discretion. They have to be almost automatic, or there will not be progress in the direction of conversions.

Ms. Schwartz said that each building would be looked at individually and that the merits of the waiver would be decided in each case.

Mr. Sharp clarified that it can be said that the commercial conversion is not automatic.

Mr. Elrich noted that when the Councilmembers had visited the area on Saturday, he had seen one building that housed at least three doctors' offices. What does it mean to say that a doctor's office is not going to be allowed in the building in question when it is apparent that it has been done in a more congested space further down the same block in a building that has the same zoning? He said that not giving a waiver does not preclude commercial, it precludes an amount of commercial.

Ms. Schwartz said that it would preclude a legal conversion to commercial. She stated that it is possible that the buildings with current commercial units were grandfathered and have been allowed to continue operation.

Mr. Johnson stated that the Council is here to discuss one particular piece of property this evening and that staff is amply prepared to answer questions regarding this piece of property. He said that if the Council asks a questions of staff regarding the



other pieces of property and staff does not have the answer, then the staff member should respond in that way and not speculate or introduce uncertainty into the discussion. He stated that there is a need for a comprehensive plan for the area, but that this process should not hold up the current application by Mr. Samuels.

Mr. Leary moved an amendment to the resolution to the effect that conditions #7, 9, and 12 should be phased in prior to the approval of the third apartment or one year after the occupancy of the first "conversion" unit, whichever comes first. Mr. Johnson seconded the motion.

Ms. Porter requested that in the absence of the City Administrator, that a staff member comment on this proposed amendment.

Ms. Nance-Sims recalled that there is a concern regarding Code enforcement and that the City Administrator is also concerned with assuring that the conditions will be met. She noted that this has been a trouble-spot for the code enforcement officers on a continuing basis and that she strongly supports the position of the City Administrator.

Ms. Habada returned to the room and Mr. Sharp asked Ms. Habada to comment on the proposed amendment.

Ms. Habada stated that the motion is better than a long term, but that this process will create staff work to keep an eye on the property for the year.

Mr. Sharp asked Ms. Habada to address the issue of the study for the additional buildings and the possibility of getting some money from the County to aid in a comprehensive study of the area.

Ms. Habada said that it would be her suggestion that the City investigate whether Prince George's County Planning Commission's Aid to Municipalities on Planning, to see if they will take on the comprehensive review of the area as a project in their next planning cycle. She stated that the previous discussion had been about a two-year phase-in process and that this one-year process would be more immediate and a better alternative.

Mr. Prenskey said that he would like to speak against the amendment. He said that it seems to him that there is no compelling reason to phase the conditions and that they should all be done at one time.

Mr. Leary noted that the applicant and the residents of the neighborhood have spoken and stated that the phased conversion is either preferred or acceptable. He said that it seems to him that the burden on City staff is not significant.

Mr. Mihuc stated that under the master plan there was a special study done for this area, Study 12, the purpose of which was to justify the conversion from residential to commercial office. He said that under the first special exception, the reason it went from commercial office to a special exception was because of the dental lab, which was theoretically not a commercial office.

Mr. Prenskey said that he believes the community association did state their frustration and difficulty over the years seeing code enforcement from both the City and County as inadequate in this area, and that this speaks to him to the fact that the City should not be creating an extra enforcement requirement.

Mr. Johnson stated that the owner of the property and residents of the community have said they can live with the phase-in of conditions. He urged the Council to support the amendment to the resolution.

The amendment carried (NAY: Prenskey, Elrich).

Mr. Prenskey moved that the Resolution be tabled until there is a more comprehensive study of the area. Seconded by Mr. Elrich.

Motion to table the resolution failed (NAY: Johnson, Leary, Porter, Sharp).

Richard Csarny, 1101 Holton Lane, Coordinator of the Traffic Committee for the New Hampshire Gardens Citizens Association said that the association has discussed in a meeting that the placement of parking space #7 precluded exit from a commercial property onto an artery, and demands the exit of traffic from that unit onto a residential street. The City's Planning Department has said that if parking space #7 were removed, the waiver would not request the minimum that is necessary and in fact, request one more space. He said that they have discussed in committee that they are quite willing to trade that one space and ask for a waiver for one more space in order not to block an exit onto a major artery, rather than having to funnel all of the traffic necessarily onto Anne Street, which is not an artery. Mr. Csarny asked the Council to consider making a recommendation to the Prince George's Zoning Commission that space #7 be deleted from the requirements, so that the driveway could be kept open. The inclusion of space #7, as part of the plan, blocks exit onto the service road and entrance into the property from the service road.

Ms. Schwartz said that the staff has discussed this recommendation with the County Planning staff who raised several concerns. She stated that if the space is eliminated, the applicant would no longer have the minimum number of parking spaces on the property plan and that the applicant would no longer have legal access to the property. University Boulevard is not the legal access to the property; Anne Street is the legal access, and the Departure from Parking and Loading Standards (DPLS) is based on Anne Street as the legal access. She said that if they were to use the argument that space #7 should be deleted in order to allow entrance/exit from the University Boulevard service road, then it would be a shared driveway. There is no legal agreement to permit shared access from that entrance.

Ms. Porter asked which property owns the driveway to University Boulevard.

Ms. Schwartz stated that the driveway is jointly owned by the applicant and the owner of 1019 University Boulevard.

Ms. Porter asked whether parking could be allowed in the driveway parallel to the building?

Ms. Schwartz stated that this parking option would not be a problem legally, however, that there would still be a problem with the legal access. She said that there might be a difficulty in terms of the aisle width and that she is not sure that there would be a legal aisle width.

Ms. Porter said that clearly there is no way to keep people from entering off University Boulevard, although the legal entrance is on Anne Street. The question is whether Anne Street will be the only entrance. She said that if space #7, and possibly another space next to it were eliminated, and two spaces located in the driveway along the building were substituted, the total number of spaces would not be altered.

Mr. Sharp stated that in that case, cars would have to access the property by going around the cars parked along the side of the building and drive over the part of the shared driveway that belongs to the adjoining property. The driveway may be shared, but the lot line runs down the middle of the driveway. He said that if space #7 were taken, then there would be less traffic entering/exiting into the neighborhood on Ann Street. Mr. Sharp noted that eliminating this space will reduce the minimum spaces

and asked whether the Council could make this suggestion to the County, problems recognized.

Ms. Schwartz stated that eight spaces has been determined to be the maximum spaces for this property. One of the requirements is that the waiver be the minimum necessary; it doesn't specify a particular number.

Mr. Haller stated that the applicant cannot apply for more of a waiver than the applicant needs. He said that the applicant does not have a problem with eliminating this space. The County may not be willing to allow this greater waiver. County staff raised the issue that they are theoretically, from a planning standpoint, supposed to approve site plans that work, and in this instance, there is a self contained parking lot with eight spaces that works and meets all of the minimum standards. If they allow for space #7 to be removed from the plan, the driveway will have to be one-way because the County standard is that it has to be at least 10-11 feet wide to be a one-way driveway. There is a question in which way it would be "one-way". He said that the County will not legally recognize the joint access. He stated that at one time, there were two spaces shown parallel parked along the side of the building, but that this would require the use of the joint access which the County would not allow. The County made them reconfigure the parking lot 4-5 years ago because of that configuration. Mr. Haller noted that there was a letter in the record from the owner of the adjacent property in which he expressed concern that if people do park on the side of the building, it makes it too constrictive for him to get in and out.

Mr. Elrich asked if the aluminum shed were removed and the tree arrangement was reconfigured, could the seventh space be moved?

Mr. Haller said that he did not believe these alterations would allow for the seventh space and that it must be remembered that this area encroaches on residential properties.

Mr. Sharp suggested that the City submit a letter to the County addressing the issue of parking space #7.

Mr. Mihuc said that he does not see any designation of spaces for the handicapped.

Mr. Prensky noted that space #4 is identified as a handicapped space.

The amended resolution was passed (NAY: Prensky, Elrich).

Mr. Sharp asked that the staff draft a memo to the Planning Commission to address the parking question that has been raised in this discussion.

RESOLUTION #1993-66  
(Attached)

#4 Resolution re: Community Development Block Grant (CDBG) Reprogramming. Mr. Sharp explained that this is a resolution authorizing reprogramming of unexpended CDBG funds to undertake Heffner Park building renovations.

Moved by Mr. Leary; seconded by Mr. Elrich.

Mr. Sharp noted that there is \$29,531 from other CDBG projects to be reprogrammed at this point into additional improvements to Heffner Park.

The resolution was passed unanimously.

RESOLUTION #1993-67  
(Attached)

#5 1st Reading Ordinance re: Extending Benefits to Domestic Partners. Mr. Sharp explained that the first reading ordinance is to extend benefits to domestic partners and dependents of domestic partners.

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

Mr. Sharp verified that the ordinance will be forwarded to Local Government Insurance Trust (LGIT) after adoption.

Montez Boatman, 133 Ritchie Avenue asked whether this is the only group that is not presently included in the City's health benefits? She said that she read the Family Diversity Task Force Report and that there is a lot in the report about different types of "diversity". She noted that it seems that we are now trying to address a limited kind of situation that would benefit only one group.

Ms. Habada stated that there has never been a request in the past by this group for inclusion under employee benefits.

Ms. Boatman asked what it will cost the City?

Ms. Habada said that this ordinance will pertain to City employees who may be in domestic partnership relationship. The Domestic Partnership Registry will have related fees. She said that Mr. Hobbs has done some calculating on the costs, should someone on staff decide to ask for these benefits.

Mr. Hobbs stated that the cost range for the City could be a couple of hundred dollars for one interested employee to \$4,000-8,000, if there were a considerable number of people. He said that he has no way of predicting just how many employees may be eligible. He noted that there is also the possibility that the City could save money, if both partners are currently working for the City and receiving individual coverage, and elect to opt for two-person coverage which is less costly to the City.

Mr. Sharp noted that the extension of benefits is a cost to the City, but that the registry is being approached as a zero-cost item, that will pay for itself.

Mr. Leary explained the distinction between the two separate actions--ordinance extending health benefits, and the future resolution to establish a domestic partnership registry.

Ms. Boatman said that the definition of 'domestic partners' is limited. She asked what is a domestic partner?

Mr. Sharp noted the requirements that two persons must meet before declaring a domestic partnership. He explained how the ordinance extending health benefits to employees and the establishment of a domestic partnership registry will operate.

Mary Thorpe, 126 Ritchie Avenue questioned how the City can spend any money or time on temporary arrangements between single persons and asked why do children who live in this type of situation every day need to be further educated on diversity?

Ms. Porter explained that the report makes several recommendations, but that the Council is currently only dealing with one of the issues included in the Family Diversity Task Force Report.

The ordinance was accepted unanimously at first reading.

ORDINANCE #1993-27  
(Attached)

# 6 1st Reading Ordinance re: Amendments to Personnel Procedures. Mr. Sharp explained that this ordinance will give authority to the City Administrator to make amendments to the personnel classification plan without requiring Council approval.

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

Mr. Sharp noted that this is part of the effort that Council has been making to have the City Administrator take administrative actions that do not require Council review and approval.

The ordinance was accepted unanimously at first reading.

ORDINANCE #1993-28  
(Attached)

#7 Consent Agenda. Moved by Mr. Sharp; seconded by Mr. Elrich. The items on the consent agenda were passed unanimously.

Takoma Park Tree Commission. Reappointing members of the Takoma Park Tree Commission (Patricia Hill, Michael Alemar, Eugene Pawlikowski).

RESOLUTION #1993-68  
(Attached)

City Council's 1993 Summer Recess. Sets forth the City Council's recess from August 3, 1993 to September 6, 1993.

RESOLUTION #1993-69  
(Attached)

Mr. Sharp accepted a motion from Ms. Porter (seconded by Mr. Elrich) to move out of the Regular Council Meeting and into Worksession at 9:58 p.m.

Council later adjourned from Worksession at 10:30 p.m. and convened in Executive Session at the conclusion of which, the Council adjourned for the evening.



**IN APPRECIATION OF DEBRA SELBY,  
LIBRARY VOLUNTEER**

**RESOLUTION #1993-64**

WHEREAS, Debra Selby is leaving the City of Takoma Park as a volunteer in the Takoma Park Library as of August 7, 1993; AND

WHEREAS, Ms. Selby began volunteering with the City in the Fall of 1992 and has continued service on a weekly basis without fail; AND

WHEREAS, she has worked many hours as a volunteer, rebuilding and cataloging the collection of maps, pamphlets, and similar materials; AND

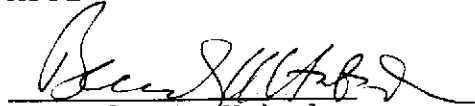
WHEREAS, she contacted state governments, foreign embassies, federal agencies and other organizations, obtaining updated information for the use of the citizens of Takoma Park; AND

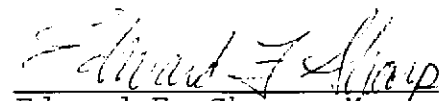
WHEREAS, Ms. Selby processed thousands of individual documents, organizing the whole into a system of over 250 separate files and helped reorganize a five year collection of C.O.G. documents and made them accessible to all citizens.

NOW THEREFORE, BE IT RESOLVED THAT the City Council, on behalf of the citizens and employees of the City of Takoma Park commends Debra Selby on her exemplary contributions and service to the Citizens of Takoma Park, Maryland.

Adopted this 12th day of July, 1993.

ATTEST:

  
Beverly K. Habada  
City Administrator

  
Edward F. Sharp, Mayor

Introduced By: Councilmember Porter

**RESOLUTION NO. 1993 - 65**

**EXPRESSING THE SUPPORT OF THE TAKOMA PARK CITY COUNCIL FOR THE PROPOSED PRINCE GEORGE'S COUNTY COUNCIL CB-89-1993, ZONING LEGISLATION**

**WHEREAS**, the current Prince George's County zoning ordinance does not differentiate between eating and drinking establishments permitting live entertainment or patron dancing, and other types of restaurants; **AND**

**WHEREAS**, CB-89-1993 would require certain eating and drinking establishments to obtain a Special Exception for operation, outline the criteria for approval, and require existing establishments to meet conformance standards; **AND**

**WHEREAS**, among the establishments that will be affected are those that operate during late evening hours and adversely impact residential neighborhoods; **AND**

**WHEREAS**, according to the proposed legislation, establishments operating as nightclubs may be permitted a Special Exception subject to meeting the criteria that are deemed necessary to assure the health, safety and general welfare of the neighboring residential community; **AND**

**WHEREAS**, the proposed legislation is designed to alleviate the problems being experienced by the City of Takoma Park and other communities within Prince George's County; **AND**

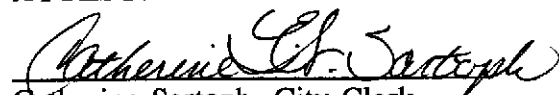
**WHEREAS**, the City of Takoma Park has long been concerned about problems with late-night noise, trash, and parking problems that have adversely affected neighborhoods because of the current lack of adequate controls.

**NOW THEREFORE BE IT RESOLVED THAT** the City Council, on behalf of the citizens of Takoma Park, Maryland, does hereby express support for the proposed zoning legislation; **AND**

**BE IT FURTHER RESOLVED THAT** copies of this Resolution shall be sent to Prince George's County Council Chair Hilda Pemberton, Prince George's County Councilmember Stephen DelGiudice, and Maryland-National Capital Park and Planning Commission, Chairman John Rhoads.

**ADOPTED** this 12th day of July, 1993.

**ATTEST:**

  
Catherine Sartoph, City Clerk



Introduced By: Councilmember Johnson

ADOPTED: July 12, 1993

Resolution No. 1993-66

**Resolution Recommending Approval, with Conditions, of a  
Departure from Parking and Loading Standards  
for 1021 University Boulevard (DPLS 156)**

- WHEREAS, N. Koshy and Ammini Samuel have submitted a request for a Departure from Parking and Loading Standards (DPLS 156) to the Prince George's County Maryland-National Capital Park and Planning Commission for Lot 33, Block 14, New Hampshire Gardens subdivision, located at 1021 University Boulevard, Takoma Park; AND
- WHEREAS, this Departure from Parking and Loading Standards originally proposed a waiver of 11 of 19 required parking spaces, but has been reduced to a waiver of 7 of 15 required parking spaces; AND
- WHEREAS, the applicant is seeking this waiver because he wishes to convert the property from mixed commercial/residential use to entirely commercial use; AND
- WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND
- WHEREAS, the application has been reviewed by City staff, which has recommended APPROVAL WITH CONDITIONS of the application on the basis of analysis contained in the pertinent staff report dated July 2, 1993; AND
- WHEREAS, the City has provided public notice and the Council has taken public comment on this matter; AND
- WHEREAS, the Council makes the following findings concerning the application:
1. The purposes of the parking and loading requirements in the County Zoning Code will still be served if the waiver is granted, and parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.
  2. The waiver requested is the minimum necessary, and no other method of providing additional parking on-site can be found.
  3. The departure is necessary to alleviate circumstances which are special to the subject use.

4. The proposal is in accordance with the City's Master Plan, which recommends commercial use for this site.
5. Public transportation is available in the area.
6. The proposed general office use is a below average parking generator, which is expected to have the lowest potential impact on the site. In addition, the conversion to this proposed use, together with improvements provided in the City's conditions, is expected to result in an overall improvement to conditions at the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby SUPPORTS the requested Departure from Parking and Loading Standards for this property, and recommends that the Prince George's County Planning Board APPROVE DPLS #156 with the following conditions that have been agreed to by the applicant:

1. Extend the proposed board-on-board fence along the 30' shared property line with the residential property at 8103 Hammond Ave (Lot 4).
2. Relocate proposed lilacs so that they are not under the canopy of proposed willow oak, or substitute shade tolerant shrubs which will provide a year round evergreen screen. Maintain all plantings and replace any plantings that become diseased.
3. Do not count the existing diseased Leland Cypresses as part of landscaping. Replace all Leland Cypresses (existing and proposed) with 5' tall Photinia or Leatherleaf Viburnums at a spacing of 4 feet on center along entire buffer area between the parking lot and the residential lots. Also plant in the buffer three trees equally spaced a minimum of 2 - 2 1/2" caliper. Maintain all plantings and replace any plantings that become diseased.
4. Clean up, prune, and maintain the existing hedge.
5. Remove the existing shed in the buffer area.
6. Provide an enclosed dumpster on the east side of the Anne Street entrance to the property, and remove the existing garbage facility and concrete pad from the landscape buffer strip.
7. Provide a curb along the edge of the asphalt parking lot.

8. Require directional lighting of the parking lot.
9. Repave the parking lot and correct the drainage problem in accordance with drawings and specifications prepared by a Registered Professional Engineer at the applicant's expense and approved by the City's Public Works Director. Provide striping of parking spaces, wheel stops, and painted in-out directional arrows at the Anne Street entrance.
10. Do not obstruct joint access to the shared driveway with the adjacent property at 1019 University Boulevard.
11. Post "No Parking" signs on the northwest side of the building facing the University Boulevard driveway shared with 1019 University Boulevard.
12. Repair the cracked walkway on the property.
13. Limit the number of businesses to a maximum of two per floor for a maximum of six total businesses.
14. Provide and maintain a single, common tenant sign for the businesses located in the building. This sign shall be of suitable size and design for the property as determined by the Takoma Park City Administrator or her designee.
15. Conditions #7, #9, and #12 listed above shall be complied with prior to conversion of the third residential unit to commercial office use, or one year after conversion of the first residential unit to commercial office use, whichever comes first. All other conditions shall be complied with prior to conversion of the first residential unit to commercial use.

BE IT FURTHER RESOLVED THAT the City may seek to permit parking on the west side of Anne Street adjacent to the property where it is currently prohibited, but in any case the City shall not permit parking along the residentially-zoned portion of Anne Street adjacent to 8101 Hammond Avenue where it is currently prohibited.

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

ADOPTED THIS 12TH DAY OF JULY, 1993.

Introduced by: Councilmember Leary

Resolution 1993-67

A resolution authorizing the City Administrator to request an amendment to the Montgomery County Community Development Block Grant (CDBG) Program Year 17 contract to reprogram \$29,531 in unexpended funds for Heffner Park Building renovations.

WHEREAS, the City of Takoma Park, has unexpended CDBG funds under Program Year 16 Maple/Sherman Commercial Revitalization Project Phase II in the amount of \$5,111.00, and Program Year 17 Streets Improvement Project in the amount of \$24,435.00; AND

WHEREAS, the City of Takoma Park, has recently completed the Heffner Park Building Renovations Phase I and additional work items were identified which need to be addressed; AND

WHEREAS, staff has developed a comprehensive building improvement plan in consultation with area residents; AND

WHEREAS, the City desires to move forward with the building improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the City Administrator is authorized to send a request to Montgomery County that the unexpended CDBG funds totaling \$29,531 be reprogrammed to fund the Phase II improvements to the Heffner Park Building renovations.

ADOPTED THIS 12th DAY OF JULY, 1993

ATTEST:

  
Catherine E. Sartoph  
City Clerk

Introduced By: Mayor Sharp

RESOLUTION NO. 1993 - 68

REAPPOINTING MEMBERS TO THE  
CITY OF TAKOMA PARK TREE COMMISSION

WHEREAS, Ordinance No. 2674, as amended, adopted by the Takoma Park City Council on June 27, 1983, established the Tree Commission for the purpose of preserving, protecting and promoting the urban forest of Takoma Park; AND

WHEREAS, there are currently two citizen members and one alternate on the Tree Commission, whose terms have expired; AND

WHEREAS, the two citizen members have expressed interest in being reappointed to continue serving on the City's Tree Commission.

NOW, THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve three-year terms, retroactive to the expiration date of their previous terms, on the Takoma Park Tree Commission:

<u>Name/Address</u>	<u>Term Expires</u>
Patricia K. Hill (Primary) 303 Philadelphia Avenue	9/25/95
Michael Alemar (Primary) 204 Hodges Lane	6/17/96
Eugene Pawlikowski (Alternate) 7300 Hilton Avenue	6/17/96

Dated this 12th day of July, 1993.

ATTEST:



Catherine Sartoph, City Clerk

Introduced By: Mayor Sharp

**RESOLUTION #1993 - 69**

**SETTING FORTH THE CITY COUNCIL'S SUMMER 1993 RECESS**

**WHEREAS,** It has been decided that in order to accomodate vacation schedules of the City Council, a summer recess shall be called; AND

**WHEREAS,** this recess shall commence after a Regular Council Meeting scheduled for Monday, August 2, 1993; AND

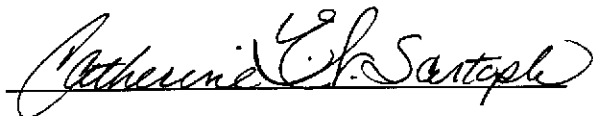
**WHEREAS,** with the first Monday of September, 1993, being the Labor Day Holiday, the Council will reconvene their meetings on Tuesday, September 7, in Council Worksession; AND

**WHEREAS,** further, the Council will reconvene their first Regular Meeting of official business, scheduled on Monday, September 13, 1993.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby set forth its summer recess from August 3, 1993, through September 6, 1993.

Dated this 12th day of July, 1993.

ATTEST:



Catherine Sartoph, City Clerk

Introduced by:

First Reading: 07/12/93

Second Reading:

Effective:

**ORDINANCE NO. 1993-27**

Amending Takoma Park Code, Section 8B-175 regarding Health Benefits For City Employees and their Dependents to extend health benefits to employees' domestic partners and the dependents of their domestic partners.

**Whereas,** the City of Takoma Park, Maryland provides health benefits for City employees and their dependents ; AND

**Whereas,** the cost of health benefits is shared with the employee as agreed upon in collective bargaining agreements; AND

**Whereas,** the City of Takoma Park recognizes the diversity of families; AND

**Whereas,** the City of Takoma Park wishes to extend health benefits to domestic partners and their dependents, to both current and future employees.

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

Section 1. That Section 8B-175 of the Takoma Park City Code is hereby amended as follows:

Sec 8B-175. HOSPITALIZATION.

~~All employees of the city enjoy a comprehensive program of health insurance (Blue Cross, Blue Shield and Major Medical). This service is provided for the individual employee, completely at the expense of the city; however, every employee has the option of purchasing identical family coverage at a comparatively nominal monthly (payroll deducted) charge. Upon enrollment into this program, each employee is provided with a handbook, illustrating the complete schedule of benefits.~~

(a) All employees of the city are provided health insurance benefits corresponding to the terms agreed upon in existing collective bargaining contracts. For employees who are not covered under a collective bargaining agreement, the City Administrator shall establish the terms.

(b) Employees have the option to select family coverage on a cost sharing basis (payroll deducted) as provided in an existing collective bargaining agreement or as established by the City Administrator for those not covered by a collective bargaining agreement. Family coverage shall be extended to spouses, dependent children, domestic partners who are registered in accordance with city regulations and dependent children of registered domestic partners. A dependent child of a domestic partner shall include a natural child, adopted child, stepchild, foster child, or child in the legal custody of a domestic partner.

\_\_\_\_\_ indicates existing language of the Code which is to be deleted.

\_\_\_\_\_ indicates language to be inserted into the Code.

Section 2. EFFECTIVE DATE: This ordinance shall become effective upon enactment and upon reaching agreement with the City's health insurance provider.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

AYE:  
NAY:  
ABSTAINED:  
ABSENT:



Introduced by: Councilmember

First Reading: 07/12/93

Second Reading:

Effective Date: 07/01/93

**ORDINANCE NO. 1993-28**

**AN ORDINANCE TO:** Amend the City Code to provide the City Administrator the authority to make changes to the position classification plan and to assign pay grades to each class.

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

**Section 1.**

Sections 8B-114, 8B-115, 8B-119 and 8B-121 of the current Code are amended to read as follows:

**Sec. 8B-114. Overview of Compensation.**

(a) The compensation of an employee is determined by the following steps, unless the employee is a senior executive and the ~~Mayer and Council have~~ ~~has~~ established a senior executive service as part of the pay plan:

- (1) Identify the position that the employee is in.
- (2) Identify the class that the employee's position is allocated to.
- (3) Identify the grade that the employee's class is assigned to.
- (4) Identify the step that the employee is in.
- (5) Find the base salary in the pay schedule for the employee's grade and step.
- (6) Add to the base salary any adjustments to salary provided by the pay plan.
- (7) Add to the adjusted salary any bonuses provided by the pay plan.

(b) An employee is placed in a position by the personnel officer when the employee is hired.

(c) A position is allocated to a class by the department head with the approval of the personnel officer.

(d) A class is assigned to a grade by ~~ordinance by the Council~~ ~~the City Administrator~~. The assignment must be based on an objective evaluation of each class and a determination that the work done by every class in the same grade is comparable in its primary elements.

(e) The step that an employee is in is determined by the personnel officer under this Article.

(f) The pay schedule is part of the pay plan. It is usually in the form of a chart.

(g) The pay plan may adjust an employee's salary to compensate for shift work, working conditions and other conditions affecting employment. This section does not create a right to any adjustment.

**ORDINANCE NO. 1993-28 (Continued)**

(h) The pay plan may add bonuses to an employee's salary. If any bonuses are given, they must be part of a program with a specific narrow purpose. This section does not create a right to any bonus.

(i) The ~~Mayer and~~ Council may establish a senior executive service as part of the pay plan. This service may have procedures for determining compensation that are different from the procedures in this section.

**Sec. 8B-115. Creation and establishment of positions.**

(a) The ~~Mayer and~~ Council creates and abolishes positions by including or not including them in the City's annual budget. The ~~Mayer and~~ Council can create new positions and abolish existing positions by amending the budget after it has passed.

(b) The City Administrator prepares the job description for a new position. The City Administrator makes any change to the job description after consulting with any incumbent of the position, the immediate supervisor of the position and the department head.

(c) The City Administrator shall recommend to the ~~Mayer and~~ Council the abolishment of a position whenever the City Administrator deems it necessary and in the best interest of the City.

**Sec. 8B-119. Amendments to position classification plan.**

(a) Authority. The ~~Mayer and Council~~ ~~City Administrator~~ may establish or abolish a class by ordinance. ~~The City Administrator~~ and may only change a class specification to:

- (1) Accommodate the addition or removal of a position to or from a class;
- (2) Reflect changes in the job description of a position in the class; or
- (3) Ensure equity in the classified system.

(b) Establishment of new class. No newly created position(s) designed to be allocated to a new class shall be filled until the position classification plan has been amended to incorporate the new class. The ~~Mayer and Council~~ ~~City Administrator~~ establishes the new class, and the department head allocates positions to the new class with the approval of the City Administrator.

(c) Abolishment of a class. If the abolishment of a position under Section 8B-115 results in the abolishment of a class, the City Administrator shall also ~~recommend to the City Council as an amendment~~ the position classification plan abolishing the class.

ORDINANCE NO. 1993-28 (Continued)

Sec. 8B-121. Assigning class to grade.

(a) ~~The Mayor and Council~~ City Administrator must assign each class to a pay grade by ~~ordinance~~ publishing a position classification plan. The City Administrator must ~~recommend to the Mayor and Council~~ assign a grade for each class. This ~~recommendation~~ assignment shall be based on the written report of a committee established by the City Administrator.

(b) The committee shall objectively evaluate classes. In evaluating classes, the committee shall use a written job evaluation system that considers the following factors. The committee's written job evaluation system may use additional factors if the Mayor and Council approve the factors.

- (1) Required education.
- (2) Required experience.
- (3) Complexity of duties.
- (4) Risk of financial loss.
- (5) Contact with others.
- (6) Working conditions.
- (7) Supervision of others.

Section 2. These changes become effective July 1, 1993.

Adopted this \_\_\_\_ day of July, 1993 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

NOTE:  indicates new language to be added.

                     indicates language to be deleted.

CITY OF TAKOMA PARK, MARYLAND (FINAL 9/24/93)

Public Forum, Regular Council Meeting and Worksession of the City Council

Monday, July 26, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	Deputy City Administrator Grimmer
Councilmember Elrich	Assistant City Administrator Hobbs
Councilmember Johnson	City Clerk Sartoph
Councilmember Leary	Deputy City Clerk Espinosa
Councilmember Porter	
Councilmember Prensky	

CITY OFFICIALS ABSENT:

Councilmember Hamilton

The City Council convened at 7:41 p.m. on Monday, July 26, 1993, in the Council Chamber at 7500 Maple Avenue.

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

Mr. Sharp asked all persons present in the Council Chamber to pause for a moment of silence in memory of Tyrone Laster.

MAYOR AND COUNCIL COMMENTS

Mr. Sharp said that he was pleased today to have been a part of the celebration of the third anniversary of the signing of the Americans with Disabilities Act. Attorney General Janet Reno was in Takoma Park this afternoon in recognition of the anniversary. Takoma Park has been featured in a training video that the Department of Justice sponsored to show small businesses how they can comply with the Act. The video filmed businesses along Laurel and Carroll Avenues that feature some of the alterations that businesses can make to comply with the Act. He noted that Ms. Reno gave a press conference at the gazebo, and that in attendance were U.S. Senator Sarbanes, State Senator Rubin, and Pat Wright, the instrumental force in getting the Act passed, who was the mistress of ceremonies.

Mr. Prensky noted that the Nuclear Free Takoma Park Committee will be sponsoring a memorial event of the bombing of Hiroshima on Friday evening, August 6, at 7:30 p.m. on the grounds of the Municipal Library, in the area known as Memorial Peace Park and Sculpture Garden. Activities will include a tree planting and music by "Stream and Friends". Captain James T. Bush, U.S. Navy, Retired, who works for the Center for Defense Information will be the guest speaker.

ADOPTION OF MINUTES. Moved by Mr. Johnson; seconded by Mr. Prensky. The minutes from 6/14/93 were unanimously adopted.

ADDITIONAL AGENDA ITEMS. Mr. Sharp announced that the Council will be holding an Executive Session this evening at the end of the Worksession to discuss a personnel matter.

CITIZEN COMMENTS.

Larry Rubin, Chair of the Program Committee for the Takoma Park Folk Festival, announced that the 16th Annual Takoma Park Festival is scheduled for Sunday, September 12, and noted that the festival is the oldest totally community run festival, without business support, in the Country. He commented on the wide range of music that will be presented and thanked Mr. Sharp on behalf of the Committee for his help this year. Mr. Sharp worked out an

arrangement with the Washington Adventist Hospital, Cardiology Unit, to provide heart friendly food for the event. Mr. Rubin invited the Mayor and Councilmembers to act as MC's.

Mr. Prenskey noted that he would like to help with the announcements and that he will also be helping with the Santa Marta Companion City's project at the festival.

Buddy Daniels, 19 Sherman Avenue stated that he would like to propose a fund-raiser to raise monies for the Flood Victims in the Mid-West and that he would like to hold the event on Sunday, August 29, possibly at Heffner Park. He said that he had spoken with Ms. Grimmer this morning who said she was not sure whether Heffner Park could be used for such an event, but that she would get back to him. He noted that City staff has been very helpful. He mentioned the names of some of the citizens, including members of the inaugural committee, that offered their assistance with the event. He said that everyone he has spoken with has been very encouraging. Mr. Daniels stated that there is a lot of work that will need to be done, but that he has several citizens who are interested in helping with this project. He said that he will also be speaking with the Takoma Park Folk Festival about setting up a booth at the festival and investigating setting up near the Farmers Market. He stated that this will be a non-partisan event.

Mr. Sharp stated that the idea is a good one and that he would like to hear more from the staff regarding the concerns about using Heffner Park for the event.

William Briggs, 410 Ethan Allen Avenue noted that he has an incident report from the Department of Forestry that indicates that an unlicensed tree firm has done some work in the City. He asked if there is any way to prevent unlicensed tree services from coming into the City and taking advantage of the citizens?

Mr. Sharp thanked Mr. Briggs for bringing this information to the attention of the Council and said that the issue could be published. He said that the City does not have a consumer protection agency, however, the County may, and that the State surely does. Mr. Sharp asked for the information regarding the firm so that staff can check with the County.

Mr. Leary noted that the City does have solicitation legislation and that anyone soliciting door-to-door should have a City permit.

Mr. Prenskey said that it would be helpful to inform the City's Arborist Marty Moskowitz, so that he would be able to warn other citizens if they were to inquire about reputable firms when services are needed.

Mr. Johnson said that it would be helpful to find some space in the City Newsletter to include some information about what is required of solicitors in the City and to make the general public aware of potential fraud.

Mr. Sharp stated that staff could work on getting information from the Better Business Bureau and perhaps, the Consumer Protection Division of Prince George's County.

Mr. Briggs gave the City Clerk a copy of the Forest, Park & Wildlife Service, Incident Report.

(Attached)

#1 Presentation - Principal, Stanley Kline of Piney Branch Elementary School. Mr. Calvin Avant thanked Mr. Kline for the time he has donated to the Recreation Department programs and for the use of his facility during the time that he was worked as the principal of the school. He has made the facility accessible to

the Recreation Department for many of their programs like the After School Program, special events, Summer Youth Camp, and Moonlight Basketball League. Mr. Avant said that Mr. Kline will be truly missed.

Mr. Sharp presented the plaque to Mr. Kline.

Mr. Kline thanked the Mayor and Councilmembers. He said that during the years that he has been the principal of the school he has had many opportunities to help the youth of the City, and he thanked the City for their continued support of the City's youth.

Mr. Sharp noted that the work that Mr. Kline has done cannot be undone and that the relationship between the City and the school will be continued.

#2 Resolution of Condolence - Deputy Director Public Works, Tyrone Laster. Mr. Sharp read the resolution into the record. He stated that he shares the sentiments expressed in the resolution and that Tyrone had always seemed very energetic and cordial. His sudden death is certainly a shock.

Moved by Mr. Sharp; seconded by Mr. Prensky.

Mr. Johnson stated that Tyrone, in many respects, was the glue that kept the Public Works Department moving. He said on a highly personal note that Tyrone called him, at least three times this year, on matters that he asked be kept in confidence. Mr. Johnson said that he feels that since Tyrone is no longer with us that he is released from that vow of confidence, and indicated that he looks forward to discussing Tyrone's concerns with the City Administrator.

Mr. Prensky noted that there was a memorial service held in the Council Chamber last week and that it was attended by a large number of City staff and the elected officials. He said that a contingent from the Public Works Department and the City Administrator's office was able to travel to New Jersey to attend the funeral.

Ms. Grimmer expressed sympathy to the family on behalf of the staff, and said that we will all miss him very much.

The resolution was adopted unanimously.

RESOLUTION #1993-71  
(Attached)

#3 Resolution of Recognition - Sanitation Supervisor, Kenneth Jones. Mr. Sharp read the resolution into the record. He noted that Mr. Jones made an exemplary Grand Marshall for the 4th of July Parade, on perhaps the hottest 4th of July in history, and said that we will certainly miss him in the City.

Moved by Mr. Sharp; seconded by Mr. Prensky.

Ms. Grimmer said that we will miss Kenny very much and that he has promised to visit so that we can see his smile and enjoy his company.

Ms. Braithwaite thanked Mr. Jones for the support and education that he has given her over the past five years. He has certainly contributed to the success of the recycling program. She commented on his dedication and service to the citizens of the City. It will not be the same without him.

Clarence Boatman, Ritchie Avenue said that when he first came to this area Mr. Jones was one of the first persons he came in contact with. Mr. Boatman said that he has had an association with Kenny

over the years and that he supports the resolution--it says what he would like to, more eloquently.

The resolution was adopted unanimously.

RESOLUTION #1993-72  
(Attached)

Mr. Sharp presented the resolution to Mr. Jones and thanked him for his service to the City.

Mr. Jones said that he has seen many Mayors and Councilmembers come and go, and that he is thankful to have made it to the end.

#4 Resolution of Appreciation - Affordable Housing Committee. Mr. Sharp commented that the committee has been meeting for six or more months, regularly, to develop an affordable housing plan for the City. He noted that the Council has begun considering the plan, and that it is another example of the contribution of citizen volunteers in Takoma Park.

Moved by Mr. Sharp; seconded by Mr. Johnson.

Mr. Sharp noted that copies of the resolution will be prepared for the members of the committee.

Mr. Elrich said that he feels the committee did a remarkable job on studying the issue of affordable housing and that the committee has taken the Council a step farther toward being able to make some critical decisions regarding the City is going to go in addressing some issues about affordable housing. This is an example of how citizens of this community can put together some remarkably fine work that other jurisdiction might have to pay for.

Ms. Porter noted that there are three resolutions of appreciation for three different citizens committees before the Council this evening. She said that the City is very fortunate to have such an enormous pool of such talented and dedicated people who are willing to put their time into doing this type of work for the City. She stated that all of the committees that have served during her time as a Councilmember have done a remarkable job and thanked them.

Mr. Sharp asked that the members of the committee stand and be recognized.

Mr. Johnson said that he feels that this report is the best report that he has seen in many years from a citizen group. It is clear, very well written, covers a host of issues, outlines some areas that the Council will have to address, and lays out some policy options that the Council will speak to.

The resolution was adopted unanimously.

RESOLUTION #1993-73  
(Attached)

#5 Resolution of Appreciation - Alternative Transportation Modes Committee. Mr. Sharp noted that several members of the committee are present this evening for a later discussion of Phase III of the Transportation Plan, which will be a presentation of their work. He recognized the members that are present and thanked them. He commented that the report submitted by this committee is also incredibly comprehensive.

Moved by Mr. Sharp; seconded by \_\_\_\_\_.

The resolution was adopted unanimously.

RESOLUTION #1993-74  
(Attached)

#6 Resolution of Appreciation - Open Space Committee. Mr. Sharp noted that the Open Space Committee has been working on this plan for a very long time and has been very largely, self-sustaining. He said that staff made it clear to the Council when the committee began its work that given what the Council was requesting of staff for work on Phase I of the Traffic Plan, there was not extensive staff work that could be done with the Open Space Committee. Nevertheless, the committee continued to do their work. He said that it is important to recognize that a very large percentage of the work was done by the committee itself. He noted several members of the committee that are present and thanked them for their work.

Ms. Grimmer noted that in late September or early October, the City Council will be hosting a reception for all of the members of the various committees, boards, and commissions which have all gone above and beyond the call, on the behalf of the City.

Moved by Mr. Sharp; seconded by Mr. Prensky.

The resolution was adopted unanimously.

RESOLUTION #1993-75  
(Attached)

Mr. Sharp stated that during the last Council discussion of the Open Space Plan, the Council agreed to make some site visits and asked that the members of the committee serve as tour guides for these site tours sometime in September.

#7 Public Forum: Phase III, Transportation Plan. Mr. Sharp made some opening comments regarding Phase III of the Transportation Plan. He noted that there is an executive summary and some copies of the plan available. Copies will be made available to the public upon request.

Ms. Nance-Sims introduced Ms. Venita George.

Ms. George noted that since February the members of the Alternative Transportation Modes committee have been working on sound recommendations to present in the plan. She commented on some of their efforts and stated that copies of the plan were mailed to those individuals that were on the mailing list for Phase I of the Transportation Plan. An executive summary was not included in the mailing; however, the summary is available for the public this evening. The committee members will have a slide presentation this evening.

Maurice Belanger thanked Ms. George for all of her work compiling the notes of the committee members into a final document. He stated that he would like to introduce some slides into his presentation. He noted that the committee focused on how to improve opportunities for citizens to take alternative modes of transportation. They focused on pedestrian traffic and noted some of the problems when walking on some of the sidewalks around the City, particularly the overgrowth of vegetation. Mr. Belanger showed that in some areas you must duck under vegetation or step around it and noted that it is not always a problem of the property owner not keeping the vegetation cut back because some property is owned by the County. He noted that there is often a lack of a grassy buffer between the sidewalk and the curb/street. There are still some missing curb cuts in the City (i.e. New Hampshire Avenue intersection). Intersections need to be more pedestrian friendly (i.e. Maple/Philadelphia and Piney Branch/Philadelphia). The intersection at 410 and New Hampshire has no curb cuts, no cross



walks, and has yield/merge lanes for cars, so that the traffic does not have to stop. He said that from a survey conducted on Earth Day, a chief concern among residents is safety at night--vegetation needs to be cleared from blocking street lights. He noted a bike trail that ends and bikers are forced to either go up over the curb or ride on the street. He showed that Ethan Allen is a narrow and very busy street and stated that alternative routes are not always practical for cyclists (i.e. Elm Avenue has many hills). The recent improvements along Piney Branch Road--narrowing of traffic lanes--has provided some space for bikers to travel. Mr. Belanger suggested that the City needs to get signs to mark the bicycle routes in the City and U-shaped bicycle racks so that a bicycle frame and tire can be locked to the rack.

Pam Lebeaux stated that it is a bit harder to make transit studies and noted that the City is served by 19 bus routes. She said that regardless of the number of routes in the City, there is no easy connection to the metro for Prince George's residents. One major finding is that there is not available information regarding where the routes go. She suggested that the City develop a transit guide. She noted that bus stop signs need to indicate the route number and that a detail of routes should be available at every shelter. Transit information could also be made available on the City's Cable Channel. She said that the City should consider moving toward an advocacy role with other Cities in the development of a regional bike-way system or park and ride lots, for example.

Andy Kellerman re-emphasized the pro-active role that the City will have to take in County and State matters, and in area forums where matters that have a bearing on the cut-through traffic in Takoma Park are discussed. It should not have to be the citizen groups that attend these meetings. The City should be leading and not following the citizens.

Linda Kenan, 905 Elm Avenue congratulated the committee on its work and stated that it contains a lot of innovative ideas. She said that reducing the car traffic will certainly provide more space for pedestrians and cyclers. She stated that she is particularly interested in arterials that need to be made more friendly.

Byrne Kelly (Member of the Committee) said that he negotiates a lot of sidewalks with a stroller and that the sidewalks are not safe. He emphasized that the City needs to take immediate action.

Clarence Boatman, Ritchie Avenue stated that Ethan Allen and Jackson Avenues have traffic congestion problems. He said that often a patrol officer may be parked near the intersection but that the officer's presence is not assisting the movement of the traffic. He commented that he finds it interesting that the committee is suggesting bicycling as an alternative mode for transportation and questions how this will be implemented and how Maple Avenue will be negotiated as a bicycle route. Mr. Boatman asked how this implementation will affect some of the streets, and how the citizens will be informed when implementation is moving forward so that they have the opportunity to react. He noted that there is a path running behind Ritchie Avenue that children use to commute back and forth from school and that there is a definite interest in sidewalks around the City.

Roland Halsted thanked the committee for the work that they have done. He noted that he is particularly interested in the higher priority items identified by the committee in their list of recommendations. He said that he believes that as some of these ideas are implemented, the impact on traffic may be higher than anticipated. The temporary low impact will increase.

Steve Williams, 16 Crescent Place said that he has an interest in telecommuting and that this option has a lot of potential. He noted that most of the policies that the City is currently pursuing are diverting traffic into other neighborhoods. Telecommuting is

supported by the Clean Air Act, and if there could be a telecommuting center in Takoma Park, there would be a good chance of bringing in businesses that would be of a sufficient scale to allow persons to avoid making trips, especially residents of the City. He urged the City to support the idea of telecommuting, to give it more mention, and to possibly do a survey to gauge public interest. He noted that car pooling and ride-sharing has never taken on very well and commented that commuting keeps people out of their homes longer, and puts more of a burden on the City services to support peoples' personal lives.

Mr. Prensky thanked the committee for their work and noted that a lot of the recommendations require a lot of staff time and money to implement. He stated that one of the areas that is very promising is the bicycle routes being separated from streets/sidewalks and being marked. He questioned how the committee envisioned the route along Ethan Allen Avenue and whether there would be two-way bicycle flow. He noted that the City continues to wait on the State Highway Administration to correct the signals at Ethan Allen and Carroll Avenues. Mr. Prensky recalled a photo shown during the presentation of the bicycle parking at the metro station that showed how full the rack is and commented that the committee believes that this indicates there may be a need for additional bicycle parking. He told a story of how his bicycle was stolen from the metro area and how in the process of attempting to recover the loss he was able to encourage Metro to install ten additional bicycle racks at the metro, which he now refers to as the Hank Prensky Memorial Bike Racks. They cost him personally, \$25 each, a donation that he was glad to make. He said that he thinks the committee is right, that citizens would have more access to both bicycle commuting and public transport if we were able to provide better, safer, and more numerous facilities for people who take that route.

Mr. Sharp asked about the committee's comment about the Prince George's County access to the metro and the suggestion that some type of study be done as to the feasibility to extend a bus route to the metro. He stated that a study was done three years ago by Montgomery County as part of their decision of whether to extend the route of a Ride-On bus from the Takoma-Langley area to the metro. Mr. Sharp emphasized that there seems to be an impression among the citizens that the Council is not systematically and diligently making efforts with various other government organizations to get things done. The Council has been successful in some instances and not, other times; however, this does not mean that there have not been efforts made. The Ride-On route was set to go, but with the budget crunch that hit Prince George's County, the County has not been able to fund any more bus routes. Mr. Sharp said that efforts are being made to try to address some of these issues.

Ms. Porter stated that there have been additional informal efforts made with officials of the County to keep this issue alive, with the idea that at some point the County may be able to kick in some money to implement the bus route. It is not a dead idea.

Mr. Prensky commented on the committee's suggestion to make speed humps more bicycle friendly and said that the nature of the speed humps is to slow down the speed of cars. He asked if the committee has a design that is other than the long gradual speed hump that does not really slow down the cars.

Mr. Belanger said that he does have a design that he will get to staff.

Ms. Porter noted that the intersection at New Hampshire and 410 is a very dangerous and unsightly intersection. There have been some discussions with the County about re-designing the intersection, but with the budget problems, this is a low priority for the County. She said that the intersection is difficult to deal with

because the City and the County share the intersection. Ms. Porter stated that we need the assistance of the County in regards to the intersection and the bus route.

Mr. Sharp noted that there will be another discussion scheduled in September and thanked the members of the committee for their presentation.

#8 Resolution re: Thomas-Siegler Property. Mr. Sharp explained that the Council has previously discussed a memorandum of understanding, but that the Council now has before it a resolution for consideration.

Doug Harbit stated that Historic Takoma had proposed an agreement because it wanted a feel for what the City wanted to get done, but that they are satisfied with the resolution.

Nina Seavey said that she is pleased with the resolution and feels that it meets the concerns of the citizens. She stated that she supports the resolution.

Mr. Leary commented on the four resolve clauses on the second page and suggested an amendment to the resolution--deleting "that the City states its desire" from the second resolve clause, deleting "on behalf of this historic site" from the last resolve clause, and appending the remaining text of the second resolve clause to the end of the last resolve clause.

Mr. Sharp explained that in putting this resolution together he was trying to separate out what the desires of the City and Historic Takoma are, and that by moving the text as Mr. Leary is proposing, it would seem to suggest that only Historic Takoma has an interest in the Carriage House.

Mr. Elrich said that he likes the suggested amendment to the resolution.

Ms. Porter asked for Historic Takoma's opinion on the change.

Mr. Harbit stated that they like the resolution as it is currently written.

Mr. Leary said that he withdraws his suggested amendment and noted that the primary responsibility to raise money for the restitution of the property is a private effort.

Moved by Mr. Sharp; seconded by Mr. Leary. The resolution was adopted unanimously.

RESOLUTION #1993-76  
(Attached)

#9 Second Reading Ordinance re: Extending Benefits to Domestic Partners and Dependents of Domestic Partners. Mr. Sharp explained that the second reading ordinance would provide health care coverage for an employee with a domestic partner and the dependents of the domestic partner.

Ms. Porter noted that there will be a resolution following this ordinance to establish a Domestic Partnership Registry.

Mr. Prenskey stated that the benefits are only being extended to employees of the City.

Montez Boatman, 133 Ritchie Avenue said that she has two questions regarding the insuring agency. Is there now one agency responsible for all insurance, and is that group(s) providing this type of coverage to other municipalities?

Mr. Hobbs responded that Local Government Insurance Trust (LGIT) provides two types of insurance to City employees, and that the ordinance states that LGIT has to approve this type of coverage. He said that he does not know whether LGIT provides this coverage to other municipalities.

Mr. Prensky stated that he was informed that at the present time, no other municipality has asked for this type of coverage. He said that LGIT indicated that they would take this request in a positive light but that there is no guarantee.

Moved by Mr. Johnson; seconded by Mr. Prensky. The second reading ordinance was adopted unanimously by roll call vote (ABSENT: Hamilton).

ORDINANCE #1993-27  
(Attached)

#10 Resolution re: Domestic Partnership Registry. Mr. Sharp explained that the resolution would establish a Domestic Partnership Registry in the City.

Mr. Prensky questioned whether as a result of the Council's last discussion, the definition of domestic partner as applicable to the registry had been opened to any person wanting to register with the City--not just persons living or providing services in Takoma Park.

Mr. Sharp said that this change has been incorporated.

Mr. Leary asked if there are meant to be any requirements for the termination of a declaration.

Mr. Prensky stated that if partners do not terminate a declaration, both parties are unable to register a declaration of another partnership.

Moved by Mr. Prensky; seconded by Ms. Porter. The resolution was adopted unanimously.

RESOLUTION #1993-77  
(Attached)

#11 Second Reading Ordinance re: Amendments to Personnel Procedures. Mr. Sharp explained that the second reading ordinance would change the City Code to allow the City Administrator, rather than the Council, and without enacting an ordinance, to assign each class to a grade and amend the position classification plan.

Moved by Mr. Johnson; seconded by Mr. Elrich. The second reading ordinance was adopted unanimously by roll call vote (ABSENT: Hamilton).

ORDINANCE #1993-28  
(Attached)

#12 Resolution re: Commission on Landlord-Tenant Affairs (COLTA) Appointment. Mr. Sharp noted that there had been another applicant for this vacancy and that Council would consider that person for the next vacancy on COLTA. This resolution appoints Ms. Linda Rabben to the current vacancy on COLTA.

Moved by Mr. Sharp; seconded by Mr. Prensky. The resolution was adopted unanimously.

RESOLUTION #1993-78  
(Attached)

The Council adjourned to Worksession at 9:40 p.m., following which the Council adjourned to Executive Session to discuss a personnel matter, and at the conclusion of which the Council adjourned for the evening.

## **RESOLUTION OF CONDOLENCE**

**#1993 - 71**

**WHEREAS,** *it was with great sorrow that the City Council learned of the sudden illness and consequent passing on Thursday, July 15, 1993, of Tyrone J. Laster, Deputy Director for the City of Takoma Park, Department of Public Works; AND*

**WHEREAS,** *Tyrone came to the Takoma Park Public Works Department in March of 1989 as the Superintendent of Streets and Parks; AND*

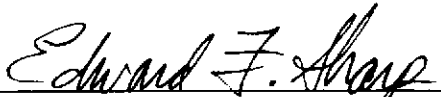
**WHEREAS,** *seven months later, in October of 1989, he was appointed as the Deputy Director of Public Works; AND*

**WHEREAS,** *he worked closely with fellow employees, fostered a "get the job done right" attitude, kindled many friendships, and shared a remarkable smile with every person he came in contact with; AND*

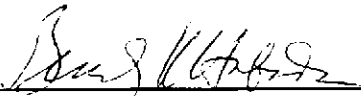
**WHEREAS,** *his time with the City will be long remembered and his smile cherished by fellow employees and friends who share with his family a tremendous sense of loss.*

**NOW, THEREFORE, BE IT RESOLVED** by the City Council, on behalf of the employees of the City of Takoma Park, Maryland, as well as the citizens of the community, that we hereby extend to his wife, Anna M. Laster, daughter, Tyanna M. Laster, and other members of Tyrone's family, this expression of heartfelt sympathy.

*Adopted this 26th day of July, 1993.*

  
Edward F. Sharp, Mayor

**ATTEST:**

  
Beverly K. Habada, City Administrator

**RESOLUTION OF RECOGNITION**

**#1993 - 72**

*WHEREAS, Kenneth E. Jones will retire on August 1, 1993, after thirty-six years of continuous employment with the City of Takoma Park; AND*

*WHEREAS, in April of 1957, Mr. Jones began his employment with Takoma Park's Department of Public Works as a Driver in the Sanitation Division; AND*

*WHEREAS, Mr. Jones was appointed as Sanitation Driver Foreman on October 15, 1959, and later took the position of Sanitation Supervisor on April 1, 1967; AND*

*WHEREAS, Mr. Jones served as a Special Police Officer with the Takoma Park Police Department from 1967 to 1992; AND*

*WHEREAS, over the years, he has provided responsive and quality service to the citizens of Takoma Park; AND*

*WHEREAS, Mr. Jones has encountered many experiences during his career employment with the City, which have been the making of fantastic, however, true stories that will be told long after his departure; AND*

*WHEREAS, his radiant and friendly personality, public contributions, and dedication to professionalism have been an example for co-workers and friends.*

*NOW, THEREFORE, BE IT RESOLVED THAT the City Council, on behalf of the citizens and employees of the City of Takoma Park, commends Kenneth E. Jones on his dedicated career of service to the citizens, staff and Council of the City of Takoma Park, Maryland.*

*Adopted this 26th day of July, 1993.*

  
Edward F. Sharp, Mayor

**ATTEST:**

  
Beverly K. Habada, City Administrator

Introduced by: Mayor Sharp

Drafted by: Valerie VinCola

**Resolution 1993-73**

**A resolution to recognize the members of the Affordable Housing Committee and express appreciation for their service to the City of Takoma Park**

WHEREAS, pursuant to Resolution 1993-22, the City Council established an Affordable Housing Committee to provide recommendations on the direction and implementation of comprehensive multi-year affordable housing strategy for the City; AND

WHEREAS, the Citizens Advisory Committee has completed its work and has submitted its recommendations to the City Council; AND

WHEREAS, the members of the CAC have generously volunteered their time, knowledge, and talents in developing these recommendations, and have performed a valuable service for the community.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK MARYLAND THAT the City Council formally thanks the members of the Affordable Housing Committee, listed below, and commends them for their service to the City of Takoma Park.

Susan Amstadter	8006 Maple Avenue
Linda Borst	117 Sherman Avenue
Peter Feiden	7025 Eastern Avenue
Louise Howells	102 Elm Avenue
John Jefferson	1705 East-West Highway
Stephen Johnson	7217 Central Avenue
Reuben McCornack	7026 Carroll Aveue
Lora Meisner, Chairperson	8308 Flower Avenue #505
Lin Moyer	7129 Willow Avenue
Gabby O'Brien	7009 Poplar Avenue
Kirsten Springer	16 Philadelphia Avenue
Charles Shipp	7333 New Hampshire Ave #905
Charlotte Sobel	905 Elm Avenue
Gail White	609 Hudson Avenue
Bruce Williams	326 Lincoln Avenue

Adopted this 26th day of July, 1993

Introduced by : Mayor Edward F. Sharp

Drafted by : Venita E. George

## **RESOLUTION 1993 - 74**

### ***A resolution to recognize the members of the Alternative Transportation Modes Committee and express appreciation for their service to the City of Takoma Park***

**WHEREAS**, pursuant to resolution 1993 - 11, the City Council established an Alternative Transportation Modes Committee to provide input for and assist in the development of Phase III of the Transportation Plan; AND

**WHEREAS**, the Alternative Transportation Modes Committee has implemented its mandate and has developed Phase III of the Transportation Plan which has been disseminated to the public and to the City Council of Takoma Park; AND

**WHEREAS**, the members of the Alternative Transportation Modes Committee have demonstrated their commitment to the City of Takoma Park by volunteering their time and professional expertise in developing recommendations which can provide a safer environment for pedestrians and bicyclists.

**NOW, THEREFORE BE IT RESOLVED THAT** the City Council on behalf of the citizens of the City of Takoma Park commends the members of the Alternative Transportation Modes Committee, listed below, on their exemplary contributions and service to the City of Takoma Park, Maryland.

Maurice Belanger, Co-Chair  
Pamela M. Lebeaux, Co-Chair  
Peter Feiden  
Larry Himelfarb  
Neil Henrichsen  
Andrew Kelemen  
Bryne Kelly

Adopted this 26th day of July, 1993



Introduced By: Mayor Sharp

**Resolution No. 1993-75**

**A resolution recognizing the members of the Open Space Committee  
and expressing appreciation for their service to the  
City of Takoma Park**

WHEREAS, pursuant to Resolution 1992-17, the City Council established an Open Space Committee to assist the City in making acquisition and development decisions concerning open space and recreational facilities; AND

WHEREAS, the Open Space Committee has completed its work and has submitted an Open Space Plan with its recommendations to the City Council; AND

WHEREAS, the members of the Open Space Committee generously volunteered their time, knowledge, and talents in developing these recommendations, and have performed a valuable service for the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council formally expresses its appreciation to the members of the Open Space Committee, listed below, and commends them for their service to the City of Takoma Park.

- |    |                     |                                                 |
|----|---------------------|-------------------------------------------------|
| 1. | Faroll Hamer, Chair | 7418 Holly Avenue                               |
| 2. | Kathy Fackelmann    | 99 Elm Avenue                                   |
| 3. | Julie Matthews      | 605 Hudson Avenue #114                          |
| 4. | Carolyn Mullet      | 516 Philadelphia Avenue                         |
| 5. | Pat Walsh*          | 5449 Camille Gardens Circle,<br>Milton, Florida |
| 6. | Kris Wernstedt      | 7405 Birch Avenue                               |

\*former Takoma Park resident

BE IT FURTHER RESOLVED THAT the City Council also expresses its appreciation to the staff of the Maryland-National Capital Park and Planning Commission for its assistance in the development of the draft Open Space Plan.

ADOPTED THIS 26TH DAY OF JULY, 1993.

*Introduced by: Mayor Sharp  
(Drafted by: Catherine Sartoph)*

**RESOLUTION #1993 - 76**

***Resolution setting forth the Responsibilities for the Historic Thomas-Siegler Carriage House and Garden in Takoma Park, Maryland***

***WHEREAS, the City of Takoma Park owns the Thomas-Siegler property which is located at the intersection of Tulip and Cedar Avenues having the approximate street address of 215 Tulip Avenue; AND***

***WHEREAS, this property is public land with historical, horticultural, educational, and recreational value and includes the original carriage house and gardens of the first house completed in the City of Takoma Park in 1884, and many of the original plantings and plantings by B. Y. Morrison, the noted horticulturalist from Takoma Park; AND***

***WHEREAS, Historic Takoma, Incorporated, has stated their desire and intention to:***

- encourage and organize the activities of citizen volunteers, organizations, or other individuals who wish to provide support for the uses of the property;*
- provide historic interpretation of the property, educational exhibits, and printed material on the property and the history of Takoma Park;*
- solicit funds from both public and private sources in support of the use of the property and spend these funds on the property in coordination with the City.*

***NOW, THEREFORE, BE IT RESOLVED that the City of Takoma Park, Maryland, hereby states its intention to:***

- encourage and ensure the access to the property by all members of the public;*
- maintain the property in a safe, secure and accessible fashion;*
- insure the property against loss or damage;*
- serve as a conduit for grants and other funds which may be available for the property because it is owned by a municipality; AND*

**BE IT FURTHER RESOLVED** that the City states its desire to preserve the Carriage House in such a manner to reflect the building's and Takoma Park's history, and provide for educational and recreational use which does not damage its historical significance; **AND**


**BE IT FURTHER RESOLVED** that the Gardens will be maintained for educational purposes and recreational activity which does not damage their historic and horticultural significance; **AND**

**BE IT FURTHER RESOLVED** that this endeavor will be aided by the solicitation of funds, organization of volunteer efforts, and planning of historical exhibits and informational publications by Historic Takoma, Incorporated; **AND**

**BE IT FURTHER RESOLVED** that the City of Takoma Park endorses and supports the efforts of Historic Takoma, Incorporated, on behalf of this historic site.

Adopted this 26th day of July, 1993.

**ATTEST:**

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Prensky

**RESOLUTION NO. 1993-77**

**A Resolution Establishing a Domestic Partnership Registry  
For The City of Takoma park**

**Whereas,** the Council authorized the creation of a Task Force on Family Diversity to explore ways in which the City can recognize and support citizen's familial rights and obligations; AND

**Whereas,** the Family Diversity Task Force has proposed a definition of domestic partnership; AND

**Whereas,** the Family Diversity Task Force recommended that the City should establish a domestic partnership registry; AND

**Whereas,** the domestic partnership registry would give diverse families a legal document that recognized their family status;

**NOW THEREFORE BE IT RESOLVED,** that the City Clerk of Takoma Park shall establish and maintain a domestic partner registry that would reflect both the establishment or termination of a domestic partnership; AND

**BE IT FURTHER RESOLVED,** that for the purposes of this registry the following definition shall apply: "Domestic partners are two individuals in a mutual caring relationship, eighteen or older, both of whom reside in a mutual domicile. A domestic partner must be unmarried, the sole domestic partner of the other, and not registered as a Domestic Partner for the last six months." AND

**BE IT FURTHER RESOLVED,** that the City Administrator shall issue appropriate regulations to register or terminate a domestic partnership and to provide for verification of a domestic partnership by a third party; AND

**BE IT FURTHER RESOLVED,** that the following fees shall be charged to cover the cost of record keeping and administration of the registry:

\$25.00 to file a Declaration of Domestic Partnership.  
\$10.00 to obtain confirmation of registry.  
\$25.00 to file a Termination of Domestic Partnership.

Dated this 26th day of July, 1993.

Introduced by: Mayor Sharp

**RESOLUTION #1993-78**

**APPOINTING A NEW COMMISSIONER TO COLTA**

**WHEREAS,** there presently exists one vacancy on the City's Commission on Landlord-Tenant Affairs; **AND**

**WHEREAS,** a Takoma Park resident has made application to serve on the Commission and has been interviewed by the City Council.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,** does hereby appoint to the Takoma Park Commission on Landlord-Tenant Affairs:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Linda A. Rabben	8311 Roanoke Avenue	June 30, 1995

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

Adopted this 26th day of July, 1993.

**ATTEST:**

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Johnson

First Reading: 07/12/93  
Second Reading: 07/26/93  
Effective:

**ORDINANCE NO. 1993-27**

Amending Takoma Park Code, Section 8B-175 regarding Health Benefits For City Employees and their Dependents to extend health benefits to employees' domestic partners and the dependents of their domestic partners.

- Whereas,** the City of Takoma Park, Maryland provides health benefits for City employees and their dependents ; AND
- Whereas,** the cost of health benefits is shared with the employee as agreed upon in collective bargaining agreements; AND
- Whereas,** the City of Takoma Park recognizes the diversity of families; AND
- Whereas,** the City of Takoma Park wishes to extend health benefits to domestic partners and their dependents, to both current and future employees.

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

Section 1. That Section 8B-175 of the Takoma Park City Code is hereby amended as follows:

Sec 8B-175. HOSPITALIZATION.

~~All employees of the city enjoy a comprehensive program of health insurance (Blue Cross, Blue Shield and Major Medical). This service is provided for the individual employee, completely at the expense of the city; however, every employee has the option of purchasing identical family coverage at a comparatively nominal monthly (payroll deducted) charge. Upon enrollment into this program, each employee is provided with a handbook, illustrating the complete schedule of benefits.~~

(a) All employees of the city are provided health insurance benefits corresponding to the terms agreed upon in existing collective bargaining contracts. For employees who are not covered under a collective bargaining agreement, the City Administrator shall establish the terms.

(b) Employees have the option to select family coverage on a cost sharing basis (payroll deducted) as provided in an existing collective bargaining agreement or as established by the City Administrator for those not covered by a collective bargaining agreement. Family coverage shall be extended to spouses, dependent children, domestic partners who are registered in accordance with city regulations and dependent children of registered domestic partners. A dependent child of a domestic partner shall include a natural child, adopted child, stepchild, foster child, or child in the legal custody of a domestic partner.

\_\_\_\_\_ indicates existing language of the Code which is to be deleted.

██████████ indicates language to be inserted into the Code.

Section 2. EFFECTIVE DATE: This ordinance shall become effective upon enactment and upon reaching agreement with the City's health insurance provider.

Adopted this 26th day of July, 1993.

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

Introduced by: Councilmember Johnson

First Reading: 07/12/93  
Second Reading: 07/26/93  
Effective Date: 07/01/93

**ORDINANCE NO. 1993-28**

**AN ORDINANCE TO:** Amend the City Code to provide the City Administrator the authority to make changes to the position classification plan and to assign pay grades to each class.

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

Section 1.

Sections 8B-114, 8B-115, 8B-119 and 8B-121 of the current Code are amended to read as follows:

**Sec. 8B-114. Overview of Compensation.**

(a) The compensation of an employee is determined by the following steps, unless the employee is a senior executive and the ~~Mayer and Council have~~ ~~has~~ established a senior executive service as part of the pay plan:

- (1) Identify the position that the employee is in.
- (2) Identify the class that the employee's position is allocated to.
- (3) Identify the grade that the employee's class is assigned to.
- (4) Identify the step that the employee is in.
- (5) Find the base salary in the pay schedule for the employee's grade and step.
- (6) Add to the base salary any adjustments to salary provided by the pay plan.
- (7) Add to the adjusted salary any bonuses provided by the pay plan.

(b) An employee is placed in a position by the personnel officer when the employee is hired.

(c) A position is allocated to a class by the department head with the approval of the personnel officer.

(d) A class is assigned to a grade by ~~ordinance by the Council~~ ~~the City Administrator~~. The assignment must be based on an objective evaluation of each class and a determination that the work done by every class in the same grade is comparable in its primary elements.

(e) The step that an employee is in is determined by the personnel officer under this Article.

(f) The pay schedule is part of the pay plan. It is usually in the form of a chart.

(g) The pay plan may adjust an employee's salary to compensate for shift work, working conditions and other conditions affecting employment. This section does not create a right to any adjustment.



**ORDINANCE NO. 1993-28 (Continued)**

(h) The pay plan may add bonuses to an employee's salary. If any bonuses are given, they must be part of a program with a specific narrow purpose. This section does not create a right to any bonus.

(i) ~~The Mayor and Council~~ may establish a senior executive service as part of the pay plan. This service may have procedures for determining compensation that are different from the procedures in this section.

**Sec. 8B-115. Creation and establishment of positions.**

(a) ~~The Mayor and Council~~ creates and abolishes positions by including or not including them in the City's annual budget. ~~The Mayor and Council~~ can create new positions and abolish existing positions by amending the budget after it has passed.

(b) The City Administrator prepares the job description for a new position. The City Administrator makes any change to the job description after consulting with any incumbent of the position, the immediate supervisor of the position and the department head.

(c) The City Administrator shall recommend to ~~the Mayor and Council~~ the abolishment of a position whenever the City Administrator deems it necessary and in the best interest of the City.

**Sec. 8B-119. Amendments to position classification plan.**

(a) Authority. ~~The Mayor and Council~~ ~~City Administrator~~ may establish or abolish a class by ordinance. ~~The City Administrator~~ and may only change a class specification to:

(1) Accommodate the addition or removal of a position to or from a class;

(2) Reflect changes in the job description of a position in the class; or

(3) Ensure equity in the classified system.

(b) Establishment of new class. No newly created position(s) designed to be allocated to a new class shall be filled until the position classification plan has been amended to incorporate the new class. ~~The Mayor and Council~~ ~~City Administrator~~ establishes the new class, and the department head allocates positions to the new class with the approval of the City Administrator.

(c) Abolishment of a class. If the abolishment of a position under Section 8B-115 results in the abolishment of a class, the City Administrator shall also ~~recommend to the City Council as an amendment~~ the position classification plan abolishing the class.

ORDINANCE NO. 1993-28 (Continued)

Sec. 8B-121. Assigning class to grade.

(a) ~~The Mayor and Council~~ City Administrator must assign each class to a pay grade by ~~ordinance~~ publishing a position classification plan. The City Administrator must ~~recommend to the Mayor and Council~~ assign a grade for each class. This ~~recommendation assignment~~ shall be based on the written report of a committee established by the City Administrator.

(b) The committee shall objectively evaluate classes. In evaluating classes, the committee shall use a written job evaluation system that considers the following factors. The committee's written job evaluation system may use additional factors if the Mayor and Council approve the factors.

- (1) Required education.
- (2) Required experience.
- (3) Complexity of duties.
- (4) Risk of financial loss.
- (5) Contact with others.
- (6) Working conditions.
- (7) Supervision of others.

Section 2. These changes become effective July 1, 1993.

Adopted this 26th day of July, 1993 by roll call vote as follows:

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

NAYS: NONE

ABSTAIN: NONE

ABSENT: Hamilton

NOTE:  indicates new language to be added.  
                     indicates language to be deleted.