

INTERVIEW, REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, June 13, 1994

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Elrich	Assistant City Administrator Hobbs
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	DHCD Director Nance-Sims
Councilmember Williams	Public Works Director Knauf
	Asst. Corporation Counsel Perlman

OFFICIALS ABSENT:

Councilmember Davenport

The Council convened at 7:43 p.m. on Monday, June 13, 1994, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

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

MAYOR'S COMMENTS

Mayor Sharp made the following announcements:

Ms. Carrie Spicer, who has assisted as a volunteer in the Police Department for over 10 years, will be celebrating her 90th Birthday on June 22nd. All persons are invited to join City staff for an informal, dutch-treat breakfast in Ms. Spicer's honor at Bob's Big Boy, located at New Hampshire Avenue and the Beltway, on Tuesday, June 14th, at 9:00 a.m.

The City has received a certificate from the Latino Business Support Program in recognition of being a partner in a 19-member team united to serve the Latino community.

The Grand Opening of the Long Branch Community Center is scheduled for Sunday, June 19th, from 2:00-4:00 p.m.

Mr. Gregory Wims is being honored on June 30th, for 25 years of community service. Mr. Sharp read a letter of recognition on behalf of the City Council (attached).

Mr. Sharp remarked on the opening ceremonies that began this year's little league softball season, commenting on his having thrown out one of the first balls. He noted that the team is co-educational, and applauded the community's enthusiasm for the upcoming season.

ADOPTION OF MINUTES

Moved by Ms. Porter; seconded by Mr. Chavez. Mr. Williams indicated that he noted one correction to the spelling of a constituent's name on the first page of the May 23rd minutes.

The minutes for 5/2/94, 5/9/94 and 5/23/94 were adopted unanimously.

CITIZEN COMMENTS

Jim Douglas, 18 Sherman Avenue noted that the Ethics Commission meeting previously scheduled for Wednesday, June 15th, has been rescheduled for Tuesday, June 14th, at the Municipal Building. He reported on the most recent meeting of the S.S. Carroll Citizens Association, stating that Takoma Junction continues to be a major concern for the members of the association, especially in regards to enforcement of the facade and sign ordinances. He noted the inadequacy of the "painting-over" of the graffiti on the side of a building in the junction area.

Mr. Douglas remarked about some recent instances when citizens have received poor customer service and "mixed" responses when calling Public Works about mulch availability. He said that he had a discussion with Recycling

Coordinator Braithwaite who explained that the City does not own its own tub grinder for producing mulch--the City has been borrowing a grinder. Mr. Douglas stated that he recalls the City having purchased this piece of equipment in approximately 1990, and asked for clarity.

Mr. Sharp asked the Assistant City Administrator Hobbs to report back to the Council regarding Mr. Douglas' inquiry about the tub grinder, and the price for mulch availability and distribution.

Mr. Douglas noted that Mr. Adler has formally filed an appeal before the Montgomery County Board of Appeals, regarding his building application for property on Hancock Avenue. He noted that the community members have opposed this application in the past, and asked for the Council's continued support in this matter.

INTERVIEW

#1 Applicant for Commission on Landlord Tenant Affairs (COLTA). The Council interviewed Mr. William Ramsey who is seeking re-appointment to the COLTA.

Mr. Sharp noted that Mr. Ramsey's name will be included in the resolution making appointments to COLTA listed later on the Council's consent agenda.

REGULAR MEETING

Moved by Mr. Williams; seconded by Ms. Porter. The Council moved into joint session as the Storm Water Management Board.

#2 2nd Reading Ordinance re: FY95 Storm Water Budget. Moved by Ms. Porter; seconded by Mr. Williams.

Ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 13
(Attached)

#3 2nd Reading Ordinance re: FY95 City Budget. Moved by Mr. Rubin; seconded by Ms. Porter.

Mr. Rubin made a motion to amend the 1st Reading Ordinance by adding \$4,000 to the Library budget and deleting \$4,000 from the Administration budget; seconded by Ms. Porter.

Ms. Porter explained that at first reading, the Council voted to remove \$4,000 from the Library Budget (non-print media) in order to add \$4,000 to the lead program under the Department of Housing & Community Development. Since that time, the City Administrator has identified another source for the \$4,000 (Administration/Accounting - due to lower auditing costs) which will make it possible to restore the \$4,000 in the Library budget.

Bill Mihouc, 8101 Hammond Avenue said that he is concerned that the budgetary breakdowns seem to be good for "public safety", but poor for Public Works, in regards to street maintenance. He noted an apparent focus on parks maintenance as a related to the Public Works staff reorganization. He made comments in reference to the one page budgetary breakdown published in a previous city Newsletter.

Mr. Sharp said that in some jurisdictions, parks development is handled by the Department of Recreation, but that parks maintenance in the City is addressed by the staff of the Public Works Department.

Mr. Mihouc commented that he feels that street maintenance should have priority over parks maintenance. He noted that in past years the Councilmembers held budgetary meetings in coordination with community associations, and observed that such meetings were not held during this budget season.

Mr. Sharp acknowledged Mr. Mihouc's comments, and remarked that he feels sure that Councilmembers would have spoken to any community group or individual regarding the budget, had they been requested to do so. He commented on the limited breakdown possible in a one-page Newsletter outline, and stated that Mr. Mihouc could certainly request a full copy of the proposed budget.

Ms. Porter remarked that if a bond issue for streets were considered, the funds would not go toward parks maintenance. It would be used for streets upgrading.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 14
(Attached)

Mr. Williams moved that the Council adjourn from Storm Water Management Board; seconded by Mr. Chavez.

Ms. Porter noted that the next item (2nd Reading Ordinance re: FY95 Tax Rate) includes setting the stormwater tax rate, and moved that the Council again convene in joint session as a Storm Water Management Board for consideration of the next agenda item (seconded by Mr. Sharp).

#4 2nd Reading Ordinance re: FY95 Tax Rate. Moved by Ms. Porter; seconded by Mr. Williams.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 15
(Attached)

Mr. Sharp moved that the Council adjourn from Storm Water Management Board; seconded by Ms. Porter.

#5 2nd Reading Ordinance re: Employee Pay Plan. Moved by Ms. Porter; seconded by Mr. Williams.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 16
(Attached)

#6 2nd Reading Ordinance re: Police Pay Plan. Moved by Ms. Porter; seconded by Mr. Chavez.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 17
(Attached)

#7 2nd Reading Ordinance re: Executive Pay Plan. Moved by Mr. Williams; seconded by Mr. Chavez.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 18
(Attached)

ANNOUNCEMENT

Mr. Sharp noted that the City Council held Executive Sessions on 5/31/94 and 6/6/94 to discuss the City Administrator's Evaluation.

Executive Session 5/31/94 - Moved by Mr. Sharp; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote (ABSENT: Chavez, Elrich, Williams) at 7:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Davenport, Porter, Rubin. No staff members were in attendance. Council discussed the City Administrator's evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

Executive Session 6/6/94 - Moved by Mr. Elrich; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote (ABSENT: Williams) at 9:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin. No staff members were in attendance. Council discussed the City Administrator's evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

#8 2nd Reading Ordinance re: Trees and Vegetation - Municipal Infractions. Moved by Mr. Rubin; seconded by Ms. Porter.

Ms. Porter noted that this ordinance does not deal with trees. The reference to "trees and vegetation" refers to the section in the Code where vegetation overgrowth is addressed.

Mr. Sharp explained the ordinance.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 20
(Attached)

#9 Resolution re: Farmers Market Advisory Committee. Moved by Mr. Rubin; seconded by Ms. Porter. Mr. Sharp explained that the resolution establishes a Farmers Market Advisory Committee and makes initial appointments to the committee.

Mr. Williams commented on the staff cover memo, specifically the last paragraph that identifies the market area as being located in Mr. Rubin's ward (Ward 1), and noted that half of the market is in his ward (Ward 3).

Mr. Sharp asked how the Council would like additional appointments to the committee to be handled.

Ms. Porter replied that such appointments should be made as with other committees of this type, giving the City Administrator the authority to make additional appointments.

The resolution was unanimously adopted.

RESOLUTION #1994 - 28
(Attached)

#10 Single Reading Ordinance re: Audit Services. Moved by Mr. Sharp; seconded by (unintelligible). Mr. Sharp explained that the ordinance awards a contract for City audit services to Wooden and Benson.

Ms. Porter noted that even though the contract is being awarded to the same firm that has conducted the City's audits in most recent years, Wooden & Benson were still required to participate in the bid process and subsequently, determined to be the preferred contractor.

The single reading ordinance was unanimously adopted by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1994 - 21
(Attached)

#11 Resolution re: Payment in Lieu of Taxes Agreement (PILOT) - 7611 Maple Avenue Cooperative. Moved by Mr. Chavez; seconded by Ms. Porter. Mr. Sharp explained that the resolution authorizes the City Administrator to sign a payment in lieu of taxes agreement with the 7611 Maple Avenue Cooperative.

Mr. Sharp noted that the Council has made a great effort in the past years to support limited equity cooperatives that are just getting started. State PILOT legislation was passed at the City's request in an effort to aid cooperatives, not specifically the interests of 7611 Maple Avenue. He further explained the circumstances of 7611 Maple Avenue Cooperative not applying for the State tax rebate program in time to take advantage of the program for the current year, and noted that he and other Councilmembers have

expressed their reluctance to award such an agreement to 7611 Maple Avenue next year. The Cooperative residents need to apply for the State tax credit program.

Mr. Williams asked whether the City is going to be more susceptible to having other persons come forward requesting the same consideration as a result of granting this PILOT (e.g. individual property owners).

Mr. Sharp replied that the State program applies to limited equity cooperatives.

(NOTE: Councilmember Elrich arrived.)

The resolution was unanimously adopted (ABSTAIN: Williams).

RESOLUTION #1994 - 29
(Attached)

#12 Resolution re: National Anti-Crime Legislation. Moved by Mr. Rubin; seconded by Mr. Elrich.

Mr. Williams made a motion to amend the resolution as follows: (1) a textual amendment--spelling of "deterrence" (second resolved clause, first bullet), and (2) the addition of "...and removal of criminal penalties for sodomy" (second resolved clause, last bullet); seconded by Ms. Porter.

Mr. Rubin asked whether "sodomy" could apply to child abuse offenses.

Mr. Williams offered an amendment to his amendment to add "...sodomy between consenting adults". There was no Council objection.

The amended resolution was unanimously adopted.

RESOLUTION #1994 - 30
(Attached)

#13 Consent Agenda. Moved by Mr. Elrich; seconded by Ms. Porter. Mr. Sharp noted the specific items on the consent agenda, calling particular attention to the recognitions being made of individual police officers.

The items on the consent agenda were simultaneously adopted, unanimously.

- (a) Resolution recognizing Officer Brian Rich as "1993 Police Officer of the Year."

RESOLUTION #1994 - 31
(Attached)

- (b) Resolution recognizing Sergeant Ed Coursey as recipient of "1993 Honorable Service Award."

RESOLUTION #1994 - 32
(Attached)

- (c) Resolution recognizing Detective/Sergeant George Hubbard as recipient of "1993 Honorable Service Award."

RESOLUTION #1994 - 33
(Attached)

- (d) Resolution recognizing Officer Baxter Rich as recipient of "1993 Honorable Service Award."

RESOLUTION #1994 - 34
(Attached)

- (e) Resolution recognizing Officer Richard Cipperly as recipient of "1993 Meritorious Service Award."

RESOLUTION #1994 - 35
(Attached)

- (f) Resolution recognizing Officer Dan Frishkorn as recipient of "1993 Meritorious Service Award."

RESOLUTION #1994 - 36
(Attached)

- (g) Resolution reappointing Debrah Carr, Lora Meisner, and William Ramsey, as commissioners of the Commission on Landlord-Tenant Affairs (COLTA).

RESOLUTION #1994 - 37
(Attached)

- (h) Resolution appointing Claudine Schweber to the Ethics Commission.

RESOLUTION #1994 - 38
(Attached)

WORKSESSION

Moved by Ms. Porter; seconded by Mr. Chavez. The Council moved into Worksession, and later adjourned to Executive Session at 9:16 p.m. to discuss land acquisition and the City Administrator's evaluation.

Executive Session 6/13/94 - Moved by Ms. Porter; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote (ABSENT: Davenport) at 9:16 p.m., in the Mayor's Office. OFFICIALS PRESENT: Sharp, Chavez, Ulrich, Porter, Rubin, Williams). STAFF PRESENT: Habada, Sartoph. Council discussed property acquisitions in various parts of the City, and advised the City Administrator to continue exploring options for property acquisition (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)). Staff members left the Executive Session. Council discussed the City Administrator's evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

City of Takoma Park, Maryland

OFFICE OF THE CITY COUNCIL
TELEPHONE 270-1700



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

June 14, 1994

The City of Takoma Park recognizes the importance of the efforts of citizens to improve the community and advance the cause of Civil Rights. In that regard, the City is pleased to note that Gregory Wims is being honored, on June 30, for 25 years of community service. We, in the City, join in the recognition of Mr. Wims.

His service to the community is notable for both the length of time and the breadth of issues. He has been an advocate of affordable housing. He has worked to integrate the Montgomery County police force. He has been a leader in the area of helping persons with disabilities and has taken an active role in trying to provide guidance and opportunities to youth in Montgomery County. And, of course, he is the current President of the Montgomery County NAACP.

In honoring Mr. Wims, we are letting it be known that his efforts have been of value to all citizens of Montgomery County. We salute his commitment and appreciate his efforts to promote a more equal, more just society for everyone. The recognition of his work is well-deserved.

Sincerely,

A handwritten signature in cursive script that reads 'Edward F. Sharp'.

Edward F. Sharp, Mayor
On behalf of the Takoma Park City Council

Introduced by: Councilmember Rubin

RESOLUTION NO. 1994-28

A RESOLUTION ESTABLISHING A COMMITTEE TO PROVIDE RECOMMENDATIONS ON OPERATIONAL ISSUES RELATED TO THE FARMERS MARKET.

- WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers Market (the "Market") for the past eleven years; AND
- WHEREAS, the success of the Market depends on the joint effort and cooperation between the City and the market vendors; AND
- WHEREAS, the City appreciates the special knowledge and expertise which the vendors can provide in examining and evaluating issues which may arise in the operation of the Market; AND
- WHEREAS, the purpose of the market is to provide a service to the residents of the City; AND
- WHEREAS, the City believes it is important to obtain maximum input from the vendors and patrons on Market issues to assure continuation of the good reputation which the Market enjoys; AND
- WHEREAS, the names of nominees to serve on the Farmers Market Advisory Committee have been submitted and received.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT appointments to the Farmers Market Advisory Committee are made as follows:

Louise Swartzwalder, Takoma Kitchens

David Hochheimer, Black Rock Orchard

Lani Sinclair, Patron Representative

Ward Sinclair, Flickerville Mt. Farm & Groundhog Ranch

Susan Planck, Wheatland Vegetable Farms

Francis R. Roland, Roland's Farm

ADOPTED THIS 13th DAY OF JUNE, 1994

Introduced By: Councilmember Chavez

RESOLUTION NO. 1994-29

(Authorizing City Administrator to Enter into "Payment in Lieu of Taxes" Agreement with the Seventy Six Eleven Maple Avenue Cooperative, Inc.)

WHEREAS, a number of members of the Seventy Six Eleven Maple Avenue Cooperative, Inc. ("Cooperative") met the income eligibility requirements for a state homeowner's property tax credit for tax year 1994 (7/1/93 through 6/30/94); and

WHEREAS, taxpayers in the City of Takoma Park who are certified by the State of Maryland as being eligible for the state homeowner's property tax credit also receive a rebate on City property taxes under the City's local supplement to the state homeowner's tax credit program; and

WHEREAS, Cooperative members did not apply for the state homeowner's property tax credit for tax year 1994 because, as members of a housing cooperative, they did not receive individual property tax bills and did not know they could qualify for the homeowner's property tax credit; and

WHEREAS, because Cooperative members did not apply for the state homeowner's property tax credit program for tax year 1994, Cooperative members also did not receive rebates under the City's local supplement to the state homeowner's property tax credit program; and

WHEREAS, Section 7-506.2 of the Tax-Property Article of the Annotated Code of Maryland provides that real property may be exempt from municipal corporation property tax if: (1) the real property is owned by a limited equity cooperative housing corporation which agrees to maintain at least 10% of the total number of residential units as housing for low and moderate income households; and (2) the owner and the governing body of the municipal corporation agree that the owner shall pay a negotiated amount in lieu of the applicable municipal corporation property tax; and

WHEREAS, the Cooperative, the owner of the real property known as 7611 Maple Ave., Takoma Park, MD 20912, is a limited equity cooperative housing corporation and the Cooperative is willing to enter into an agreement with the City to maintain at least 10% of the units of 7611 Maple Ave., Takoma Park, MD 20912 as housing for low and moderate income households; and

WHEREAS, the Council wishes to provide the Cooperative with a property tax rebate for tax year 1994 in the amount which Cooperative members would have been eligible for under the City's local supplement to the state homeowner's tax credit program if the Cooperative members had applied for the state homeowner's tax credit program.

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

RESOLVED THAT the City shall give the Cooperative a property tax rebate for tax year 1994 in an amount equal to the City property tax rebate which Cooperative members would have been eligible for under the City's local supplement to the state homeowner's property tax credit program.

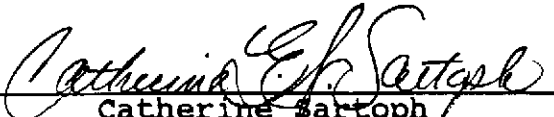
RESOLVED THAT the City Administrator is authorized and directed to enter into a payment in lieu of taxes ("PILOT") Agreement with the Cooperative, under the authority of Section 7-506.2 of the Tax-Property Article of the Annotated Code of Maryland, providing for the Cooperative to pay a negotiated amount in lieu of City property taxes for tax year 1994.

RESOLVED THAT such PILOT Agreement between the City and the Cooperative shall provide that the negotiated amount payable by the Cooperative shall be equal to the tax year 1994 City property taxes for 7611 Maple Ave., Takoma Park, MD 20912, less the amount of the City property tax rebate which Cooperative members would have been eligible for under the City's local supplement to the state homeowner's property tax credit program if the Cooperative members had applied for such tax credit program.

FURTHER RESOLVED THAT as the Cooperative has already paid the full amount of City property taxes for tax year 1994, the PILOT Agreement shall provide for the Cooperative to receive a tax rebate from the City in the amount which Cooperative members would have been eligible for under the City's local supplement to the state homeowner's tax credit program for tax year 1994 if the Cooperative members had applied for such tax credit program.

THIS RESOLUTION ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THIS 13th DAY OF June, 1994.

ATTEST:


Catherine Bartoph
City Clerk

RESOLUTION #1994 - 30
SUPPORTING NATIONAL ANTI-CRIME LEGISLATION

- WHEREAS, America's communities and families are scarred by increasing numbers of crimes, both violent and non-violent; AND
- WHEREAS, the level of violence, as well as the economic and environmental impact of criminal acts is increasing; AND
- WHEREAS, no community or family is untouched by incidents of crime or fear of being victimized by crime; AND
- WHEREAS, only by addressing social causes can we hope to achieve a long-term reduction in crime, and only when each level of government and each community addresses the type of crime over which it has primary jurisdiction; AND
- WHEREAS, poverty and social injustice, although not the sole causes of crime, affect our nation's level of crime and violence; AND
- WHEREAS, a system that truly values justice must deal equally with all manifestations of crime - from homicides to assaults on the environment; AND
- WHEREAS, the City of Takoma Park recognizes that the death penalty has proven to be discriminatory and ineffective as a crime prevention tool;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that the City of Takoma Park, Maryland, urgently calls upon the Congress of the United States to enact meaningful and appropriate anti-crime legislation addressing all forms of crime immediately; AND


BE IT FURTHER RESOLVED, THAT such anti-crime legislation should include:

- an increased emphasis on the prevention of crime, rather than sole reliance upon outdated and ineffective notions of deterrence and retribution; and
- an emphasis on programs designed to remedy conditions of poverty and social injustice; and
- treatment of white collar and corporate crime with the same zero tolerance accorded violent crimes; and
- empowerment of local governments to address forms of crime over which the federal government has limited jurisdiction by funding direct block grants and anti-crime funds to cities and towns, with maximum flexibility allowed in use of funds; and
- creation of a federal anti-crime trust fund financed by dedicated revenues derived from licensing fees levied on weapons, ammunition, and weapons dealers; and
- creation and funding of education and training programs for at-risk youth in our cities and towns; and
- elimination of the death penalty; and
- removal of criminal penalties for sodomy between consenting adults; and

BE IT FURTHER RESOLVED, THAT the City of Takoma Park, Maryland, rededicates itself to crime prevention and suppression, and calls upon its citizens to assist in these efforts.

Adopted this 13th day of June, 1994.

ATTEST:


Catherine Sartoph
City Clerk

Introduced by: Mayor Sharp

RESOLUTION 1994 - 31

WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of OFFICER BRIAN RICH to be 1993 Police Officer of the Year; AND

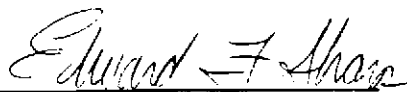
WHEREAS, He was also selected for devising C.O.P. projects based on information learned in civic meetings, and for simultaneously maintaining good enforcement and traffic work, and throughout, for displaying a cheerful, positive outlook; AND

WHEREAS, Among his accomplishments, the officer's fine work on a project to slow speeders and arrest red-light runners on New Hampshire Avenue was specifically cited as well,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$1,000 Savings Bond to 1993 Police Officer of the Year,

OFFICER BRIAN RICH

Dated this 13th day
of June, 1994.



Edward F. Sharp
Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced by: Mayor Sharp

RESOLUTION 1994 - 32

WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of SERGEANT ED COURSEY to be the recipient of a 1993 Honorable Service Award;
AND

WHEREAS, The award is made to recognize Sergeant Coursey's excellent organizational skills and professionalism as exemplified by his planning and carrying out of a highly successful December, 1993, sobriety checkpoint during which over 700 cars were stopped,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$50.00 Savings Bond to

SERGEANT ED COURSEY

Dated this 13th day
of June, 1994.

Edward F. Sharp
Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced by: Mayor Sharp

RESOLUTION 1994 - 33

WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of DETECTIVE/SERGEANT GEORGE HUBBARD to be the recipient of a 1993 Honorable Service Award; AND

WHEREAS, Detective/Sergeant Hubbard was instrumental in the exhaustive investigation which led to arrest and conviction on first-degree murder charges of the defendant in an October, 1993, Maple Avenue homicide; AND

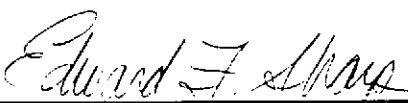
WHEREAS, Although he had years of Patrol Division experience, Detective/Sergeant Hubbard had been assigned to Criminal Investigations Division for a period of approximately only two weeks before the crime occurred; AND

WHEREAS, There was little physical evidence and no murder weapon in the case, and there was a group of at least 10 youthful witnesses who told conflicting, evasive stories about the homicide,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$50.00 Savings Bond to

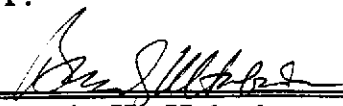
DETECTIVE/SERGEANT GEORGE HUBBARD

Dated this 13th day
of June, 1994.



Edward F. Sharp
Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced by: Mayor Sharp

RESOLUTION 1994 - 34

WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of OFFICER BAXTER RICH to be the recipient of a 1993 Honorable Service Award; AND

WHEREAS, Officer Rich was selected for vital assistance to detectives investigating the October, 1993, homicide which occurred on Maple Avenue; AND

WHEREAS, He was also cited for excellence in follow-up, and in working with Takoma Park Young people, particularly in the area of Flower Avenue and Piney Branch Road; AND

WHEREAS, In addition, he was cited for demonstrating the power of cooperation, assistance, and good cheer,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$50.00 Savings Bond to

OFFICER BAXTER RICH

Dated this 13th day
of June, 1994.



Edward F. Sharp
Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced by: Mayor Sharp

RESOLUTION 1994 - 35

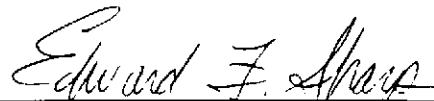
WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of OFFICER RICHARD CIPPERLY to be the recipient of a 1993 Meritorious Service Award; AND

WHEREAS, The officer's highly professional, quick work during a 1993 in-progress rape at a local motel may have saved the victim from death or more serious and/or degrading injuries than she had already received,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$50.00 Savings Bond to


OFFICER RICHARD CIPPERLY

Dated this 13th day
of June, 1994.



Edward F. Sharp
Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced by: Mayor Sharp

RESOLUTION 1994 - 36

WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of OFFICER DAN FRISHKORN to be the recipient of a 1993 Meritorious Service Award;
AND

WHEREAS, The officer's highly professional, quick work during a 1993 in-progress rape at a local motel may have saved the victim from death or more serious and/or degrading injuries than she had already received,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$50.00 Savings Bond to


OFFICER DAN FRISHKORN

Dated this 13th day
of June, 1994.



Edward F. Sharp
Mayor

ATTEST:



Beverly K. Habada
City Administrator

Introduced By: Mayor Sharp

RESOLUTION #1994 - 37

REAPPOINTING COMMISSIONERS TO COLTA

WHEREAS, as of June 30, 1994, three members' terms on the Commission on Landlord-Tenant Affairs (COLTA) will expire; AND

WHEREAS, all three current Commissioners have requested to be reappointed to continue service on COLTA.

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

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
1. Debrah Carr	7777 Maple Avenue #901	June 30, 1997
2. Lora Meisner	8308 Flower Avenue #505	June 30, 1997
3. William Ramsey	10 Montgomery Avenue	June 30, 1997

BE IT FURTHER RESOLVED THAT these appointments become effective July 1, 1994.

Adopted this 13th day of June, 1994.

Introduced by: Mayor Sharp

RESOLUTION NO. 1994 - 38

APPOINTING MEMBER TO THE TAKOMA PARK ETHICS COMMISSION

- WHEREAS,** Section 2-15, City of Takoma Park Public Ethics Ordinance, of the Takoma Park Code, 1972, as amended, sets forth the provisions for the establishment and duties of a City Ethics Commission, to oversee implementation of and adherence to the City of Takoma Park Public Ethics Ordinance; AND
- WHEREAS,** the City Ethics Commission consists of five Takoma Park residents; and
- WHEREAS,** currently, one position on the Ethics Commission is vacant, due to the recent establishment of the Commission; AND
- WHEREAS,** the Council has interviewed Takoma Park residents who have expressed an interest in serving on the Commission.
- NOW, THEREFORE, BE IT RESOLVED THAT** the following person is hereby appointed, effective immediately, to serve on the City Ethics Commission:

Name/Address:

Claudine Schweber
7004 Sycamore Avenue

Term Expires:

December 31, 1994

Dated this 13th day of June, 1994.

Introduced by: Mayor Sharp

1st Reading: 5/23/94

2nd Reading: 6/13/94

ORDINANCE NO. 1994-13

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 95 BEGINNING JULY 1, 1994 AND ENDING JUNE 30, 1995.

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

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

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

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

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

SECTION 1. THAT for the 1994-95 fiscal year, an ad valorem tax of 4 cents per \$100.00 on assessed property valuation in the City is hereby established to be used for stormwater management activities.

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

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

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

O-95STRM.

SECTION 3. THAT from and out of the monies known to be received from the 4 cent ad valorem tax established by Section 1 of this Ordinance and levied by the FY95 Tax Rate Ordinance (Ordinance No. 1994-), and from all monies to come into all funds during the twelve (12) month period ending June 30, 1995, there shall be, and hereby are appropriated Storm Water Management Fund revenues of \$168,945 as follows:

Local Taxes	\$119,945
Stormwater Permit fees	5,000
Appropriated Surplus	44,000
TOTAL	\$168,945

SECTION 4. THAT the City Administrator is hereby authorized to transfer funds to the FY95 stormwater budget from the prior year surplus and/or unappropriated reserve in the amount of \$44,000.

SECTION 5. THAT there shall be, and hereby are appropriated the following sums for use for the support of storm water management activities during the 1994-95 Fiscal Year:

Storm Water Management Expenditures	\$168,945
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SECTION 6. THAT stormwater management projects that are declared to be emergencies as defined by the City Council in accordance with the City Charter, may be funded through the Emergency Reserve.

SECTION 7. THAT the approved FY95 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

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

SECTION 9. THAT this Ordinance shall become effective July 1, 1994.

Page Three
STORM WATER MANAGEMENT BUDGET ORDINANCE

Adopted this 13th day of June, 1994 by Roll Call Vote of the
Stormwater Board for the City of Takoma Park:

AYES: Sharp, Chavez, Porter, Rubin, Williams
NAYS: None
ABSTAIN: None
ABSENT: Davenport, Elrich

Introduced by: Mayor Sharp

1st Reading: 5/23/94

2nd Reading: 6/13/94

ORDINANCE NO. 1994-14

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 1995, BEGINNING JULY 1, 1994 AND ENDING JUNE 30, 1995.

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1994 and ending June 30, 1995 (FY95);

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

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 1995, there shall be, and hereby are appropriated General Fund revenues of NINE MILLION SEVEN HUNDRED EIGHT THOUSAND FOUR HUNDRED SIXTY SIX DOLLARS (\$9,708,466) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY95 budget as follows:

Taxes-Local	\$5,292,640
Taxes-State Shared	1,135,000
License & Permits	14,500
Revenue from other Agencies	1,877,076
Service Charges	415,700
Fines & Forfeitures	155,000
Miscellaneous	178,550

SUBTOTAL \$9,068,466

Prior year surplus/unappropriated reserve 640,000

TOTAL \$9,708,466

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the FY95 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$640,000.

SECTION 3. THAT there shall be, and hereby are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1994-95 Fiscal Year:

Public Works	\$2,457,167	
Police Department	\$2,497,054	
Non-Departmental	\$1,103,333	
Capital Expenditures	\$ 520,050	
Government Administration	\$1,027,033	1,023,033
Housing & Community Development	\$ 758,420	762,420
Recreation	\$ 509,404	
Library	\$ 468,851	
Cable	\$ 54,000	
Debt Service	\$ 86,967	
General Fund Transfer to Special Revenue Fund	\$ 13,822	
	<hr/>	
TOTAL EXPENDITURES	\$9,496,101	
Contribution to Equipment Replacement Reserve	72,798	
<u>AUTHORIZED FY95 EXPENDITURES</u>	\$9,568,899	

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the NonDepartmental Budget, a General Contingency Account appropriation of THIRTY ONE THOUSAND SEVEN HUNDRED DOLLARS (\$31,700);

SECTION 5. THAT in accordance with Article IX of the City Charter, Section 904 (b) the City Administrator is hereby authorized to allocate SEVENTY TWO THOUSAND SEVEN HUNDRED NINETY EIGHT DOLLARS (\$72,798) to the Equipment Replacement Reserve;

SECTION 6. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects, with Revenues of EIGHT HUNDRED ELEVEN THOUSAND FIVE HUNDRED TWENTY EIGHT DOLLARS (\$811,528) inclusive of a General Fund Transfer of THIRTEEN THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS (\$13,822), and an Expenditure appropriation of EIGHT HUNDRED ELEVEN THOUSAND FIVE HUNDRED TWENTY EIGHT DOLLARS (\$811,528).

- SECTION 7. THAT the Council hereby ratifies the stormwater management budget for FY95 adopted by the Stormwater Board by Ordinance #1994-13.
- SECTION 8. THAT the approved FY95 Budget Document is to be made a part of this Ordinance by reference.
- SECTION 9. THAT stormwater management projects that are declared to be emergencies as defined by the City Council, in accordance with the City Charter, may be funded through the Emergency Reserve.
- SECTION 10. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.
- SECTION 11. THAT this Ordinance shall become effective July 1, 1994.

Adopted this 13th day of June, 1994, by Roll Call Vote:

AYES: Sharp, Chavez, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich

Introduced by: Mayor Sharp

1st Reading: 5/23/94
2nd Reading: 6/13/94

ORDINANCE NO. 1994-15

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1995 BEGINNING JULY 1, 1994 AND ENDING JUNE 30, 1995.

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

WHEREAS, the Council sitting as the Water and Sewer Board, by Ordinance No. 1994- set an ad valorem tax on property at \$0.04 per \$100 assessed valuation for storm water management.

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

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

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

(a) Effective July 1, 1994, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of:

General City services:	\$1.500
Fire service (Montgomery County rate):	.252
Stormwater Management Fund:	<u>.040</u>
Total	\$1.792

per \$100.00 of assessed valuation.

SECTION 2. THAT this Ordinance shall be effective July 1, 1994.

Adopted this 13th day of June, 1994.

AYES: Sharp, Chavez, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich

O-95RATE

Introduced by: Mayor Sharp

First Reading: 5/23/94
Second Reading: 6/13/94
Effective: 7/01/94

ORDINANCE NO. 1994-16

Short Title: Pay scale for Employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 95, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City has negotiated a contract with AFSCME Local 3399, that includes a 2.5% cost-of-living adjustment for FY 1995;

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1991-14 is hereby amended and the following pay scale is adopted as the new Pay Scale Plan for the City for the Fiscal Year beginning July 1, 1994 and ending June 30, 1995. This Pay Scale Plan will become effective July 1, 1994, and will remain in effect until amended or repealed by the City Council:

(a) Recreation attendant. The pay scale for recreation attendants is as follows:

STEP	A	B	C	D	E	F
	12,649	13,091	13,549	14,024	14,514	15,022
	G	H	I	J	K	
	15,548	16,092	16,656	17,239	17,842	

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

STEP:	A	B	C
	\$10.28/hour	\$11.10/hour	\$11.99/hour

Page Two
FY 95 Pay Plan Ordinance

(c) All other employees. The pay scale for all other employees is as shown on the following scale: (see next page).

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

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

(e) Police officers shall be paid on a separate pay scale as established under a separate ordinance, and as agreed upon by the terms of a collective bargaining agreement negotiated with United Food and Commercial Workers Union, Local 400.

Adopted this 13th day of June, 1994 by roll call vote as follows:

AYES: Sharp, Chavez, Porter, Rubin, Williams.

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich.

O-95PYP

FY-95 EMPLOYEE PAY PLAN (2.5% COLA)

		A	B	C	D	E	F	G	H	I	J	K
GRADE	Starting Pay	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
	Percentage Increase	4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	\$18,205.88	\$18,894.83	\$17,570.41	\$18,229.30	\$18,867.33	\$19,480.51	\$20,064.93	\$20,616.72	\$21,132.13	\$21,607.61	\$22,061.37
	Weekly	\$311.65	\$324.90	\$337.89	\$350.56	\$362.83	\$374.63	\$385.86	\$396.48	\$406.39	\$415.53	\$424.26
	Hourly	\$7.79	\$8.12	\$8.45	\$8.76	\$9.07	\$9.37	\$9.65	\$9.91	\$10.16	\$10.39	\$10.61
2	Annual	\$17,421.32	\$18,161.72	\$18,888.19	\$19,598.50	\$20,292.38	\$20,941.55	\$21,569.80	\$22,162.97	\$22,717.04	\$23,228.18	\$23,715.97
	Weekly	\$335.03	\$349.26	\$363.23	\$376.86	\$390.05	\$402.72	\$414.80	\$426.21	\$436.87	\$446.70	\$456.08
	Hourly	\$8.38	\$8.73	\$9.08	\$9.42	\$9.75	\$10.07	\$10.37	\$10.66	\$10.92	\$11.17	\$11.40
3	Annual	\$18,727.92	\$19,523.85	\$20,304.81	\$21,066.24	\$21,803.55	\$22,512.17	\$23,187.54	\$23,825.19	\$24,420.82	\$24,970.29	\$25,494.67
	Weekly	\$350.15	\$375.46	\$390.48	\$405.12	\$419.30	\$432.93	\$445.91	\$458.18	\$469.63	\$480.20	\$490.28
	Hourly	\$9.00	\$9.39	\$9.76	\$10.13	\$10.48	\$10.82	\$11.15	\$11.45	\$11.74	\$12.00	\$12.26
4	Annual	\$20,132.51	\$20,988.14	\$21,827.67	\$22,648.20	\$23,438.82	\$24,200.58	\$24,926.00	\$25,612.08	\$26,252.36	\$26,843.06	\$27,406.77
	Weekly	\$387.16	\$403.62	\$419.76	\$435.50	\$450.75	\$465.40	\$479.36	\$492.54	\$504.85	\$516.21	\$527.05
	Hourly	\$9.68	\$10.09	\$10.49	\$10.89	\$11.27	\$11.63	\$11.98	\$12.31	\$12.62	\$12.91	\$13.18
5	Annual	\$21,642.45	\$22,562.25	\$23,464.74	\$24,344.67	\$25,199.73	\$26,018.63	\$26,796.10	\$27,532.99	\$28,221.31	\$28,856.29	\$29,462.27
	Weekly	\$416.20	\$433.89	\$451.25	\$468.17	\$484.55	\$500.30	\$515.31	\$529.48	\$542.72	\$554.93	\$566.58
	Hourly	\$10.41	\$10.85	\$11.28	\$11.70	\$12.11	\$12.51	\$12.88	\$13.24	\$13.57	\$13.87	\$14.16
6	Annual	\$23,285.83	\$24,254.42	\$25,224.80	\$26,170.82	\$27,086.49	\$27,968.80	\$28,805.80	\$29,597.66	\$30,337.91	\$31,020.51	\$31,671.94
	Weekly	\$447.42	\$466.43	\$485.09	\$503.28	\$520.89	\$537.82	\$553.96	\$569.19	\$583.42	\$596.55	\$609.08
	Hourly	\$11.19	\$11.68	\$12.13	\$12.58	\$13.02	\$13.45	\$13.85	\$14.23	\$14.59	\$14.91	\$15.23
7	Annual	\$25,010.55	\$26,073.50	\$27,118.44	\$28,133.31	\$29,117.97	\$30,064.31	\$30,966.24	\$31,817.81	\$32,613.25	\$33,347.05	\$34,047.34
	Weekly	\$480.97	\$501.41	\$521.47	\$541.03	\$559.98	\$578.16	\$595.50	\$611.88	\$627.18	\$641.29	\$654.76
	Hourly	\$12.02	\$12.54	\$13.04	\$13.53	\$14.00	\$14.45	\$14.89	\$15.30	\$15.68	\$16.03	\$16.37
8	Annual	\$26,886.34	\$28,029.01	\$29,160.17	\$30,243.31	\$31,301.82	\$32,319.13	\$33,298.71	\$34,204.14	\$35,059.25	\$35,848.08	\$36,600.89
	Weekly	\$517.05	\$539.02	\$560.68	\$581.60	\$601.96	\$621.52	\$640.17	\$657.77	\$674.22	\$689.39	\$703.86
	Hourly	\$12.93	\$13.48	\$14.01	\$14.54	\$15.05	\$15.54	\$16.00	\$16.44	\$16.86	\$17.23	\$17.60
9	Annual	\$28,902.82	\$30,131.19	\$31,336.44	\$32,511.56	\$33,649.46	\$34,743.07	\$35,785.36	\$36,769.46	\$37,688.69	\$38,536.69	\$39,345.96
	Weekly	\$555.82	\$579.45	\$602.62	\$625.22	\$647.10	\$668.14	\$688.18	\$707.10	\$724.78	\$741.09	\$756.85
	Hourly	\$13.90	\$14.49	\$15.07	\$15.63	\$16.18	\$16.70	\$17.20	\$17.66	\$18.12	\$18.53	\$18.92
10	Annual	\$31,070.63	\$32,391.03	\$33,686.67	\$34,949.92	\$36,173.17	\$37,348.80	\$38,469.26	\$39,527.16	\$40,513.34	\$41,426.94	\$42,296.90
	Weekly	\$597.51	\$622.90	\$647.82	\$672.11	\$695.84	\$718.25	\$739.79	\$760.14	\$779.14	\$796.87	\$813.40
	Hourly	\$14.94	\$15.57	\$16.20	\$16.80	\$17.39	\$17.96	\$18.49	\$19.00	\$19.48	\$19.92	\$20.34
11	Annual	\$33,400.82	\$34,820.30	\$36,213.17	\$37,571.17	\$38,888.16	\$40,149.96	\$41,354.45	\$42,491.70	\$43,553.99	\$44,533.96	\$45,469.17
	Weekly	\$642.32	\$669.62	\$696.41	\$722.52	\$747.81	\$772.11	\$795.28	\$817.15	\$837.56	\$856.42	\$874.41
	Hourly	\$16.06	\$16.74	\$17.41	\$18.06	\$18.70	\$19.30	\$19.88	\$20.43	\$20.94	\$21.41	\$21.86
12	Annual	\$35,905.88	\$37,431.88	\$38,929.16	\$40,399.00	\$41,802.82	\$43,161.20	\$44,456.04	\$45,678.58	\$46,820.54	\$47,874.01	\$48,879.36
	Weekly	\$690.50	\$719.84	\$748.64	\$776.71	\$803.90	\$830.02	\$854.92	\$878.43	\$900.40	\$920.85	\$939.99
	Hourly	\$17.26	\$18.00	\$18.72	\$19.42	\$20.10	\$20.75	\$21.37	\$21.96	\$22.51	\$23.02	\$23.50

Introduced by: Mayor Sharp

First Reading: 5/23/94
Second Reading: 6/13/94
Effective: 7/01/94

ORDINANCE NO. 1994-17

Short Title: Pay Scale for Police.

AN ORDINANCE TO:

Establish a pay scale for police officers for FY 95, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City has negotiated a contract with Local 400 of the United Food and Commercial Workers Union, that establishes a separate pay table that incorporates a 1% market adjustment and a 2.5% cost-of-living adjustment for FY 1995;

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1991-14 is hereby amended and the following pay scale (see next page) is adopted as the new Pay Scale Plan for the City's Police Officers for the Fiscal Year beginning July 1, 1994 and ending June 30, 1995. This Pay Scale Plan will become effective July 1, 1994, and will remain in effect until amended or repealed by the City Council:

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

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

Adopted this 13th day of June, 1994 by roll call vote as follows:

AYES: Sharp, Chavez, Porter, Rubin, Williams.

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich

O-95/PYPD

POLICE PAY SCALE FY 95
 2.5% COLA + 1% MARKET ADJUSTMENT

GRADE	STEP % INCR	A STARTING	B 4.25%	C 4.00%	D 3.75%	E 3.50%	F 3.25%	G 3.00%	H 2.75%	I 2.50%	J 2.25%	K 2.10%
CADET 6	ANNUAL WEEKLY HOURLY	24,919.58 479.22 11.98										
PRIVATE 7	ANNUAL WEEKLY HOURLY	26,788.55 515.16 12.88	27,927.06 537.06 13.43	29,044.15 558.54 13.96	30,133.30 579.49 14.49	31,187.97 599.77 14.99	32,201.58 619.26 15.48	33,167.62 637.84 15.95	34,079.73 655.38 16.38	34,931.73 671.76 16.79	35,717.69 686.88 17.17	36,467.76 701.30 17.53
PFC 8	ANNUAL WEEKLY HOURLY	28,797.69 553.80 13.85	30,021.59 577.34 14.43	31,222.46 600.43 15.01	32,393.30 622.95 15.57	33,527.07 644.75 16.12	34,616.69 665.71 16.64	35,655.20 685.68 17.14	36,635.71 704.53 17.61	37,551.61 722.15 18.05	38,396.52 738.39 18.46	39,202.84 753.90 18.85
CORPORAL 9	ANNUAL WEEKLY HOURLY	30,957.52 595.34 14.88	32,273.21 620.64 15.52	33,564.14 645.46 16.14	34,822.80 669.67 16.74	36,041.60 693.11 17.33	37,212.95 715.63 17.89	38,329.34 737.10 18.43	39,383.39 757.37 18.93	40,367.98 776.31 19.41	41,276.26 793.77 19.84	42,143.06 810.44 20.26
SERGEANT 10	ANNUAL WEEKLY HOURLY	33,279.33 639.99 16.00	34,693.70 667.19 16.68	36,081.45 693.87 17.35	37,434.51 719.89 18.00	38,744.71 745.09 18.63	40,003.92 769.31 19.23	41,204.04 792.39 19.81	42,337.15 814.18 20.35	43,395.58 834.53 20.86	44,371.98 853.31 21.33	45,303.79 871.23 21.78
LIEUTENANT 12	ANNUAL WEEKLY HOURLY	38,458.43 739.59 18.49	40,092.91 771.02 19.28	41,696.63 801.86 20.05	43,260.25 831.93 20.80	44,774.36 861.05 21.53	46,229.53 889.03 22.23	47,616.41 915.70 22.89	48,925.87 940.88 23.52	50,149.01 964.40 24.11	51,277.36 986.10 24.65	52,354.19 1006.81 25.17

Introduced by: Mayor Sharp

1st Reading: 5/23/94
2nd Reading: 6/13/94
Effective: 7/01/94

ORDINANCE NO. 1994-18

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 2.5% adjustment to the Pay Plan for FY 95.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE amends the Executive Pay Plan as adopted by Ordinance 1990-28; this ordinance is to be effective July 1, 1994:

SECTION 1. PAY SCALE PLAN

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

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

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

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

(a) 1st Quartile - Hiring Bracket:

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

(b) 2nd Quartile - Performance Step:

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

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

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

(d) 4th Quartile - Superior Performance

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

SECTION 4. EXECUTIVE PAY SCALE

Executive 1:	1st Quartile = [34,749 - 38,659]	35,818 - 39,625
	2nd Quartile = [38,660 - 42,568]	39,625 - 43,512
	3rd Quartile = [42,569 - 46,478]	43,512 - 47,440
	4th Quartile = [46,479 - 50,387]	47,440 - 51,407
Executive 2:	1st Quartile = [37,356 - 41,558]	38,290 - 42,595
	2nd Quartile = [41,559 - 45,761]	42,595 - 46,905
	3rd Quartile = [45,762 - 49,963]	46,905 - 51,213
	4th Quartile = [49,964 - 54,166]	51,213 - 55,520
Executive 3:	1st Quartile = [40,158 - 44,676]	41,162 - 45,793
	2nd Quartile = [44,677 - 49,194]	45,793 - 50,424
	3rd Quartile = [49,195 - 53,712]	50,424 - 55,055
	4th Quartile = [53,713 - 58,230]	55,055 - 59,686
Executive 4:	1st Quartile = [43,170 - 48,027]	44,249 - 49,227
	2nd Quartile = [48,028 - 52,883]	49,228 - 54,205
	3rd Quartile = [52,884 - 57,740]	54,205 - 59,183
	4th Quartile = [57,741 - 62,596]	59,183 - 64,161

SECTION 5. COST OF LIVING ADJUSTMENTS

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

SECTION 6. DATE OF PAY INCREASES

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

Page Four
Executive Pay Plan Ordinance


Adopted this 13th day of June, 1994 to take effect July 1, 1994.

AYE: Sharp, Chavez, Porter, Rubin, Williams.

NAY: None

ABSTAINED: None

ABSENT: Davenport, Elrich.

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

Introduced by: Mayor Sharp
Drafted by : Juan Castillo

1st Reading: 05/23/94
2nd Reading: 06/13/94

ORDINANCE 1994-20

ORDINANCE TO AMEND THE TAKOMA PARK CODE, CHAPTER 12, ARTICLE 3, SEC. 12-22(a), MUNICIPAL INFRACTIONS; WARNINGS; OTHER REMEDIES.

WHEREAS, Section 12-22(a) of the Takoma Park Code currently allows for one (1) municipal infraction warning of (10) days for a violation of Sections 12-9, 12-12, 12-14, 12-15, 12-16, 12-17, and 12-18; AND,

WHEREAS, City staff finds that a warning period of three (3) days is sufficient time and is consistent with recent efforts to improve the overall city appearance.

NOW THEREFORE, BE IT ORDAINED THAT Section 12-22a of the Takoma City Code shall be amended to read as follows:

Sec. 12-22. Municipal infractions; warnings; other remedies.

(a) One (1) municipal infraction warning of [ten (10)] three (3) days shall be issued to the person responsible for violation of Sections 12-9, 12-12, 12-14, 12-15, 12-16, 12-17, and 12-18. No additional warnings shall be issued to the person responsible for subsequent violations of those previously violated sections declared to be municipal infractions for which a warning was received.

This ordinance becomes effective immediately upon adoption.

Adopted this 13th day of June, 1994.

AYE: SHARP, CHAVEZ, PORTER, RUBIN, WILLIAMS

NAY: NONE

ABSTAINED: NONE

ABSENT: DAVENPORT, ELRICH

Deletions are [bracketed]; additions are underlined.

ORDINANCE NO. 94-21

Auditing Services

- WHEREAS funds have been allocated in the FY-95 budget for Auditing Services; AND
- WHEREAS it is understood that this contract will remain in effect for a period of seven (7) years; AND
- WHEREAS proposals were solicited as advertised in the Washington Post and were mailed to approximately fifteen (15) firms; AND
- WHEREAS a pre bid conference was held on April 28, 1994; AND
- WHEREAS four CPA firms submitted proposals, which were subsequently reviewed by an ad hoc Auditor Selection Panel convened by the Account Supervisor; AND
- WHEREAS a point system was used to evaluate bids received; AND
- WHEREAS upon final review by the Panel recommends the retention of the firm Wooden & Benson, based on their submitted proposal.

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

SECTION 1. the proposal of Wooden & Benson to perform the City's auditing functions for a seven (7) year term beginning in Fiscal Year 1995, for the quoted amount of ONE HUNDRED FIFTEEN THOUSAND AN FIVE HUNDRED DOLLARS (\$115,500) over the seven (7) year term is hereby accepted; AND

SECTION 2. funds to cover this service for fiscal year 1995 in the amount of \$15,000 is authorized to be charged to the Independent Auditing Account No. 1130-6115.

This Ordinance becomes effective immediately upon adoption.

Adopted this 13th day of June, 1994.

- AYE: Sharp, Chavez, Porter, Rubin, Williams
- NAY: None
- ABSTAIN: None
- ABSENT: Davenport, Elrich

PUBLIC HEARING, SPECIAL SESSION, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, June 20, 1994

OFFICIALS PRESENT:

Mayor Sharp
 Councilmember Chavez
 Councilmember Porter
 Councilmember Williams

City Administrator Habada
 Deputy City Administrator Grimmer
 Assistant City Administrator Hobbs
 City Clerk Sartoph
 Corporation Counsel Silber
 DHCD Director Nance-Sims
 Asst. Dir. for Special Projects Ludlow
 Public Works Director Knauf
 Streets and Parks Supervisor Shafer
 Arborist Moskowitz

OFFICIALS ABSENT:

Councilmember Davenport
 Councilmember Elrich
 Councilmember Rubin

Executive Session 6/13/94 - Moved by Ms. Porter; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote (ABSENT: Davenport) at 9:16 p.m., in the Mayor's Office. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams). STAFF PRESENT: Habada, Sartoph. Council discussed property acquisitions in various parts of the City, and advised the City Administrator to continue exploring options for property acquisition (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)). Staff members left the Executive Session. Council discussed the City Administrator's evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

The Council convened in Worksession at 7:38 p.m. on Monday, June 20, 1994, in the upstairs meeting room at the Municipal Building, 7500 Maple Avenue.

PRESENTATION

#1 Council of Governments (COG) Outreach Presentation - Ruth Crone, Executive Director COG. Mr. Sharp introduced Ruth Crone, COG Executive Director, who introduced COG Public Affairs staffmembers Sherry Conway and Pat Warren, both in attendance.

Ms. Crone noted the six focus themes of the COG workplan, (1) air quality, (2) cooperative purchasing, (3) Intermodal Surface Transportation Efficiency Act (ISTEA), (4) long-range transportation plan, (5) links among land use, transportation and environmental issues, and (6) immunization, substance abuse, housing, and child care. She briefly commented and provided information on the following: environmental matters, area Water Summit, lead issues, recycling, air quality control, COG Transportation Plan, Washington Area Housing Partnership (affordable housing), interjurisdictional police programs, cooperative purchasing, and the United States Department of Housing and Urban Development's Work-Study Program, as it relates to local jurisdictions.

Mr. Sharp commented on COG's assistance and staff resources that were instrumental in the City's efforts to persuade the Montgomery County School Board to designate the Kay tract as the site for the new Blair High School. He also noted COG's role in the telephone book recycling program that the City utilizes. Mr. Sharp thanked Ms. Crone and members of her staff for their presentation and continued support to area jurisdictions.

PUBLIC HEARING

#2 Speed Hump Request - 800 Block Elm Avenue. Mr. Sharp called the public hearing to order at 8:05 p.m. to receive public testimony regarding the request for placement of a speed hump within the 800 block of Elm Avenue.

Charlotte Sobel, Elm Avenue commented on the "rolling stop signs" in the area of Elm Avenue and their ineffectiveness. She said that the speed hump in the 900 block of Elm Avenue does some good in slowing down the traffic, but added

that another speed hump in the 800 block would be helpful. Ms. Sobel reminded the Council that there are no sidewalks along Elm Avenue, often resulting in pedestrians using the street.

| She stated her opposition to a staff memorandum (dated 6/17/94), which she felt meant that the speed hump should be removed after the completion of an area traffic study sometime in the future. She urged the Council to support the immediate installation of a speed hump in the 800 block of Elm Avenue and retaining it until after a traffic study has been completed.

ate Bennison, Elm Avenue explained the history of the speed hump request, and supported the request by citing traffic concerns. She noted that non-residential traffic and vehicular speeds have increased. Ms. Bennison commented on the staff memorandum (dated 6/10/94), responding to remarks about a lack of supporting information to substantiate the request. She asked Council to approve the installation of the speed hump.

Tracy Council, Elm Avenue said she believes a speed hump is the only effective means of slowing traffic on residential streets, and noted that there are a lot of children in the Elm Avenue neighborhood who are an important consideration.

With no additional citizen comments, Mr. Sharp closed the public hearing at 8:15 p.m.

Moved by Ms. Porter; seconded by Mr. Chavez. The Council moved into Special session at 8:16 p.m.

SPECIAL SESSION

#3 1st Reading Ordinance re: Speed Hump - 800 Elm Avenue. Moved by Ms. Porter; seconded by Mr. Chavez.

Mr. Porter briefly described the history of the request, dating back to last year. She commented on her interpretation of the remarks made in the staff memorandum (dated 6/17/94), regarding a future review of the speed hump in conjunction with a traffic study. She said she interpreted the memo to mean that the speed hump will not be automatically removed at the onset of a neighborhood traffic study, but may be removed at a later date if recommended, following discussions of the traffic study results between staff and neighborhood residents.

Mr. Williams asked when the traffic study for the Elm Avenue area is scheduled to take place.

Assistant Director for Special Projects Ludlow replied that it is the first on the list of studies to be conducted, and estimated that it will probably be underway by spring 1995.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1994 - 22
(Attached)

#4 1st Reading Ordinance re: Peddlers and Transient Merchants. Moved by Mr. Williams; seconded by Mr. Chavez.

City Clerk Sartoph directed the Council's attention to a memorandum outlining the fees associated with permit and license procedures that were mistakenly omitted from the first reading version of the ordinance. She distributed a replacement page (pg.5) that includes the fees as described.

Mr. Williams made a motion to amend Section 4-30 (Hours of operation) to replace "sunset" with "9:00 p.m." He explained that the hours from 9:00 a.m. to sunset are limiting to solicitors during the winter months, and recommended that the hours be from 9:00 a.m. to 9:00 p.m., to accommodate year round operations. Mr. Chavez seconded the amendment.

Ms. Porter expressed concern about solicitors going door-to-door after dark, noting that the proposed "9:00 a.m. to sunset" language does not prevent City residents from going door-to-door after dark since there are exemption provisions in the ordinance for residents. However, the operations of non-resident solicitors should be limited, and since the aim of the ordinance is to protect the residents, she suggested that the Council err on the side of

providing more protection.

Mr. Sharp asked that the Council consider how far government can go toward protecting residents before crossing the line of intruding into the lives of those residents.

Corporation Counsel Silber responded that the ordinance does not intrude on residents' rights, but that instead, it puts limits on commercial operators.

Ms. Porter asked how the "9:00 a.m. to sunset" language in the ordinance is different from "9:00 a.m. to dusk", and noted that she is willing to support "dusk" or "sunset" as long as the intent is that operations will cease at dark. She commented, however, that there may be a problem defining "dark".

Mr. Sharp stated that the language of the ordinance should include a specific time versus "sunset".

Ms. Porter remarked that the time for "sunset" is published daily in the newspaper, clearly defining the hour and making it possible to enforce the hours of operation. She suggested that the ordinance language remain as proposed--"9:00 a.m. to sunset".

The proposed amendment to replace "sunset" with "9:00 p.m." was accepted (AYE: Sharp, Chavez, Williams; NAY: Porter).

The amended ordinance was accepted at first reading.

ORDINANCE #1994 - 23
(Attached)

#5 Single Reading Ordinance re: Wood Chipper Purchase. City Administrator Habada asked for the Council's consent to roll-over the wood chipper purchase into the upcoming fiscal year, to allow time for a competitive bid process. She noted that the roll-over will require a budget amendment to roll the applicable funds from FY94 to FY95.

The Council reached a consensus for Ms. Habada to proceed with the purchase and roll-over of funds. Mr. Sharp recommended that Ms. Habada present the budget amendment for Council's consideration in September.

(NOTE: An ordinance was not put before the Council for consideration this evening.)

PUBLIC FORUM

#6 Relocation of Speed Hump - 300 Block Boyd Avenue. Mr. Sharp explained that Mr. Adler who owns property at 310 Boyd Avenue has requested that an existing speed hump in front of his property be relocated in connection with the construction of a new house and driveway. He noted that the proposed location of the driveway would be in line with the existing speed hump, and that any other location for the driveway would require removal of a mature Holly tree on the property.

Mr. Williams noted the dimensions of the driveway, and asked why Mr. Adler is proposing a driveway that is too small for use. The length of the driveway is not deep enough into the property to accommodate a parking space.

Public Works Director Knauf responded that the driveway dimensions illustrated in the drawing may not be accurate, and gave a more detailed explanation for the need to relocate the speed hump.

Mr. Sharp commented that currently there is no policy regarding speed hump relocations, and asked Council to consider whether staff should be directed to handle this request as an administrative matter.

Mr. Williams stated that the neighbors have been surveyed, and that there is no opposition to the proposed speed hump relocation.

Ms. Porter confirmed that the speed hump will be relocated in front 310 Boyd Avenue, and added that she supports the applicant paying for the cost of relocating the speed hump. She asked about the timing of the relocation as related to the driveway installation.

Mr. Williams suggested that the relocation take place when the applicant pays for the driveway permit.

Jeffrey Adler (applicant), 310 Boyd Avenue stated, in response to Mr. Williams earlier comment regarding the driveway length, that the driveway does need to be extended by nine feet.

Ms. Porter asked how the driveway extension will impact the Holly tree.

Mr. Adler responded that the driveway will be five feet from the tree.

Ms. Ludlow stated that she believes there is a Montgomery County requirement that a driveway must accommodate a minimum of two cars.

Mr. Sharp remarked that the issue before the Council is how the "relocation" will be handled, and said that he is inclined to allow staff to address related issues like driveway requirements and environmental impacts.

There was no Council opposition.

Ms. Porter commented that even though relocations will be handled administratively by staff, it would be helpful, for notification purposes, that the Council be notified in the event of future requests for speed hump relocations.

WORKSESSION

Moved by Mr. Williams; seconded by Mr. Chavez. The Council moved into Worksession at 8:48 p.m., and later adjourned to Executive Session at 10:16 p.m. to discuss the City Administrator's Evaluation.

Executive Session 6/20/94 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote (ABSENT: Davenport, Elrich, Rubin) at 10:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Williams. No staff members were in attendance. Council discussed the City Administrator's evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

Introduced by: Councilmember Porter

1st Reading: 6/20/94
2nd Reading:
Effective:

ORDINANCE 1994- 22

INSTALLATION OF SPEED HUMP

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

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

That Speed Hump installations, as defined in Sec. 13-2(a) (14.2) of the Code of Takoma Park, MD, 1972, as amended, be installed at the following locations:

- (a) Elm Avenue (800 Block Elm Avenue), one (1) speed hump to be placed approximately 180 feet from the stop sign at Auburn Avenue; exact location shall be at the discretion of the Public Works Director.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced By: Mayor Sharp
Drafted by: Catherine Sartoph

1st Reading: 6/20/94
2nd Reading:
Effective:

ORDINANCE #1994 - 23

REPEALING AND THEN REENACTING WITH AMENDMENTS TAKOMA PARK CODE, CHAPTER 4, ARTICLE 3. PEDDLERS AND TRANSIENT MERCHANTS.

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

SECTION 1. CHAPTER 4. BUSINESSES, ARTICLE 3. PEDDLERS AND TRANSIENT MERCHANTS, OF THE TAKOMA PARK CODE IS REPEALED AND REENACTED AS FOLLOWS:

ARTICLE 3. PEDDLERS AND TRANSIENT MERCHANTS

DIVISION 1. GENERAL

Sec. 4-13. Definitions.

As used in this Article:

(a) **Canvasser** shall include any person, whether or not a resident of the city, who goes from house to house, from place to place or from street to street soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatever for future delivery, or for service to be performed in the future, whether or not the person has, carries or exposes for sale a sample of the subject of the order, or whether or not he collects advance payments of these orders. The term shall also include any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, hotel room, lodging house, apartment, shop or other place within the city for the primary purpose of exhibiting samples and taking orders for future delivery.

(b) **Junk or secondhand dealer** shall include any person, firm or corporation, whether or not a resident or establishment within the city, who engages in the business of buying, selling or solicits for the purposes of buying, selling or obtaining any used material or thing customarily considered as a household item.

(c) **Peddler** shall include any person, whether or not a resident of the city, who goes from house to house, from place to place or from street to street offering or exposing goods, wares or merchandise for sale, or making sales and delivering articles to purchasers.

(d) **Transient merchant** shall include any person, firm or corporation, whether or not a resident of the city, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city; and who, in furtherance of this purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, hotel room, lodging house, apartment, shop, street, alley or other place within the city for the exhibition and sale of goods, wares and merchandise, either privately or at public auction.

Sec. 4-14. Exemptions.

(a) The provisions of this article shall not apply to any of the following:

(1) Any person who is upon the premises at the request or invitation of the owners or occupants thereof;

(2) Wholesalers who sell personal property to dealers in such articles;

(3) Persons who take orders solely for the delivery of newspapers;

(4) Acts of merchants or their employees in delivering goods:

- (i) in the regular course of business; or
- (ii) to regular customers on established routes;

(5) Any farmer or truck gardener who shall vend, sell or dispose of the products of the farm or garden occupied and cultivated by him;

(6) Any City resident who is not a paid solicitor and is:

(i) soliciting on behalf of and authorized by a nonprofit organization; or

(ii) not involved in the promotion or sale of commercial goods or property conducted on behalf of a for-profit business enterprise; or

(7) Any City park or public building when the activities at such places are under a permit issued by or to the Department of Recreation.

(b) Nothing in this Article shall be held to prohibit any sale required by statute or by order of any court, nor to prevent any person from conducting a bona fide auction sale pursuant to law.

(c) Nothing in this Article shall be held to regulate the distribution of political campaign literature or solicitation of funds for political campaigns, as related to elections.

DIVISION 2. PERMIT

Sec. 4-15. Required.

Any organization, society, association, corporation or person desiring to solicit or have solicited, in its name, money or property or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a religious, charitable, philanthropic, political, cultural or other noncommercial purpose is required to obtain a permit from the City Clerk and shall be exempt from the provisions of Sections 4-17, 4-18, 4-27, and 4-28.

Sec. 4-16. Application.

(a) Applicants for a solicitor's permit shall file with the City Clerk, on forms provided by the City Clerk, a signed application giving the following information:

(1) Name, local and permanent address, local and permanent telephone numbers, age, date of birth, race, weight, height, color of hair and eyes, and other distinguishing physical characteristics of the applicant, if any;

(2) Name and purpose of the cause for which the permit is sought;

(3) Names and addresses of the officers and directors of the organization, if any;

(4) Period during which solicitation is to be carried on;

(5) Whether or not any commission, fee, wages or emoluments are to be expended or received in connection with such solicitation, and the amount thereof; and

(6) Two (2) prints of a recent photograph of the applicant, approximately two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(b) Upon being satisfied that the applicant has met the requirements of Sections 4-15 and 4-16, the City Clerk shall

issue a permit to the organization, society, association, corporation or person, specifically listing the person(s) who have completed the application process and have been authorized pursuant to Sections 4-22 and 4-23 to solicit in the City.

DIVISION 3. LICENSE

Sec. 4-17. Required.

No peddler, canvasser, transient merchant, junk or secondhand dealer shall engage in such business within the City without first obtaining a license in compliance with the provisions of this Article.

Sec. 4-18. Application.

Applicants for a license under this Article shall file with the City Clerk a sworn application in writing, on a form to be furnished by the City Clerk, which shall give the following information:

(1) Name, local and permanent address, local and permanent telephone numbers, age, date of birth, race, weight, height, color of hair and eyes, and other distinguishing physical characteristics of the applicant, if any;

(2) Complete permanent home and local address of applicant and, in the case of transient merchants, the local address from which proposed sales will be made;

(3) A brief description of the nature of the business and goods to be sold;

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;

(5) The length of time for which the right to do business is desired;

(6) The source and supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where goods or products are located at the time the application is filed, and the proposed method of delivery;

(7) If a vehicle is to be used in connection with soliciting, a description of the same, together with the license tag number;

(8) Two (2) prints of a recent photograph of the applicant,

approximately two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(9) The name of at least two (2) permanent residents of Montgomery and/or Prince George's County, who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, other available evidence of the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(10) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense, and the punishment or penalty imposed therefor; and

(11) The last cities or villages, not exceeding three (3), where the applicant carried on business immediately preceding the date of application, and the addresses from which the business was conducted therein.

DIVISION 4. REQUIREMENTS - PERMITS/LICENSES

Sec. 4-19. Background Check.

All permit and license applicants must obtain and submit a personal Criminal Justice Information System (CJIS) criminal background check to the City Clerk as a supplement to the permit or license application. No application will be considered complete or filed until a CJIS criminal background check report is submitted by the applicant.

Sec. 4-20. Fees; duration and expiration; renewal.

(a) A non-refundable processing fee of five dollars (\$5) will be charged to each applicant at the time an application for a permit or license is filed with the City Clerk.

(b) An administrative fee of five dollars (\$5) will be charged to each applicant at the time a permit or license, and identification badge is issued.

(c) Every applicant for a license under this Article shall pay a license fee of twenty-five dollars (\$25) a year or fifteen dollars (\$15) for a half year. The annual fee shall be assessed for one year from the date of issuance, the half-year fee for six months from the date of issuance.

(d) Permits will be issued for a period effective for six months

from the date of issuance.

(e) All permits and licenses issued under this Article shall expire at 12:00 midnight either six months or one year from the date of issuance, as applicable.

(f) The same application procedures and requirements apply at the time an applicant seeks renewal of a permit (Sections 4-15 and 4-16) or license (Sections 4-17 and 4-18).

Sec. 4-21. Identification badge.

(a) Every person either permitted or licensed to solicit in the City shall prominently display on his/her person at all times while engaged in soliciting, an identification badge issued by the City.

(b) A solicitor's identification badge shall remain the property of the City and shall be surrendered to the City upon expiration, suspension or revocation.

(c) The identification badge shall show the following:

(1) Name and address of the solicitor and the entity he/she is representing, if any;

(2) Dates of issuance and expiration of the permit or license;

(3) One (1) of the photographs submitted by the solicitor; and

(4) Whether or not any commission, fee, wages or emoluments are to be expended or received in connection with the solicitation.

DIVISION 5. PROVISIONS AND PROCEDURES - PERMITS/LICENSES

Sec. 4-22. Conditions for issuance.

(a) Upon receipt by the City Clerk of a complete application for a permit or license, it shall be referred to the Chief Police Officer or designee, who shall immediately review the background check and institute an investigation as he/she deems appropriate in his/her sole discretion of the applicant's application for the protection of the public safety.

(b) The review of the applicant's background check and any investigation of his/her application, shall give due weight to any conviction for any crimes against person or property.

(c) If as a result of the investigation, the applicant's background check and application are found to be satisfactory, the Chief Police Officer or designee shall endorse on the application his approval, or his disapproval and reasons therefor, and return the application to the City Clerk.

(d) The City may refuse to issue a license upon a finding that the applicant has withheld or falsified any information required to be submitted in order to obtain a permit or license.

(e) The Chief Police Officer or designee shall endorse the application in the manner prescribed in Section 4-22(c) within a reasonable amount of time as determined by the Chief Police Officer or designee after it has been filed by the applicant with the City Clerk, and after the Background Check has been submitted pursuant to 4-19.

Sec. 4-23. Approval, issuance, content and transferability.

(a) The City Clerk shall determine, subject to review by the City Administrator as provided in Section 4-26, whether or not the application shall be approved. If the application is approved, the City Clerk shall, upon payment of the prescribed fees issue a permit or license to the applicant, as applicable.

(b) The permit or license shall contain:

(1) The signature of the City Clerk; and

(2) The name and address of the individual applicant or organization accompanied by a listing of each applicant covered by the permit or license; and

(3) The class of permit or license issued; and

(4) The purpose and cause of the permit or kind of goods to be sold; and

(5) The amount of fees paid; and

(6) The date of issuance; and

(7) The expiration date; and

(8) The number and other identifying description of any vehicle used in the licensed business, if applicable.

(c) Each organization or individual provided for in Section 4-15 must secure a permit, and each peddler, canvasser, transient merchant, junk or secondhand dealer, and their bona fide employee(s) must secure a personal license. A permit issued to

an organization will specifically list the persons who have completed the application process and have been authorized to solicit in the City.

(d) No license shall be used at any time by any person other than the one to whom it is addressed.

(e) The Clerk shall keep a permanent record of all permits and licenses issued.

Sec. 4-24. Denial.

If an application for a permit or license under this Article is disapproved, the City Clerk shall promptly notify the applicant in writing to that effect.

Sec. 4-25. Revocation or suspension.

(a) Permits and licenses issued under this Article may be revoked by the City Administrator for any of the following grounds:

(1) Fraud, misrepresentation or incorrect statement contained in the application;

(2) Fraud, misrepresentation or incorrect statement made in the course of carrying on his/her business as solicitor, peddler, canvasser, transient merchant or junk or secondhand dealer;

(3) Any violation of this Article;

(4) Conviction of any crime or misdemeanor; or

(5) Conducting the business of solicitor, peddler, canvasser, transient merchant, junk or secondhand dealer, as the case may be, in an unlawful manner or in a like manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Permits and licenses issued under this Article may be suspended during the period a permit or license holder is under investigation following his/her arrest for any crime.

(c) If a permit or license under this Article is revoked or suspended, the City Clerk shall promptly notify the applicant in writing to that effect.

(d) No person whose permit or license has been revoked or suspended under the provisions of this Section shall make further application for a permit or license within six (6) months

thereafter.

Sec. 4-26. Appeal of denial, revocation or suspension; procedure.

(a) The procedure for the handling of appeals, under this Article, shall be governed as follows:

(1) Any person aggrieved by the action of the City Clerk in the denial of a permit or of a license shall have the right to appeal to the City Administrator.

(2) The appeal shall be made by filing with the City Clerk a written statement setting forth fully the grounds for the appeal within fourteen (14) days after receipt of notice of the action.

(3) The City Administrator shall consider the appeal and provide a written response to the applicant within fourteen (14) days after receipt of the his/her appeal.

DIVISION 6. REGULATIONS

Sec. 4-27. Exhibition of license; sign; records.

(a) Every licensee is required to exhibit his/her license certificate at the request of any citizen.

(b) Each junk or secondhand dealer shall, in some manner, display a sign showing the firm name, type of business and location address in letters at least two (2) inches in height and plainly legible on each side of any vehicle used.

(c) Each junk or secondhand dealer transacting business within the City shall maintain all records of such and shall exhibit them upon demand to any police officer or to the City Administrator.

Sec. 4-28. Vehicles, maintenance; identification displayed; refuse containers.

(a) Any vehicle and everything pertaining thereto used by a licensed vendor shall at all times be maintained in a clean and orderly condition. No portion of the contents shall be thrown, spilled or deposited upon the street or other public place.

(b) Every vehicle shall have the name of the vendor and the location where the vehicle is stored, when not in use, painted plainly and legibly.

(c) Vendors selling from stands or vehicles upon the streets or other public places shall attach to such stands or vehicles a box or other receptacle to contain refuse matter incident to their business. Separate boxes or other receptacles are required for recyclable materials, as defined by City ordinance. The receptacle(s) shall have prominently displayed on its side the type of refuse matter it is intended to contain, and be of a form and material and be placed in any position the Director of Public Works or designee may prescribe. The contents of each receptacle shall be removed daily by the person in charge of the stand or vehicle to which it is attached.

Sec. 4-29. Use of the streets.

No permit holder or licensee shall have an exclusive right to any location in the public streets, be permitted a stationary location or be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this Article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether or not an area is so congested as to impede or inconvenience the public.

Sec. 4-30. Hours of operation.

Permit holders and licensees shall only canvass, solicit or conduct business from 9:00 a.m. to ~~sunset~~ 9:00 p.m. each day; provided that solicitations may be made where the person solicited has agreed by previously arranged appointment for a time other than the prescribed hours.

Sec. 4-31. Enforcement.

(1) Any violation of this Article is a Class C offense.

(2) The Police Department shall require any person seen peddling, soliciting or canvassing, who is not known by the officer to be duly permitted or licensed, to produce his/her permit or license or identification badge. The Department shall enforce the provisions of this Article against any person found to be violating the same.

Sec. 4-32. Records of licenses and convictions.

The Chief Police Officer or designee shall report to the City Clerk all convictions for violations of this Article. The City Clerk shall maintain a record of each permit and license issued, and record the reports of violations therewith.

SECTION 2. THAT this ordinance shall be effective immediately.

Adopted this ____ day of _____, 1994 by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

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