

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

Monday, May 1, 1995

## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Asst. Dir. Special Projects Ludlow
Councilmember Porter	Deputy Chief Police Wortman
Councilmember Rubin	Public Works Team Leader McKenzie
Councilmember Williams	Public Services Coor. Brown

The Council convened in Special Session at 7:36 p.m. on Monday, May 1, 1995, in Upstairs Meeting Room (#1) of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland (Moved by Sharp; seconded by Porter).

## SPECIAL SESSION

#2 Resolution re: Elections Task Force. Mr. Sharp noted that the resolution affects the appointment of Gary Pendleton, resident of Annexation Area #2 and President of Circle Woods Neighborhood Association.

Ms. Porter asked that the appointment of Ann Riley, resident of Ward 2 and member of Longbranch-Sligo Citizens Association, be added to the resolution. There were no objections.

The resolution was unanimously adopted (ABSENT: Davenport).

RESOLUTION #1995-29  
(Attached)

Mr. Sharp asked that City Clerk Sartoph check on the status of upcoming vacancies and expiring terms of persons serving on the Commission on Landlord-Tenant Affairs (COLTA). He requested that interviews be scheduled as appropriate, indicating that he would like to make appointments to COLTA before mid-June.

Mr. Sharp made a motion that the Council move out of Special Session and into Worksession at 7:40 p.m.

## WORKSESSION

David Deppner identified himself as a representative from a Construction Company that owns properties at 8204 and 8206 Houston Court, and commented on the parking problems that have arisen in the Court. He noted that vehicles parked on the right-of-way are essentially trespassing on City property, and explained that in 1991, the Takoma Park Police Department gave him and other landlords in the Houston Court area the authority to erect restricted parking signs on the sides of the residential buildings, and to enforce the parking by towing vehicles in violation of the parking signs.

Mr. Deppner stated that recently a neighboring landlord has been telling tenants that they can park in the area regulated by other property managers, as part of the terms of their rental agreements. He commented that several vehicles found in violation of the parking signs were towed, and that the residents took the towing fee out of their rent and refused to pay the landlord that amount. The landlord is now suing Mr. Deppner's company to recoup the towing costs (\$700).

Mr. Deppner read a letter he received from Code Enforcement Supervisor, Abel Castillo, directing that the signs be removed and the towing be halted, and that the City would be taking over the jurisdiction for enforcing parking regulations in this area. He said that his company has canceled its towing contract, and cautioned that the City is fueling a conflict between property owners in the Houston Court area.

Mr. Sharp responded that the City is not fostering a war on Houston Court, and said that he would like to know how Montgomery County interprets the question of "jurisdiction" in this case, since Mr. Deppner indicated that he has spoken with the county about the matter.

Ms. Habada clarified that Mr. Castillo was working in accord with direction from Corporation Counsel.

Mr. Sharp asked for a report from staff (Police Department, Code Enforcement and City Administrator) next week, on the matter.

#### **PUBLIC HEARING**

#1 FY96 Budget--Public Works, Stormwater Management, Nondepartmental Debt Service, Special Revenue and FY96 Capital Budgets. Mr. Sharp opened the public hearing at 7:48 p.m. In the absence of any citizen comments, he closed the hearing at 7:49 p.m.

#### **WORKSESSION**

Without objection, the Council moved into Worksession at 7:50 p.m. Following adjournment from Worksession, the Council convened in Executive Session at 10:05 p.m.

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Executive Session 5/1/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:05 p.m., in the Conference Room.

OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer. Staff updated Council on a land acquisition matter; Council directed staff to continue negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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Introduced by: Mayor Sharp

RESOLUTION #1995 - 29

APPOINTING MEMBERS TO ELECTIONS TASK FORCE

WHEREAS, on April 24, 1995, the Council adopted Resolution #1995-28 establishing an Elections Task Force and effecting initial appointments to the Task Force; AND

WHEREAS, Council members are to make recommendations regarding City residents and representatives from the areas seeking annexation to serve on the Task Force; AND

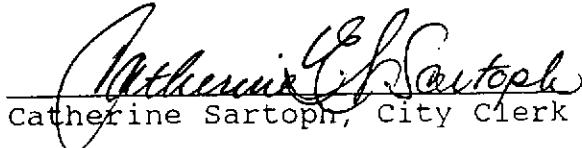
WHEREAS, the Council desires to appoint additional members to the Task Force.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby appoints the following persons to serve on the Elections Task Force:

	<u>Name</u>	<u>Address</u>	<u>Ward/Area</u>
1.	Gary Pendleton	6616 Gude Avenue	Area #2
2.	Ann Riley	7220 Garland Avenue	Ward 2

Adopted this 1st day of May, 1995.

ATTEST:

  
Catherine Sartoph, City Clerk

PUBLIC FORUM, PUBLIC HEARING, REGULAR MEETING, WORKSESSION  
BUDGET WORKSESSION AND EXECUTIVE SESSION

Monday, May 8, 1995

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Executive Session 5/1/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:05 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer. Staff updated Council on a land acquisition matter; Council directed staff to continue negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	Deputy City Clerk Espinosa
Councilmember Elrich	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:37 p.m. on Monday, May 8, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

## MAYOR'S COMMENTS AND PRESENTATIONS

Mayoral Proclamation re: Casa of Maryland. Mr. Sharp read the proclamation for the record, and presented Mr. Gustavo Torres with the proclamation.

Mr. Torres thanked the Council on behalf of the Latino Community and Casa de Maryland, for the proclamation.

Mr. Sharp said that Casa is a very important organization in the community, and that the Council is pleased to recognize their accomplishments.

Mr. Sharp commented on the Montgomery Preservation, Inc. awards, and the Montgomery County Historic Preservation Commission grant for preparation of a pictorial history of Takoma Park. He asked that a discussion of proposed cuts in the Historic Commission's budget be added to the evening's agenda.

Mr. Rubin requested that a discussion of the "sunset" of five taxes paid to the County by the Federal government and businesses also be added to the evening's agenda.

Mr. Williams reported that he attended an organizational meeting of the Washington Regional Alliance Project (WRAP), where individuals met to discuss improving regional organization. He noted that WRAP might develop into an agency similar to the Washington Area Council of Governments (COG).

## MINUTES

The Council Meeting Minutes from 3/13/95, 3/27/95, 4/3/95, 4/10/95 and 4/17/95 were adopted unanimously.

## CITIZEN COMMENTS

(unintelligible) communicated the desire of the Westmoreland Avenue Community Organization (WACO) to have a second traffic analyst hired onto City staff.

## PUBLIC FORUM

#1 Annexation. Mr. Sharp explained that this is meant to be the first of two public hearings; the legally required public hearing, that will be widely advertised, is scheduled for May 30th. He explained the areas proposed for annexation. Mr. Sharp said that the Council will be accepting comments, but will not debate the issue this evening.

Elias Vlanton, Elm Avenue said he opposes the idea of annexation pending the answers to several questions. (1) Rhetoric around annexation, including logical boundary argument and "sentimental" reasoning, i.e. residents of the proposed area "have always felt a part of Takoma Park." He said that he feels this movement is largely on the part of people who, in anticipation of unification for the City, want to join Montgomery County. Mr. Vlanton noted that these people have not made the move to join the City in the past, and that they see the City as a vehicle to get into Montgomery County ("Johnny come latelies"). (2) He questioned whether the annexation would be of marginal economic benefit to the City, and urged the Council to look carefully at the numbers. (3) Mr. Vlanton cautioned that it may not be prudent to continue to discuss the issue of annexation without clear indications from the County Councils that they will not oppose the annexation. He added that we do not want to put "unification" at risk--the City has worked for years to achieve this opportunity.

Gary Pendleton, President of Circle Woods Neighborhood Association said that his neighborhood is a divided neighborhood--part in the City, and part outside the City. He remarked that the matter of annexation is really about preserving the neighborhood and sense of community. Mr. Pendleton stated that he does not want to see his community divided in any way. Annexation will be good for Gude and Poplar Avenues. Residents want the police who are responsible for our neighborhood, to know where we are located. Annexation would help resolve the question regarding who has jurisdiction. The evidence that has been looked at, as outlined in the cost-benefit analysis, seems to indicate that in the long-run, annexation will only make the City better able to meet the needs of the citizens. He said that this is the last chance for residents of the proposed annexation areas to become part of the City, and that he really does not care which county the City eventually unifies into. Mr. Pendleton acknowledged that impending unification has hastened their effort for annexation, and heightened their awareness of the need to act quickly. He noted that the percentages of petition signatures are very high and impressive. He concluded that residents of the proposed annexation areas care about their neighborhood, are willing to pay taxes to become part of the City and are following the legal annexation guidelines. Mr. Pendleton said that he thinks the debate will show that this is good for everyone.

Mr. Rubin asked if Mr. Pendleton's neighborhood is located entirely in Prince George's County. He pointed out that if not, this would be a very practical reason for seeking annexation.

Bryan Sayer, 215 Spring Avenue responded that one house in the Circle Woods Neighborhood is located in Montgomery County.

Mr. Pendleton said that all other homes are in Prince George's County. He spoke about the problems associated with being a small area, separated from the rest of Prince George's County by the commercial area along New Hampshire Avenue. The residents fee marginalized in the area--a border zone. He remarked that annexation would help the situation.

Bryan Sayer spoke in favor of annexing all three neighborhoods. All three areas represent an extension of Takoma Park. If the City does unify into Montgomery County, we would be leaving them stranded in Prince George's County. The proposed annexation areas fit into the City. In regards to economics, the residents of the areas already benefit from a lot of City services, and it is an argument that they should start paying taxes. We are looking at an addition of approximately 90 students (grades 8-12). He added that this increase in number of students will give un additional weight for

requesting another elementary school to support the area. Mr. Sayer reiterated that it is not as much "Johnny come lately" as some efforts in the past, but that it is true that unification has forced the issue. He said that he has been active in the Circle Woods Neighborhood Association since moving here in the 80's, and that there has been discussion of annexation for years.

Hank Prensky, 209 Spring Avenue (Vice-President of Circle Woods Neighborhood Association) emphasized a number of points in support of annexation that were put together by him and former Councilmember Douglas: (1) neighborhood cohesiveness (e.g. share neighborhood association, zip codes, City events, etc.), (2) rationalize boundaries (if not annexed, would share a border with proposed annexation areas that would not only isolate them from the City, but also from the County), (3) unfamiliarity of the area to existing public safety services (e.g. police, fire and rescue, 911 service, etc.), (4) community and economic development (e.g. affordable housing opportunities, common concerns about commercial development--Julissa's Restaurant), (5) reducing the ratio of residential to commercial property taxes, (6) creating a more viable commercial district at the New Hampshire Avenue/East-West Highway intersection--City has invested CDBG funds to develop this area, and (7) promoting Takoma Park values (e.g. recycling, Nuclear-Free Zone, etc.). Mr. Prensky concluded in support of the annexations.

George Raskulinecz, Gude Avenue said that he has lived there for 13 years, with his wife and kids, and that they have always considered themselves Takoma Park citizens. However, they have always felt marginal living in a "spare part" of Prince George's County. He remarked that unification does hasten their interest to pursue annexation, because the City boundary may also become a County boundary. The marginalization would have practical implications, and the area could also become a less desirable neighborhood in which to live. Many people view annexation as an opportunity to unify with the City and County. He said that this has been the time to put forth a large scale effort, adding that it was not a spur of the moment "Johnny come lately" effort. Mr. Raskulinecz said that he does not agree with comments made in the past about the annexation areas not looking like Takoma Park. He said that annexation is a great idea--its time has come--and urged the Council to adopt the resolutions on May 30th.

Anna Wynn (Pine Crest Area) stated that she resents the term "Johnny come lately." She commented that they need annexation to resolve questions about police jurisdiction and improve social disorder. She related the story of a dead body that was dumped in front of her home last year. Ms. Wynn said that she has been asking the Prince George's County, Public Works Department for 20 years to install speed humps in the neighborhood. She referred to the proposed annexation areas as the "best of the rest [of Takoma Park]."

Milton Werner, Westmoreland Avenue (representing Area #3) said that they are already geographically located in the City. The house on Second Avenue and homes on the even side of Westmoreland Avenue require duplicate service from the county that could easily be provided by the City. Mr. Warner said that residents of this area feel they already participate so much in the City, that they would like to be recognized as part of the City. He spoke about the school concerns. He said that there have been instances when the response-time of the Prince George's County Police has been poor, elaborating that Police often do not know where their neighborhood is located. The P.G. County Planning Department thinks that this area is part of another county. He asked the Council to favor annexation.

(Mr. Elrich arrived at 8:25 p.m.)

Olga Lancaster, 6706A Poplar Avenue supported the arguments in favor of annexation. She commented on the confusion caused by three homes sharing the 6706 address, and added that if the adjacent area is not annexed, one home will remain in Prince George's County. In essence, across the street from her there would be one home in P.G. County and one in Montgomery County. She remarked that there have been occasions where gun shots were fired only a few doors down from her, and that the police did not respond. Ms. Lancaster stated that some time ago she attended a Council meeting discussion of the installation of a stop sign that would affect traffic in this area (not in the City). She concluded in support of annexation.

Sandy Fillippi, resident of Hampshire Knolls, Belford Place commented that the business community does not recognize jurisdictional boundaries, and that the postal service does not recognize jurisdictional boundaries. She said that she originally thought she was moving into Takoma Park, and that she did not find out that her home was not in the City until she went to settlement and was told by the realtor that she would be living outside of the City. Ms. Fillippi remarked that shortly after moving into her home she was burglarized one evening, and she related a story of problems she experienced in receiving police response. She emphasized the concern raised when public safety services question jurisdictional boundaries. In terms of public services, she wrote a series of letters requesting that P.G. County trim the limbs of a tree that had obstructed a stop sign in the neighborhood. The County did not respond. She said that she and her husband went so far as to conduct a traffic count to gauge the number of motorists not responding to the obstructed sign. She commented that she came home one day to find that the tree had been sawed down to the ground, instead of the limbs simply being trimmed. Ms. Fillippi remarked about how her car insurance doubled when her insurance carrier discovered that she resides in P.G. County. She concluded that she believed, in her heart, when she bought her home she was moving into Takoma Park, and that she still feels that she lives in the City.

Gregory Stanton, Corner of Circle and Prince George's Avenues stated that he is concerned about the confusion, in the minds of authorities (fire and police, in particular), about what jurisdiction the areas are in. He said he was once told to contact Takoma Park, by P.G. County when he requested a recycling bucket. He remarked that he takes exception to comments about the residents of the areas having not "given back" to the Takoma Park community. He commented on his personal contributions to the City. Mr. Stanton said he is annoyed with being on the borderline of P.G. County. He stated that there is a right-of-way parcel of land that he has been ticketed for not upkeeping when, in fact, the parcel is public land owned by P.G. County. He commented that he would like to be affiliated with the City of Takoma Park.

Jane Buckwalter stated that this issue, for her neighborhood, is not about moving from one county to another. The issue boils down to wanting control in our neighborhood. She remarked about the City's assistance with the matter of Julissa's Restaurant, saying that she cannot imagine what it would have been like without the support of the City. Another issue for the neighborhood is problems with the emergency services (police and fire). There are many stories of persons having to argue with 911 operators about who has jurisdiction of the neighborhood. She commented on some of the volunteer work she has done for the City. Ms. Buckwalter noted that unification has forced the issue for the areas seeking annexation, because being in another county from the entire city would present a greater problem than simply being outside the City's boundary.

Scott Handel, 408 Circle Avenue (Hampshire Knolls) said that if annexation does not occur and the City does unify into Montgomery County, the proposed annexation areas will be left hanging awaiting the assistance of whoever will come and help them (e.g. police and fire services). He remarked that the City will gain active community members and good neighbors through annexation. Mr. Handel concluded that if the areas are not annexed, they would still be neighbors but in a sense, "second class citizens."

Sara Armoir (Hampshire Knolls) defined a "community" as depending on the relationships between people and not defined by geographic lines. She said his community has total inter-connectedness with the adjacent City community and no connectedness with P.G. County. She remarked that she runs a home day care center, and that more than 90% of the children have been from Takoma Park over the last six years. She said that she would much rather pay taxes to the City, and commented on the responsiveness of emergency personnel in P.G. County. She related a story of the licensing inspection required of her home when she was originally seeking a day care license, and revealed that she had to tell the officials how to conduct the fire inspection. She stated her concern, and added that two of the three gentlemen who came to inspect her house said that they were not aware that the neighborhood was part of Prince George's County. Ms. Armoir urged the Council to adopt the annexations.

Roberto Pena, 6403 Eastern Avenue said he is from Central America, El

Salvadore, and that he become a citizen two weeks ago. He commented on incidents of confusion with emergency services and not being able to get cable access in his home. Mr. Pena noted that he signed the annexation petition.

Nelly Moxley, 6411 Eastern Avenue said that she has nothing good to say about the "corner-area" she lives in. She urged the Council to "put together Takoma Park once and for all," adding that she has always considered herself to be living in Takoma Park. Ms. Moxley said that most of the persons in the area have in-home businesses, and that she pays her taxes and supports her grandchildren. She noted that she does not have much, but that she is working hard to pay off her debts. She concluded that in reality, "Takoma Park" belongs together, and urged the Council to accept all pieces (annexation areas), however small, as they are.

Charles Martin, 6506 Kansas Lane said he has had a "270" phone number for a long time and shares "Takoma Park" as part of his address. Unification will further isolate his community. Pine Crest was drawn as an addition to Takoma Park in 1969; however, all areas did not make it into the corporate boundaries. He asked the Council to not focus on economics, but to focus on the argument for rational boundaries. If annexation becomes a reality, there will never again be a question about who is taking care of what. He remarked that annexation would benefit the residents in the annexation areas and those already in the City.

Mr. Prenskey said that in regards to what annexation might do to the unification effort, there was a memo presented to Council at their last discussion regarding the fact that the addition of school aged children would not adversely affect efforts to resolve school overcrowding. He called attention to a more recent memo, indicating that there are approximately 83 versus 120 students in consideration. The issue is clear, the need is already existent, the solution will be won by the residents of Takoma Park, and the annexation will not put an additional burden on the unification effort.

Ms. Buckwalter said that in conversations with Councilmember Del Giudice's Office, he has indicated that he will not fight the wishes of the residents of the areas seeking annexation.

Mr. Sharp called the public forum to a close at 9:56 p.m. He noted that another public hearing will be held on May 30th, and that at that time, the Council will have to vote on the resolutions. Mr. Sharp commented that the Council will probably have additional discussions of this matter before May 30th, but that right now, this is the only scheduled discussion (May 30th).

#2 FY96 Budget. Called to order at 8:58 p.m.

Tricia Vierra (Vice-President Friends of the Library) thanked the Council for its continued support for the Library's programs. Providing access to public information is the responsibility of the Library. The "Friends" are supportive of the Library's efforts to expand public access, and have dedicated funds to establish an Internet link for the Library. She said that their funds are limited, however, and commented on plans for an "on-line catalogue." Ms. Vierra stated that the Library's staff are valuable assets to the community, but are often too busy with clerical duties that should be handled by automated systems. She asked the Council to support the Library.

Kate Bennison, past President of South of Sligo Citizens Association (SOSCA) noted that SOSCA has just completed the data collection phase of the SOSCA traffic study. She commented on traffic concerns. Ms. Bennison remarked about recently learning that Venita George is on loan from another function of the Housing Department, and added that with unification coming up, Lisa Schwartz's responsibilities will expand. She said she does not want to lose staff that can be available to address traffic concerns. She supported the vacant Code Enforcement Officer position being made a position for a staff person who would focus on traffic studies.

Allison Moyer encouraged the Council to adopt another Traffic Planner position in the FY96 Budget.



Mr. Sharp closed the public hearing at 9:04 p.m.

**REGULAR MEETING**

Mr. Sharp added three resolutions, commending City Police Officers, to the end of the regular meeting agenda.

#3 Single Reading Ordinance re: Lead-based Paint Consultant Services. Moved by Mr. Rubin; seconded by Mr. Chavez.

Mr. Sharp noted that there is money in the budget for this contract. This was discussed at great length during the budget discussions last year, in response to a vigorous plea from the Committee on the Environment last year.

There were no citizen comments.

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

ORDINANCE #1995-10  
(Attached)

#4 1st Reading Ordinance re: Upper Westmoreland Area Storm Drain Improvements. Moved by Mr. Williams; seconded by Ms. Porter.

Mr. Sharp explained that when the project was initially bid, the NZI bid was double the amount budgeted and anticipated. He noted that some tasks have been removed from the project plan, and said that he remains puzzled as to how the tasks removed from the original plan, constitute \$40,000-45,000 of work.

Ms. Habada deferred to Engineer DeLester Monk. He said that some of the parameters were changed, but that the City did not reconfigure the plan to amount to \$40,000-45,000.

Mr. Sharp said that the goal was not to charge the residents of the Westmoreland Avenue area any more than the amount originally estimated, and that if some tasks are removed from the project plan and picked up by the City, residents of the entire City will end up paying for some of the cost of the project. This does not meet the original intent of the project-- Westmoreland Avenue area residents paying for the entire project.

Ms. Habada commented on problems associated with dumping of construction debris. Concrete and asphalt dumping will be a direct cost to the City. She stated that there is a question about the difficulty of getting a District of Columbia, Public Works permit for construction within Eastern Avenue.

Mr. Williams remarked about a \$15/truckload dump fee for disposing of concrete and asphalt.

Ms. Habada said that the \$95,000 low bid was not anticipated, but explained that she has been advised that the estimates provided by the engineers were based on the conceptual drawings, not on the actual specifications of the project.

Mr. Sharp said that there needs to be a break-out illustrating staff work and cash outlay necessary to absorb the tasks that have been removed from the project plan. He noted that while both do equate to "costs", cash outlay is the most obvious cost of the two. He commented that he does not see where all of the additional costs should be borne by the City, and noted that the Council has not yet discussed this new direction in Worksession.

Ms. Porter said that she is also uncomfortable with this proposal, and that she would like to discuss this matter in Worksession next week. She stated that she would like to talk directly to the engineer about why the bids were so different from the estimate, and why, by removing a few tasks from the project bid, did the bid drop so low when the tasks do not seem to equate to

the costs of the tasks. Ms. Porter suggested that, if necessary, the Council could hold a special session next week to consider the ordinance at first reading, keeping the adoption on track for two weeks from now. She said that she is not prepared to act on the first reading of the ordinance this evening.

Mr. Rubin questioned the reliability of NZI construction company and the engineering firm.

Ms. Habada said that she can have representatives present for a discussion next week. She noted that there was some clarification about how the trench work related to the project would need to be done.

Mr. Sharp asked if the change in the trench work would have an effect on peoples' support for the project, especially as related to work being done in their backyards.

Mr. Monk responded in the negative, clarifying that the trenching is to be done in the commercial area.

Mr. Williams commented on the timing of the project, and urged that the Council address this matter as soon as possible.

Mr. Davenport said that he is concerned about the cost difference, and what the area around the City's Public Works facility will look like when the site is used for dumping of project debris. He remarked that he hears constant complaints from constituents about how the Public Works compound looks, and that he does not want it to become an eyesore.

Ms. Porter moved to table the item (seconded by Mr. Rubin); item was tabled until next week.

Mr. Sharp stated that next week, the Council will be prepared to move into Special Session to consider the ordinance at first reading, if necessary. He said that he would like to see costs of manpower and cash outlay broken down, and information about how the dumping will be handled.

#5 Resolutions re: Police Officers. Mr. Sharp read three resolutions for the record.

Sergeant Cynthia Cramer, 1994 Honorable Service Award  
Resolution #1995-30  
(Attached)

Officer Carl Coates, 1994 Police Officer of the Year  
Resolution #1995-31  
(Attached)

Officer George Williams, 1994 Honorable Service Award  
Resolution #1995-32  
(Attached)

Moved by Mr. Sharp; seconded by Mr. Davenport.

The resolutions were adopted unanimously.

#6 Single Reading Ordinance re: Storm Drain Cleaning. Ms. Habada commented on the revisions to the ordinance (different from the ordinance issued in Council packages)--the contract will be for one year, not a multi-year contract, but a contract that will have an option for renewal.

Mr. Sharp asked whether we are prepared for the possibility that the cleaning needs may not be what we currently expect.

Ms. Habada commented on some considerations. Mr. Monk remarked about things that contribute to the need to clean storm drains. A three year cycle is a regular cycle.

Mr. Sharp asked how far inside the storm drain materials collect that might

clog the drain.

Mr. Monk said that it depends on the drain, its joints and where materials settle and clot the drain.

Ms. Porter said that the unit prices are still confusing. She recalled her initial question about the definition of a "unit", and remarked that she still is not clear what "unit" means.

Mr. Monk explained that the "minimum numbers of hours" refers to the minimum number of hours the City would pay the contractor if we had to call them out for emergency cleaning services.

Ms. Porter asked what a total might look like.

Mr. Monk said that the only way you might be able to derive a total would be to consider a scenario of a specific pipe.

Ms. Porter clarified that the Council is being asked to vote on a "rate" the City will pay to clean drains.

Mr. Monk explained the estimates for cleaning the oil/grit separator.

Mr. Elrich commented on the four packages of services.

Mr. Sharp said that if the bulk of the City's needs were to be the removal of "solids", then we would have to go with Drayco (the lowest bidder for that type of work).

Mr. Williams moved that the Council convene, simultaneously, as the Storm Water Management Board (seconded by Ms. Porter).

Moved by Mr. Elrich; seconded by Mr. Davenport.

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

ORDINANCE #1995-11  
(Attached)

Without objection, the Council adjourned as the Storm Water Management Board and moved into Worksession at 9:40 p.m. Following the Worksession and Budget Worksession, the Council convened in Executive Session at 10:37 p.m.

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Executive Session 5/8/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer, Sartoph, Ellis Koch. Staff updated Council on a land acquisition matter; Council directed staff to continue negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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**MAYORAL PROCLAMATION #1995-6  
COMMEMORATING THE TENTH ANNIVERSARY  
OF CASA OF MARYLAND, INC.**

*WHEREAS, CASA of Maryland is a community organization founded in April, 1985, by Central and North Americans in response to the human needs of the thousands of Central Americans arriving in this area after fleeing strife in their countries of origin; AND*

*WHEREAS, CASA, through its offices adjacent to the Takoma Park Presbyterian Church on Tulip Avenue, as well as the East Silver Spring Center and the Germantown Upcountry Center, serves immigrants from virtually every country in Latin America, as well as Africans, Asians, and even U.S. citizens; AND*

*WHEREAS, CASA helps to meet the urgent material needs of the immigrant community through direct assistance and, at the same time, brings refugees and immigrants together to find their own creative solutions to the problems they face as a community; AND*

*WHEREAS, CASA's efforts for justice and economic opportunity include: the Day Laborer Assistance Project, social service assistance and referral, immigration counseling, literacy instruction, job skills training, food distribution, and preventive health care instruction and testing.*

*NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, on behalf of the Citizens, Council, and Staff of the City of Takoma Park, do hereby extend congratulations and the best of wishes to Central American Solidarity and Assistance - CASA of Maryland, on the occasion of the observance of its tenth anniversary.*

*Dated this eighth day of May, 1995.*

**Introduced by: Mayor Sharp**

**RESOLUTION 1995 - 30**

**WHEREAS,** Police Chief Robert A. Phillips has affirmed the selection of SERGEANT CYNTHIA CREAMER to receive a 1994 Honorable Service Award; AND

**WHEREAS,** Sergeant Creamer was selected for outstanding work in the trial and re-trial of Stephen D. Edwards for the murder of Charles Rogers; AND

**WHEREAS,** Her untiring efforts in obtaining subpoenas, and interviewing, re-interviewing and otherwise preparing witnesses resulted in conviction at the second trial as well as at the first,

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

**SERGEANT CYNTHIA CREAMER**

**Dated this 8th day  
of May, 1995.**

**Introduced by: Mayor Sharp**

**RESOLUTION 1995 - 31**

**WHEREAS, Police Chief Robert A. Phillips has affirmed the selection of OFFICER CARL COATES to be the 1994 POLICE OFFICER OF THE YEAR; AND**

**WHEREAS, Officer Coates exemplifies the C.O.P. philosophy of "Know your Beat," and was selected also for good work with juveniles, including the purchase with his own funds of athletic equipment for young people; AND**

**WHEREAS, He was selected also for simultaneously managing to perform aggressive patrol and make a substantial number of arrests,**

**NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$1,000 Savings Bond to**

**OFFICER CARL COATES**

**Dated this 8th day  
of May, 1995.**

Introduced by: Mayor Sharp

RESOLUTION 1995 - 32

**WHEREAS,** Police Chief Robert A. Phillips has affirmed the selection of OFFICER GEORGE WILLIAMS to receive a 1994 Honorable Service Award; AND

**WHEREAS,** Officer Williams was selected for his quick, determined response to the scene of an October, 1994, accident on University Boulevard where the driver was in cardiac arrest, and where Officer Williams performed CPR ceaselessly (although ultimately unsuccessfully) until a Medic unit could arrive; AND

**WHEREAS,** Also in October, 1994, at the scene of a Kennewick Avenue burglary, Officer Williams remembered having earlier seen a man matching the burglar's description on New Hampshire Avenue, and subsequently both found the man and obtained his confession,

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

**OFFICER GEORGE WILLIAMS**

Dated this 8th day  
of May, 1995.

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Introduced by: Councilmember Rubin

ORDINANCE #1995- 10

CONTRACT AWARD FOR DEVELOPMENT OF STRATEGY TO  
PREVENT LEAD PAINT HAZARDS

WHEREAS, funds in the amount of \$7,000 have been included in the FY 95 Budget for hiring a consultant to provide specific services for the development of a strategy to prevent lead based paint hazards in Takoma Park's residential housing stock; AND

WHEREAS, bids were solicited from qualified bidders and also advertised in the Washington Post; AND

WHEREAS, two bids were received as follows:

Pierre Erville - \$9,690  
H & H Ventures, Inc - \$5,000

WHEREAS, a bid review committee consisting of two representatives from the Committee On The Environment (who are also Public Health professionals), one representative from the Montgomery County Health Department, two representatives from the DC Lead Poisoning Prevention Program, a representative from Takoma Park's Housing and Community Development office and the Public Works Department, reviewed the received bids; AND

WHEREAS, the review committee considered the bid from Pierre Erville to be responsive, superior in quality, and to demonstrate direct experience in the Lead Paint Hazard Prevention field, AND

WHEREAS, Pierre Erville has agreed to a contract payment of \$7,140 to address four of the six deliverables requested in the Request For Proposals;

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

SECTION 1. THAT the bid received from Pierre Erville in the amount of SEVEN THOUSAND ONE HUNDRED AND FORTY (\$7,140) be accepted; AND

SECTION 2. THAT funds to cover this purchase in the amount of \$7,140 be charged to Account No. 5000-6140.

Adopted this 8th day of May, 1995

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Davenport, Elrich



Introduced by: Councilmember Elrich

Adopted: 5/08/95  
(Single Reading)

ORDINANCE NO. 1995-11

AN ORDINANCE TO AWARD A CONTRACT FOR A  
STORMDRAIN CLEANING AND T.V. INSPECTION

WHEREAS, the FY-95 budget set aside funds for a STORMDRAIN CLEANING AND T.V. INSPECTION Contract for City of Takoma Park; AND

WHEREAS, in accordance with City procurement procedures a Request for Bids was advertised in the Washington Post, Dodge and Blue Reports; AND

WHEREAS, bids were publicly opened at 2:00 p.m., Wednesday, May 2, 1995 with four (4) bids being received; AND

WHEREAS, the bid received from MAGNOLIA PLUMBING, INC. is considered both responsive and responsible.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND sitting as the Stormwater Management Board

SECTION 1. THAT a contract be awarded to MAGNOLIA PLUMBING effective June 1, 1995 through May 30, 1996 with (two) year renewal options; AND

SECTION 2. THAT annual expenditure shall not exceed Council's Stormwater Budget appropriations; AND

SECTION 3. THAT funds to cover this work be charged to Stormdrain Cleaning and T.V. Inspection Sub-Contract Account No. 0030-3700-6145.

Adopted this 8th day of May, 1995.

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

SPECIAL SESSION, PRESENTATION, WORKSESSION AND BUDGET WORKSESSION  
OF THE CITY COUNCIL

Monday, May 15, 1995

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Executive Session 5/8/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer, Sartoph, Ellis Koch. Staff updated Council on a land acquisition matter; Council directed staff to continue negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Hobbs
Councilmember Davenport	Deputy City Clerk Espinosa
Councilmember Elrich	Public Works Team Leader Braithwaite
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened in Special Session at 7:37 p.m. on Monday, May 15, 1995, in the Upstairs Meeting Room (#1) of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

SPECIAL SESSION

#1 Resolution re: Elections Task Force. Mr. Sharp explained that the resolution affects appointments of James Roberts and Doug Tursman to the Task Force.

Moved by Davenport; seconded by Chavez.

The resolution was adopted unanimously (ABSENT: Elrich, Porter).

RESOLUTION #1995-33  
(Attached)

The Council adjourned from Special Session at 7:40 p.m. to hear a presentation by Montgomery County officials regarding Solid Waste Systems Benefit Charge.

WORKSESSION

Following the presentation, Council convened in Worksession to discuss (1) Subdivision Plan (Lincoln/Carroll Avenues) and (2) 1st Reading Ordinance regarding Upper Westmoreland Area Storm Drain Project. (NOTE: Council did not take action on the ordinance; first reading deferred until next week.)

BUDGET WORKSESSION

The Council concluded its Worksession at 8:45 p.m., moved into a Budget Worksession, and later adjourned for the evening at 11:26 p.m.

Introduced by: Councilmember Davenport

RESOLUTION #1995 - 33

APPOINTING MEMBERS TO ELECTIONS TASK FORCE

WHEREAS, on April 24, 1995, the Council adopted Resolution #1995-28 establishing an Elections Task Force and effecting initial appointments to the Task Force; AND

WHEREAS, Council members are to make recommendations regarding City residents and representatives from the areas seeking annexation to serve on the Task Force; AND

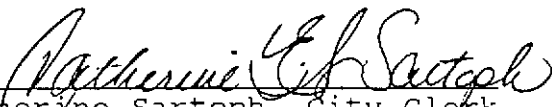
WHEREAS, the Council desires to appoint additional members to the Task Force.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby appoints the following persons to serve on the Elections Task Force:

	<u>Name</u>	<u>Address</u>	<u>Ward/Area</u>
1.	James Roberts	7310 Flower Avenue	Ward 2
2.	Doug Tursman	7208 Trescott Avenue	Ward 2

Adopted this 15th day of May, 1995.

ATTEST:

  
Catherine Sartoph, City Clerk

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

Monday, May 22, 1995

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	Deputy City Clerk Espinosa
Councilmember Elrich	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:38 p.m. on Monday, May 22, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR'S COMMENTS AND PRESENTATIONS

Mr. Sharp noted that Little League Season opened on Saturday, May 20th. There was a Babe Ruth "look alike" contest, and Babe Ruth's granddaughter was present for the event.

Mr. Williams commented on an erroneous Washington Post article regarding the Hotel/Motel tax.

Mr. Rubin expressed his disappointment that the sunset on taxes, which were a small burden, but a benefit to the schools has gone into effect.

ADDITIONAL AGENDA ITEMS

Mr. Sharp added a discussion of the curb and gutter work along Piney Branch Road.

Mr. Rubin asked that a resolution affecting the appointment of an additional member to the Elections Task Force be considered by the Council.

There were no objections.

REGULAR MEETING

#1 Resolution re: Gay Pride Month. Moved by Williams; seconded by Rubin.

Mr. Rubin said that he is proud to live in the City, and emphasized the importance of recognizing diversity in Takoma Park.

The resolution was adopted unanimously (ABSENT: Chavez, Elrich, Porter).

RESOLUTION #1995-34  
(Attached)

#2 Resolution re: Public Safety Awareness Month. Moved by Davenport; seconded by Rubin.

Mr. Davenport commented on the importance of public safety awareness, and noted upcoming community forums that will be organized and chaired by members of the Public Safety Citizens Advisory Committee (PSCAC).

Mr. Sharp remarked that each forum has a specific theme.

Mr. Rubin thanked the PSCAC for proposing this resolution.

The resolution was adopted unanimously (ABSENT: Chavez, Elrich).

RESOLUTION #1995-35  
(Attached)

#3 Resolution re: Ward Sinclair Plaza. Moved by Williams; seconded by Rubin.

Mr. Williams explained the resolution. He noted that the idea of designating the Laurel Avenue median strip as "Ward Sinclair Plaza" has been raised at numerous citizen association meetings, and that vendors of the Farmers Market support the idea. Mr. Williams expressed his pleasure in introducing this resolution to the Council.

Mr. Rubin said that he understands that Mr. Sinclair was an agricultural writer.

Mr. Williams commented that Mr. Sinclair had written for the Washington Post and was known internationally.

John Holly (owned Takoma Kitchens) expressed his gratitude to the Council for considering this dedication. He stated that Mr. Sinclair was a big part of the Farmers Market, and named some of his contributions. He confirmed that Mr. Sinclair was the writer of the agricultural column for the Washington Post.

The resolution was adopted unanimously.

RESOLUTION #1995-36  
(Attached)

#4 Resolution re: Elections Task Force. Mr. Rubin moved that Thomas Gagliardo be appointed to the Elections Task Force (seconded by Williams). Mr. Rubin noted that Mr. Gagliardo had to choose between the Public Safety Citizens Advisory Committee and the Elections Task Force, and chose to serve on the Task Force.

The motion was adopted unanimously. (NOTE: Resolution affecting this appointment is to be prepared and attached to minutes.)

RESOLUTION #1995-37  
(Attached)

#5 1st Reading Ordinance re: Upper Westmoreland Area Storm Drain Project. Mr. Sharp commented that he is concerned about the special assessment rates, and adopting project costs without learning the views of the affected residents. (NOTE: It is only 7:55 p.m., and the item is scheduled for discussion at 8:25 p.m.)

Ms. Porter suggested that the item be deferred until the time it was scheduled on the evening's agenda.

Without objection, Mr. Sharp moved to postpone discussion of this item until 8:25 p.m.

**WORKSESSION**

The Council adjourned to Worksession at 8:00 p.m. to discuss the Community Development Corporation's (CDC) funding request.

The Council recessed for a couple of minutes to confer with the City Administrator. Upon reconvening, the Council adjourned to Executive Session (8:03 p.m.) to discuss litigation, a legal matter, and the City

Administrator's evaluation.

#### EXECUTIVE SESSION

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Executive Session 5/22/95 - Moved by Mr. Williams; seconded by Mr Chavez. Council convened in Executive Session by unanimous vote at 8:10 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Hobbs, Espinosa, Monk. Staff informed Council of an offer of property made to the City, updated Council on union negotiations, and explained a possible tie-in to the City's stormwater management system; Council declined the property offer, received further information on union negotiations, and advised the City Administrator to negotiate possible tie-in to stormwater system (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (9)).

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#### REGULAR MEETING

The Council returned from Executive Session at 8:30 p.m. Mr. Sharp announced that the Council had received information on matters related to union negotiations, stormwater management and litigation.

#5 1st Reading Ordinance re: Upper Westmoreland Area Storm Drain Project. Mr. Sharp asked that the discussion be kept within five minutes, and opened the floor for comments.

Mr. Williams requested an explanation of the costs.

Ms. Habada responded. She added that staff is still awaiting details regarding questions related to zoning.

Ms. Porter and Mr. Williams commented on the various project costs. Ms. Porter specifically noted the \$31K incremental addition.

Mr. Williams moved the ordinance at first reading (seconded by Porter), noting that he would like to hear more input from the affected residents.

Arthur Karpas, 6916 Westmoreland Avenue said that he is in favor of the ordinance at first reading, commenting that the incremental assessment increase is not too onerous (\$1,135 over a period of five years). He remarked that he would like to see the Council proceed with the ordinance, even though there might be some "squeaking" from area residents.

Brad Blauer expressed his support for the ordinance.

Ms. Habada stated that second reading of the ordinance needs to take place next week in Special Session because of time limitations.

Mr. Williams asked how long after adoption of the ordinance would the project get underway.

Mr. Sharp responded that it should begin immediately.

The ordinance was accepted unanimously at first reading. Second reading is scheduled for May 30th.

ORDINANCE #1995-12  
(Attached)

#### WORKSESSION

The Council adjourned to Worksession at 8:47 p.m., which was followed by a Budget Worksession at 9:20 p.m. and later adjournment for the evening at 10:45 p.m. (NOTE: The Council did not reconvene in Executive Session to discuss the City Administrator's evaluation.)

Introduced By: Councilmember Williams

RESOLUTION #1995-34  
DESIGNATING JUNE, 1995, AS LESBIAN, BISEXUAL, AND GAY PRIDE MONTH

WHEREAS, the lesbian, bisexual and gay communities are a significant part of the City of Takoma Park's population and contribute morally, financially, culturally, and spiritually to its wealth; and

WHEREAS, the defense of the legitimate rights of the lesbian, bisexual, and gay communities has contributed to the diversity and enrichment of our City; and

WHEREAS, the laws of the City of Takoma Park protect our citizens from discrimination on the basis of race, color, religious creed, ancestry, national origin, handicap, age, or sexual orientation; and

WHEREAS, June is a time to acknowledge and celebrate the many accomplishments of the lesbian, bisexual, and gay communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that the month of June, 1995, is hereby designated as "Lesbian, Bisexual, and Gay Pride Month" in the City of Takoma Park; AND

BE IT FURTHER RESOLVED, THAT all our citizens are encouraged to join in recognizing the contributions made by lesbian, bisexual, and gay individuals.

Adopted this 22nd day of May, 1995.

ATTEST:

  
Catherine Sartoph, City Clerk

Introduced By: Councilmember Davenport

RESOLUTION #1995- 35  
DESIGNATING JUNE, 1995, AS PUBLIC SAFETY AWARENESS MONTH

WHEREAS, the primary responsibility of government is to provide for the safety of its citizens; and

WHEREAS, the lawful efforts of private citizens, individually and collectively, are indispensable in promoting public safety; and

WHEREAS, the Takoma Park Public Safety Citizens' Advisory Committee was established to obtain the views of a wide cross-section of City residents and business people on the levels and kinds of public safety services that ought to be provided by the City; and

WHEREAS, the month of June is widely recognized as a time of acknowledgement and recognition of public safety rights and responsibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the month of June, 1995, is hereby designated as "Public Safety Awareness Month" in the City of Takoma Park; and

BE IT FURTHER RESOLVED, THAT all City residents are encouraged to participate in the four public safety community fora to be held at the Takoma Park Municipal Building - Sam Abbot Citizens' Center, on Thursdays during the month of June, 1995 (June 1, 8, 15, and 22) at 7:30 p.m.

Adopted this 22nd day of May, 1995.



*Resolution #1995 - 36*

*Dedication of Laurel Avenue Median Strip between Carroll and Eastern Avenues  
in Memory of Long-time Farmers Market Vendor, Ward Sinclair*

**WHEREAS,** *on February 27, 1995, the City Council adopted Resolution #1995-9, extending condolences to the family and friends of Ward Sinclair; AND*

**WHEREAS,** *Mr. Sinclair was a longtime vendor of the Takoma Park Farmers Market who set and upheld the standard for quality produce which market customers expect to find at the Market; AND*

**WHEREAS,** *his personal dedication to excellence was also evidenced by his service on the Market Advisory Committee, established to assist the City in maintaining a reputable Farmers Market; AND*

**WHEREAS,** *the memory of Ward Sinclair will long exist as part of the spirit of the Takoma Park Farmers Market, each season when the vendors fill the Laurel Avenue corridor.*

**NOW, THEREFORE, BE IT RESOLVED THAT,** *the City Council of Takoma Park, Maryland, on behalf of the citizens and employees of the City, does hereby dedicate the median strip along Laurel Avenue between Carroll and Eastern Avenues, as the "Ward Sinclair Plaza".*

*Adopted this 22nd day of May, 1995.*

**ATTEST:**

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Rubin

RESOLUTION #1995 - 37

APPOINTING MEMBER TO ELECTIONS TASK FORCE

WHEREAS, on April 24, 1995, the Council adopted Resolution #1995-28 establishing an Elections Task Force and effecting initial appointments to the Task Force; AND

WHEREAS, Council members are to make recommendations regarding City residents and representatives from the areas seeking annexation to serve on the Task Force; AND

WHEREAS, the Council desires to appoint an additional member to the Task Force.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby appoints the following person to serve on the Elections Task Force:

<u>Name</u>	<u>Address</u>	<u>Ward/Area</u>
1. Thomas Gagliardo	107 Hodges Lane	Ward 1

Adopted this 22nd day of May, 1995.

ATTEST:

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Williams

Adopted:

First Reading: 5/22/95

Second Reading:

ORDINANCE NO. 1995-12

UPPER WESTMORELAND STORMWATER IMPROVEMENTS

WHEREAS, the FY-95-96 budget set aside funds for UPPER WESTMORELAND STORMWATER IMPROVEMENT Contract for City of Takoma Park; AND

WHEREAS, in accordance with City procurement procedures a Request for Bids was advertised in the Washington Post, Dodge and Blue Reports; AND

WHEREAS, bids were publicly opened at 2:00 p.m., Tuesday, March 28, 1995 with four (4) bids being received; AND

WHEREAS, the bid received from NZI CONSTRUCTION, INC. is considered both responsive and responsible.

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

SECTION 1. THAT the bid being received from NZI CONSTRUCTION, INC. in the amount of FIFTY SIX THOUSAND DOLLARS (\$56,000) for RFP#95-07 be accepted; AND;

SECTION 2. THAT funds to cover this work in the amount of FIFTY SIX THOUSAND DOLLARS (\$56,000) be charged to Stormwater Improvement Contract Account No. 0001-0364.

Adopted this \_\_\_\_\_ day of May, 1995.

AYE:

NAY:

ABSTAIN:

ABSENT:

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

Tuesday, May 30, 1995

## EXECUTIVE SESSION

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Executive Session 5/22/95 - Moved by Mr. Williams; seconded by Mr Chavez. Council convened in Executive Session by unanimous vote at 8:10 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Hobbs, Espinosa, Monk. Staff informed Council of an offer of property made to the City, updated Council on union negotiations, and explained a possible tie-in to the City's stormwater management system; Council declined the property offer, received further information on union negotiations, and advised the City Administrator to negotiate possible tie-in to stormwater system (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (9)).

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## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Asst. City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:40 p.m. on Tuesday, May 30, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

## PUBLIC HEARINGS

#1 Nuclear-Free Zone Waiver for Lighting Upgrade Project. Mr. Sharp noted the staff memorandum and the issue regarding whether there is a need for the waiver. He reminded the Council that during the hearing, only clarification questions should be asked of the speakers. Other remarks should be reserved for the Council's discussion during Special Session. The hearing was opened at 7:43 p.m.

Albert Nunez, 8 Sherman Avenue (Committee on the Environment) noted that he is also the chief coordinating member of the sub-committee on Energy Efficiency. He spoke of his support for moving toward energy efficient technologies. One of the easiest and most cost effective ways the City can improve energy efficiency in this building is by putting into action the lighting upgrade proposal as submitted. He said that in today's political climate, it may be worth rethinking some of the legislation on the books--if we want nuclear weapons vendors to move out of such ventures, then we should support their non-nuclear ventures to assist them in moving out of nuclear support positions. He noted that he is here to respond to questions this evening.

Jay Levy (Nuclear-Free Zone Committee) commented on a note from his wife, Sharon Levy "...as a former member of the Council, strongly encourages the Council to support the Nuclear-Free legislation...Council always worked closely with citizen groups while [she] served on the Council...encouraged the Council to continue to do so."

Rubin Snipper (NFZ Committee) noted the reason for this evening's hearing. He commented on the recommendations required of the Nuclear-Free Takoma Park Committee at the time of the public hearing (waiver hearing). He said that there is a nuclear-free producer for the lights, and that the committee supports using this vendor. He acknowledged that there has been a problem finding a vendor for the ballasts, as specified, but encouraged staff to continue to search for other ballast manufacturers. Mr. Snipper concluded that a waiver may be necessary for the purchase of the ballasts, and recommended that the bulbs be purchased from DuraTest, and that if a waiver is needed for ballasts, it should be granted for only one year, since other vendors may become available during that time period.

Miles McCord (NFZ Committee) commented on how research has uncovered that there is a non-nuclear vendor for light bulbs, emphasizing that the City should purchase the bulbs from this vendor.

Mr. Elrich noted that the staff memo states that not all of the bulbs provided by DuraTest meet the specifications of the lighting proposal. Some bulbs are suitable; some are not.

Mr. McCord said that DuraTest now makes a T8 bulb that can replace the Phillips bulb.

Tom Anastasio said that the City is faced with two goods, here; not a good versus bad. The "environmental goods" of (1) affecting a lighting upgrade to save energy, and (2) addressing nuclear concerns (Nuclear-Free Zone legislation). He commented on the reasons why the City originally entered into the NFZ legislation, and said he believes we are still faced with these problems. The present plan, put forward by the President, in a "simultaneous war" calls for trident submarines, minute-man missiles, strategic weapons, and bombers--a tremendous amount of nuclear weaponry. Mr. Anastasio remarked about the Nuclear Arms Treaty. We have one of the few voices left to get nuclear weapons in the "negative." He encouraged the Council to take a waiver action only in the most serious of circumstances.

Hank Prensky, 209 Spring Avenue (former member of NFZ Committee and Council) asked for clarification regarding whether there are non-nuclear bulbs that meet the needs of the lighting upgrade proposal.

Ms. Braithwaite noted that she is aware that DuraTest now has a T8 bulb, and that the numbers in the memo are based on the T9 bulb availability. There is still the question of whether the DuraTest T8 bulbs will produce the recommended lighting level (lumen output). If DuraTest can produce a bulb that meets the lumen output specification, then the bulbs could be used.

Mr. Elrich asked if she knows whether the T8 meets the lumen output.

Ms. Braithwaite said that the representative she spoke with said that the T9 bulb is the only bulb that meets the standards outlined in the proposal. DuraTest does not manufacture a 2 foot bulb; they have a 4 foot bulb. The representative has our bid proposal and knows what we need. She noted that there are about three non-nuclear ballast manufacturers, and that we can probably get about half of the needed ballasts from non-nuclear vendors.

Mr. Elrich asked if the non-nuclear bulbs were used throughout, would this make it possible to use non-nuclear ballasts throughout.

Ms. Braithwaite said that there would still be some cases where nuclear ballasts would have to be used, in keeping with the lighting designs. The DuraTest T8 bulb does not match the Phillips 30/50 output.

Mr. Levy commented on the color index (warm and cool) and cost factors. He explained the color index. Phillips bulbs are warmer bulbs; most people prefer the warmer color. There is an issue of consistency. If there are different colors throughout the building, then maintenance workers will have to be familiarized with which bulbs are installed in which fixtures. He remarked about the cost of the DuraTest bulbs.

Mr. Elrich asked about the warranty on the T9 DuraTest bulbs.

Mr. Levy responded.

Mr. Snipper said that the choice of using a nuclear manufacturer's bulb is an efficiency matter. He asked if the DuraTest bulbs could be used in the less efficient, non-nuclear ballasts.

Mr. Davenport asked when Duratest began producing T8 bulbs.

Ms. Braithwaite said only recently.

Mr. Prensky said that it seems that there is a lot of information missing (e.g. cost of T8 bulbs, specifications, etc.). The engineering design seeks to maximum economic goals; however, it does not meet the compromise of economic and environmental (NFZ) goals. He said that perhaps there could be derived a compromised design, that would idealize the balance between price, efficiency and nuclear concerns. He stated that short term gains never replace our long term appearance, of letter to the law and nuclear free goals.

Sue Eden encouraged the Council to support the NFZ law. She said that she is delighted to hear that PEPCO has conceded to give a rebate on the non-nuclear products.

George Taylor, 6833 Eastern Avenue said that he is proud, as a citizen of the City, to know there is a NFZ Ordinance. He asked that the decision be postponed until more information has been obtained.

Laurie, McGilkey urged the Council, where possible, not to make a choice between the two goods. In all cases possible, the City should use a non-nuclear producer. She supported Mr. Prensky's comments.

Terry Berkeley, Chair of NFZ Committee. On the bases of efficiency and cost, the DuraTest T8 bulb does qualify for the PEPCO rebate. The bulbs do have a lower wattage and come with a warranty. He suggested that the test conducted in some City offices should be broadened to consider future implications. Environmental effectiveness; lower output might not be an issue. "Nuclear-free" is at the core of the City. He emphasized keeping in mind international and national issues. Mr. Berkeley urged the Council to take the maximum advantage of the NFZ Ordinance. From an environmental, ideological and cost bases, he supported a non-nuclear approach.

Kay Dellinger, Hampshire Towers supported the comments made by the NFZ Committee members and Mr. Prensky. She noted that Ms. Braithwaite and staff have worked hard to uphold the NFZ Ordinance, but added that the City needs to get more information about the T8 DuraTest bulbs. She said that she does not think we need to make a final decision this evening, and emphasized the importance of strongly supporting the NFZ law.

Mr. Sharp proposed to move to the discussion of the waiver before the annexation hearing. He closed the hearing at 8:20 p.m.

#3 Resolution re: Nuclear-Free Zone Waiver. Ms. Braithwaite commented that the rebate is a small cost benefit, and urged the Council to consider the maintenance costs. No rebates have been given, but we anticipate somewhere in the range of \$0-8000. Currently, nuclear products (Phillips bulbs) are being used throughout the City. She emphasized that the City needs to move forward with the lighting upgrade, pointing out that energy costs will be cut in half. She stated that the longer we wait, the more dollars being lost. Ms. Braithwaite noted that the City is on the cutting-edge by asking for non-nuclear vendors, and has been unable to get a project bid because of the non-nuclear specifications. She noted the maintenance problems with having a mix of bulbs and ballasts.

Mr. Williams asked for the range of cost savings per month.

Ms. Braithwaite said that 20-40% of our lighting costs will be savings. The payback is assumed to be less than two years.

Mr. Williams concluded that every month we delay, costs us approx \$3000-4000.

Mr. Davenport asked how the percentage was derived without exact figures.

Ms. Braithwaite explained the assumptions.

Mr. Rubin said that he thinks an argument can be made that the City's participation in the non-nuclear movement has helped in the non-nuclear positioning, and added that an argument can be made that the NFZ ordinance has helped our community--people perceive us as a caring community. The symbol of the community is the NFZ ordinance, and it has helped us financially and in measurable ways to keep our tax base productive for other things in the City. Mr. Rubin stated that he had hoped that there would be a compromise resolution before the Council this evening, but that the resolution does not meet this expectation. He urged that a compromise be found.

Mr. Elrich commented on the work done by City staff to get to this point. He said he wants to see the DuraTest T8 bulbs put to the test to discover if these bulbs are satisfactory. He expressed his desire to know more about this option, and stated that he does not support voting on the waiver this evening. Energy is ultimately a nuclear issue, not a war and peace issue. There are enormous imperatives for choosing the most energy efficient options. It is also important that the workers in this building have descent lighting, not just lighting that meets non-nuclear specifications. He remarked that this issue has been studied for 5-6 months.

Mr. Sharp asked what are the time considerations.

Ms. Braithwaite said that staff will do as directed by the Council. Her interpretation of the nuclear waiver is that staff will use non-nuclear products where possible and nuclear products where needed. She recommended that the Council go forward with the waiver this evening.

Mr. Elrich asked for clarification regarding the products covered by the waiver. He said that her suggestion to go forward with the things that are only supplied by nuclear vendors, makes sense.

Ms. Braithwaite assured the Council and audience that there is a commitment by the City to use non-nuclear products where possible, and that staff will continue to research the matter.

Ms. Porter said she believes the Council can go forward with the waiver this evening--this is not a new issue. She noted the work of staff and the committees as related to this matter. There is a commitment on the part of the Council to maximum non-nuclear purchases, but there is the need for a waiver. She suggested that language be added to the resolution.

Mr. Rubin moved the resolution with a language change.

Ms. Porter commented on what her proposal would be. She pointed out that the NFZ ordinance has a provision for a waiver.

Mr. Rubin moved the resolution with both his and Ms. Porter's revisions.

Mr. Prensky said that the "road to hell is paved with good intentions," and that regardless of the intention, the resolution supports making decisions based on the lighting upgrade proposal (specifications and energy efficiency). He said that staff and Council need to re-address the specifications and possibly "give up" some of the efficiency. It is illegal to simply base a waiver on cost factors.

Mr. Snipper said that this discussion has been very helpful. If the Council is interested in the maximum use of non-nuclear products, it may be possible to put together a package of non-nuclear products. He suggested that more time to detail what the specifications would have to be would be very helpful.

Mr. Berkeley agreed with Mr. Snipper's comments, and suggested that the fifth whereas clause be deleted from the resolution.

Without objection, Mr. Sharp said that it would make sense to delete the

fifth whereas clause.

Nelly Moxley said that the City should get rid of all nuclear products currently being used--it is against the law.

Mr. Nunez stated that magnetic ballast technology is on its way out--electric technology is on its way in.

Bob Alpern (NFZ Committee) said that Mr. Elrich's idea of taking the time to do further research is most appropriate. He said that the Committee asked the Administrator to take a look at the City's electronic equipment, just over a year ago, and that nothing has been done. He remarked that what Takoma Park does can have some small effect at the National level, and concluded that a few more weeks to research the vendors would be appropriate.

Mr. Elrich moved to table the resolution until a review of the T8 specifications can be obtained. No objection (8:47 p.m.).

Mr. Sharp noted that Item #4 "2nd Reading Ordinance re: Upper Westmoreland Avenue Storm Drain Project" has been removed from the evening's agenda.

#2 Proposed Annexation of Hampshire Knolls, Gibbs & Kosack, Gude Addition and Pine Crest Subdivision. Mr. Sharp briefly introduced the public hearing. Petitions have been submitted to the City that meet the State legal requirements. After the Public Hearing, the Council will be discussing and voting on the annexation resolutions. He commented that the notice requirements have been met (under State law State), and Regional and County officials and Planning Agencies have been notified. He invited these officials (State & County) to speak first. The hearing was opened at 8:48 p.m.

Allison Porter, 6812 Belford Drive (Hampshire Knolls) thanked the Council for considering the petitions and urged them to vote in favor of the annexations. She said that the residents decided to go through the process after a lot of thought over several years. She recalled the City Council's assistance in the matter of Julissa's Restaurant problems, concluding that it is the view of the residents in the annexation areas that if the City unifies into Montgomery County, the City could no longer be of assistance in matters of this kind. We are an island in Prince George's County, and believe it is a good idea that the City have control over the commercial areas adjacent to the residential areas in the annexation areas. Ms. Porter expressed concern about 911 issues, and assured the Council that the decision to annex has not been taken lightly. Residents are aware of the impacts annexation will have; however, it is important to consider this option now, because unification has shortened our window of opportunity.

Levall, 402 Circle Avenue (Hampshire Knolls) said Ms. Porter is assuming something that is nothing more than an assumption in regards to problems with P.G. County services. If we are annexed, it will mean a considerable jump in taxes. Our streets are currently better than those in the City, and when we recently had a fire in the area, P.G. County responded a lot faster than the City.

Debbie Easterly, 7111 Garland Avenue (Pres. Longbranch-Sligo Citizens Association) said that the association supports the proposed annexations, and foresees no adverse affect on neighboring City communities. The annexation areas will be an asset and benefit to the City.

Herm Bouma, 6704 Conway Avenue (Hampshire Knolls) said he has lived in the area for fifteen years. He elaborated on three reasons for strongly supporting the annexations: (1) psychologically, residents already feel very much a part of the City--involved in City activities, use facilities, Library and parks--and it would be nice to be recognized as citizens of the City; (2) by incorporating annexation areas, the City would have a much more rational border--makes a lot of sense; and (3) a more rational border would make things a lot easier for administrative, emergency and services personnel, in determining jurisdiction.

Byrne Kelly, 307 Circle Avenue stated that he has lived in "Takoma Park"



since 1983. He remarked that his neighborhood has suffered the consequences of emergency services not being clear about jurisdictional boundaries. He told of a high speed chase on his street that resulted in damage to his vehicle. He commented that he is at a loss for which jurisdiction is responsible. Mr. Kelly noted that he has served on the Alternative Transportation Modes Committee, supported park clean-ups, and participated in all activities that the City enjoys. He said that the older residents in the area should be assisted with bearing the increase in taxes if annexation should become a reality, because many are on fixed incomes. He said that pro-annexation petitions were a democratic movement, hastened on the eve of unification. Mr. Kelly said he thinks that the percentage of persons signing the petitions was more than a simple majority.

Reginald Ruffin, 6508 Kansas Lane remarked that annexation would enable residents to have more of a voice. We do not want overdevelopment in our community. In the past, developers have tried to sneak in plans. We are paying money to the County for services that we are not getting. There is always the confusion of who provides emergency services. Annexation would benefit the City. The average income of citizens in the annexation areas is higher than that of an average resident in the City. Mr. Ruffin concluded that special consideration be given to persons on fixed incomes.

Jerome Franklin, 6426 Fourth Avenue (President of Pine Crest Community Association) stated he believes that by being annexed into the City, residents of the area will be able to continue to enjoy their quality of life. The community association was not created only for this annexation effort, and so it will continue to be active. He commented on a letter from Prince George's County Councilmember DelGiudice who "...supports the idea of annexation...respects homerule...citizens of Takoma Park should determine their own destiny". He remarked that annexation has the support of community residents and a P.G. County Councilmember.

Charles Martin, 6506 Kansas Lane urged support of annexation for all areas being considered. He commented on community preservation for the areas and the need for rational boundaries. He recalled a conflict with Bell Atlantic regarding changes to extensions being based on "political changes", and asked that any Councilmember thinking of opposing the annexation consider the consequences.

Anna Wynn, 6407 Fourth Avenue said that she moved into the neighborhood to work on development designs as part of her ongoing education. She stated that she likes urban design because it is neighborhood by neighborhood design, and that she does not favor wide stroke zoning plans. Ms. Wynn asked for the Council's support, for the benefit of the City and the annexation areas. She remarked that if the areas do not annex, the City is likely to have a "rash on its backside" as the County planning for the area is implemented. She noted that there are problems in the neighborhood that need the attention of a progressive and sensitive government, like Takoma Park. The decision to support annexation will help in the resurgence of our community.

Richard Kelly, Fourth Avenue supported previous comments. He said it would be good for Takoma Park to take the initiative to clear-up a muddled border and at the same time to extend its jurisdiction.

Sally Taber, 703 Auburn Avenue (President, South of Sligo Citizens Association) commented that SOSCA includes areas inside and outside the City. She supported the argument for rational boundaries, and expressed interest in the inclusion of the commercial areas adjacent to the annexation areas. She stated that she would like to see the City have better control over the areas--economic, planning and development, and code enforcement.

Andy Thompson, 611 Elm Avenue (City resident) added to the remarks that have been made regarding the matter of Julissa's. He commented on the integrity of neighborhoods, and stated that through annexation, the City would be taking from Prince George's County a problem commercial area. He urged Council to support the annexations.

Gary Pendleton, 6616 Gude Avenue (President, Circle Woods Community Association) (wife volunteers on the Takoma Park Recreation Committee) said

that the Recreation Committee has already adopted a resolution in support of annexation. The residents in my neighborhood have expressed an overwhelming desire for annexation. This is not about getting out of P.G. County; this is a matter of preserving community and securing reliable emergency services. He remarked that he is looking forward to a favorable vote this evening, in support of annexation. He stated that he hopes that what is a good thing for the City (unification) does not turn out to be a bad thing for the annexation areas (by not moving forward with annexation, we would be kept out forever if the City moves into Montgomery County). He thanked the Council and staff for their hard work and respect.

Alden Lancaster, 6706A Poplar Avenue (City resident) expressed support for annexation, and commented on the resulting logical boundaries that would help clarify jurisdiction questions for emergency services and police. She said that her property is the last house within the City, and that her neighbor's address is 6706 Poplar Avenue. She remarked about the difficulty convincing a 911 operator that she lives in the City with such a similar address. If annexation does not take place and the City unifies into Montgomery County, there are utilities that would have to be split between the counties. Within a 5-year projection, there would be a tax gain for the City and also a gain of active citizens. Many people who live outside the City are currently active in City affairs.

Norm Gleichman, 7113 Central Avenue (Co-Chair One Takoma effort) supports annexation. He said he has talked to residents of the areas over the last several weeks, and have been impressed by their support for unification--a logical step, in the long run, in the direction of unification. He questioned why we would want, at the moment where we are finally able to erase the county division, to exclude our neighbors and once again create an artificial boundary. This would not make much sense. He noted to his "new fellow citizens", that there are One Takoma t-shirts for sale. Together we will make a great unified city.

Martha Feldman, 6907 Prince Georges Avenue favors annexation. She expressed her concern about the possible negative effects if these areas do not become part of the City. Our neighbors would be left as a small island on the edge of P.G. County, if the City unifies into Montgomery County. She commented on the community work of the residents in the areas, and urged the Council to vote in favor of annexation.

George Raskulinecz, 6716 Gude Avenue stated that less than 20 yards from his house, is the City boundary, and that it will become a county line if we are not annexed. Four out of five residents signed the petitions; very rarely did persons oppose annexation. There is some opposition, but very little. Residents in the area have no faith in emergency response and therefore, keep several numbers on hand at all times. We have petitioned to become part of the City in P.G. County, not to get out of P.G. County. The residents want to get out of "unincorporated" status. He asked the Council to support annexation.

Patricia Murphy, 6807 Woodland Avenue (last house in T.P. on Woodland) supports annexation. As the last house on Woodland, she is often left stranded. She stated that the company that monitors her security system advised her to call the Takoma Park Police in the event of an emergency. This is fine for her, but not for her neighbor. There are problems with snow removal. She remarked that what strikes her about the City is that it is "geographically schizophrenic", and that annexation is an appropriate way of treating the problem.

Matthew Graham, 6506 Westmoreland Avenue said "ditto".

Hank Prensky, 209 Spring Avenue (vice-President of Circle Woods Community Association) commented on the review prepared by him and Mr. Douglas regarding unification. He summarized key points: (1) neighborhood and community cohesiveness; (2) boundaries; (3) economics; (4) relations with counties; and (5) issues of common concern (City and residents of areas). He noted that there are City neighborhood associations that do not observe the City Boundary. Residents do not see the boundary as a division of people--still work together. He asked for a show of hands from persons in the audience who are residents of the annexation areas (approx. 70). He noted

that people have agreed that the verified percentages of "registered voters" signing petitions does not adequately reflect the actual, since persons who have moved from the area or who are deceased may still appear on the voter roll. He commented on stormwater, community density and traffic that will become our concern regardless of whether we have jurisdiction. The commercial development problems affect us in the City, and we have very little ability to address these problems. The possibility of increasing commercial real estate taxes is a rare opportunity for this jurisdiction, and one that may offer tax relief in the future. He noted that Community Development Block Grant monies have been earmarked improvements to the intersection at New Hampshire and East-West Highway. We have made some investment already, and could have more influence on the results if we had jurisdiction of the commercial area at the intersection. Mr. Prenskey said that it is not insignificant that the City should continue in the trend of reaching out to other areas. He noted that newly elected P.G. County Councilmember Maloney, is in the audience this evening. He said that the County is huge, strapped in its budget, over populated, trying to balance budget, and cannot improve the level of services to these areas. There is a high level of grass roots movement by the persons in these areas to pay the extra taxes and become citizens of the City.

Cary Hoagland, 6700 Conway Avenue noted that she has a Takoma Park address but resides outside the boundary. She said that she worked on the Julissa's effort, and respects the comments of those who have spoken. Annexation of the areas would take care of the geographic schizoid boundary by rationalizing the boundary. The proximity of the City building is much better than Upper Marlboro. She commented favorably about the County's response to clean up of a vacant lot next to her home. There would be a clearer assignment of jurisdiction, with annexation, that would benefit emergency and police services. She explained her concern about not being able to afford City and potentially, Montgomery County taxes. She stated that she has not seen a petition and is not opposed to annexation, but that she cannot afford the annexation. Ms. Hoagland asked for some sort of personal exemption from City taxes until she is better able to pay the taxes.

Tom Gagliardo the question tonight is "how do you find community." My neighborhood is not faced with the problems that the areas are faced with. These areas have presented a convincing case. The commitment of "community" is that we remain committed even when there is a cost to be paid. Some of my neighbors have argued that there will be an adverse effect on the over population of schools. He noted information provided by the P.G. County School Board, and commented on some efforts that might be appropriate, in addressing the P.G. County School Board regarding the schooling concerns. He stated that persons should not judge this matter based on the school concerns alone.

Dan Robinson (S.S. Carroll Neighborhood Association) commented on the effort of his neighborhood association to become a "whole". Over time, the neighborhood association has become very proud of its accomplishments, including the investigation of the Takoma Junction area. He supported annexation, adding that it would contribute to our community spirit.

Jan Schwartz, 7309 Carroll Ave stated that she has worked on unification, and would like to see a positive vote on annexation this evening. She commented on the sale of One Takoma t-shirts.

(unintelligible) reiterated his concern for persons on fixed income.

Councilmember Porter noted that there is a State program for persons who have property taxes higher than a certain percentage of their income, and that the City offers a similar program. She noted that persons can contact the City offices for more information and forms.

The public hearing was closed at 9:58 p.m.

#### SPECIAL SESSION

#5 2nd Reading Resolution re: Area #1. Moved by Ms. Porter; seconded by Mr. Davenport.

Ms. Porter said that it not only benefits the persons in the annexation areas, but the City, as well. Political boundaries have divided our neighborhoods, and putting us into one geographic community recognizes that we belong to one community. There has been a great outpouring of community interest and energy surrounding this issue. She congratulated all who have been active in addressing this concern.

Mr. Davenport stated that he is impressed with the show of support for annexation. Many people are already actively involved in community associations that bridge the City boundary. He said he is proud to be on the Council and a resident of a City where people can come forward with their concerns.

Mr. Chavez said he would like to welcome residents of the annexation areas, noting that the addition will add to the City's diverse culture.

Mr. Williams said he is happy to see this many people here this evening, regardless of the late hour (10:03 p.m.). He reiterated that there is a State program for persons on limited incomes, and that the City does piggyback on this program.

Mr. Sharp said that he intends to vote in favor of the annexation resolutions, this evening. He explained the history of the annexation movement, adding that when the idea was first proposed, he was a bit skeptical. The Unification Bill had just been passed, and there was a concern about how annexation might impact unification (the reception we would get from the counties regarding future unification). He remarked that the work the residents of the areas have done to discuss this matter with State, County and City officials, is important. Mr. Sharp said he believes that these residents have been isolated and cut-off, and are legitimately worried about what would happen if the City were to unify into Montgomery County. He added that it makes administrative sense for these areas to be incorporated into the City. He commented that he is particularly convinced that the commercial areas need to be annexed, because the Julissa's location, for example, is a building that remains and could later become a problem again. The City would have better effectiveness in addressing any future problems with the site if it were within the City's jurisdiction.

The resolution was adopted by roll call vote (ABSENT: Rubin; ABSTAIN: Elrich).

RESOLUTION #1995-22  
(Attached)

#6 2nd Reading Annexation Resolution re: Area #2. Moved by Mr. Williams; seconded by Mr. Chavez.

The resolution was adopted by roll call vote (ABSENT: Rubin; ABSTAIN: Elrich).

RESOLUTION #1995-23  
(Attached)

#7 2nd Reading Annexation Resolution re: Area #3. Moved by Mr. Williams; seconded by Mr. Davenport.

The resolution was adopted by roll call vote (ABSENT: Rubin).

RESOLUTION #1995-24  
(Attached)

Mr. Sharp thanked Prince George's County Councilmember Maloney for his attendance this evening. Mr. Sharp read a statement about the "next steps" in the annexation process, explaining the three methods of petitioning the annexations to referendum and who would vote in each of these instances. If the annexations are not petitioned to referendum, they become effective and City service begin on July 15th.

The discussion was concluded at 10:12 p.m.

Mr. Prensky commented on the Takoma Park Folk Festival and distributed some literature. He urged the Council to volunteer their assistance for the festival.

Mr. Sharp thanked Mr. Prensky for the invitation, and said the he looks forward to "flipping veggie burgers."

#8 Single Reading Ordinance re: City Parking Lot Repaving. Mr. Sharp explained the ordinance. Moved by Mr. Elrich; seconded by Mr. Chavez.

Ms. Habada commented on the agreement with WSSC regarding the Cedar Avenue sewer expansion project that runs through the Municipal Building parking lot. Part of the contract with WSSC involves paving a portion of the lot.

The ordinance was unanimously adopted by roll call vote (ABSENT: Porter, Williams).

ORDINANCE #1995-13  
(Attached)

#9 Single Reading Ordinance re: Tree Planting Bid Award. Mr. Sharp explained the ordinance. Moved by Mr. Chavez; seconded by Mr. Davenport.

The ordinance was unanimously adopted by roll call vote (ABSENT: Porter).

ORDINANCE #1995-14  
(Attached)

#10 1st Reading Ordinance re: FY96 City Budget. Mr. Sharp noted the ordinance. The total expenditures are set at 10.255 million; revenues at 3.295 million. Moved by Mr. Elrich; seconded by Mr. Williams.

Mr. Elrich said that this has been a very difficult budget, and not a particularly satisfying process, for him. He remarked that he hopes next year's process is different in regards to comparative information, and that efforts being put into quality control and team management are reflected in better services. He commented that the City cannot go on adding staff positions while operating costs continue to rise, and manage to hold the line on taxes. He said that Council needs to identify and address some of the long-term issues the City must deal with.

Mr. Williams said that he does not feel comfortable adopting this budget, and noted six things to continue looking at: (1) annexation impact, (2) four police grant positions, (3) consideration of bond for streets, (4) focus on work environment for staff, (5) general automation issues and subsequent training (mid-year), and (6) library automation. He added that if the City is going to continue to have a Library, automation needs to be implemented, and that otherwise, the City will have a dinosaur on its hands.

Ms. Porter said this has been a particularly difficult budget. She noted that the original Takoma Park Newsletter article stated that the City would have a lower tax rate than what the Council is considering for adoption this evening. Once the Council decided not to borrow money to pay for things that are normally funded out of annual tax revenues, the tax rate had to be increased. This decision made it a difficult budget; and the Council will face future budgets that will be more and more difficult. She stated that existing taxes will not continue to pay for the same level of services. This will be a difficult issue for a number of years, and residents need to have an early heads up.

Mr. Davenport supported remarks that have been made. He stated that he believes staff will have to come up with more creative ways to use and obtain resources.

There were no citizen comments.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-15  
(Attached)

Mr. Williams moved that the Council convene as the Storm Water Management Board, simultaneously (seconded by Ms. Porter).

#11 1st Reading Ordinance re: FY96 Storm Water Budget. Moved by Mr. Davenport; seconded by Mr. Chavez.

Mr. Sharp explained the included grant for developing a storm water fee based system. It would eliminate the tax rate and establish a rate for determining a fee for individual properties. One benefit might be that commercial properties and non-profits would pay higher fees because of large parking lots with more run-off water.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-16  
(Attached)

#12 1st Reading Ordinance re: FY96 Tax Rate. Moved by Mr. Elrich; seconded by Ms. Porter.

Ms. Habada noted that the constant yield tax rate is 1.837; Mr. Sharp noted that the City's proposed tax rate is 1.817.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-17  
(Attached)

#13 1st Reading Ordinance re: Employee Pay Plan. Moved by Ms. Porter; seconded by Mr. Williams.

Mr. Sharp noted that Cost of Living Allowances (COLA) are included.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-18  
(Attached)

#14 1st Reading Ordinance re: Police Pay Plan. Moved by Mr. Williams; seconded by Mr. Davenport.

Mr. Sharp again noted that COLA's are included.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-19  
(Attached)

#15 1st Reading Ordinance re: Executive Pay Plan. Moved by Mr. Chavez; seconded by Ms. Porter.

Mr. Sharp again noted that COLA's are included.

Debbie Easterly asked who is on the Executive Pay Scale.

Ms. Habada responded.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-20  
(Attached)

Mr. Rubin said that he is very sorry that he was not in the room for the annexation votes, and that he would like for the minutes to reflect that had he been in the room he would have voted in favor of the resolutions. He acknowledged that this is an important matter, and noted that he had studied and taken the questions very seriously. Mr. Rubin apologized to fellow Councilmembers for his absence.

**WORKSESSION**

The Council adjourned to Worksession at 10:36 p.m. Following the Worksession, the Council adjourned for the evening at 10:49 p.m.

Introduced By: Mayor Sharp

1st Reading: 4/17/95  
2nd Reading: 5/30/95  
\*Effective Date: 7/15/95

\*Unless a referendum petition meeting the requirements of Md. Ann. Code Art. 23A, Sec. 19(g), (h) or (i) is received by July 14, 1995 (within 45 days following final enactment of the annexation resolution).

ANNEXATION RESOLUTION NO. 1995 - 22

A RESOLUTION PROPOSING TO ENLARGE THE CORPORATE BOUNDARIES OF THE CITY OF TAKOMA PARK TO INCLUDE THE AREA COMMONLY KNOWN AS HAMPSHIRE KNOLLS, LOCATED IN PRINCE GEORGE'S COUNTY, BETWEEN THE EXISTING CITY BOUNDARIES TO THE NORTH, WEST, AND SOUTH AND NEW HAMPSHIRE AVENUE TO THE EAST.

WHEREAS, petitions have been presented to the Council of the City of Takoma Park requesting that property located in Prince George's County between the existing City boundaries to the north, west, and south and New Hampshire Avenue to the east, as shown on the map attached hereto as Exhibit "A" and as more particularly and fully described on Exhibit "B" attached hereto, be annexed into the corporate boundaries of the City of Takoma Park; and

WHEREAS, the signatures on said petitions have been verified and it has been ascertained that the persons signing said petitions represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of at least twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, this resolution proposing the change of boundaries as requested by the petitions has been introduced which, if enacted, would annex the property which is more particularly and fully described on Exhibit "B" to this resolution.

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

Section 1. The corporate boundaries of the City of Takoma Park shall be enlarged to include the following area in Prince George's County, which is contiguous and adjoining to the existing corporate area of the City of Takoma Park, as more particularly and fully described on Exhibit "B" attached hereto



and incorporated herein by reference as if fully set forth in this resolution.

Section 2. This annexation resolution shall become effective forty-five (45) days after its final enactment (i.e., second reading of this resolution), unless within said forty-five (45) day period following the final enactment of this resolution, one or more petitions for referendum are filed pursuant to the provisions of Section 19(f), (g) or (h) of Article 23A of the Annotated Code of Maryland.

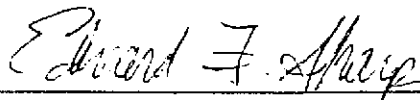
Section 3. All of the area annexed to the City of Takoma Park and the persons residing thereon shall, after the effective date of the annexation provided by this resolution, be subject to the Charter, laws, ordinances, and regulations of the City of Takoma Park.

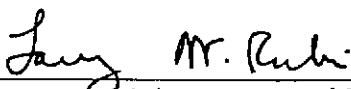
Section 4. As soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register the new boundaries of the City with the City Clerk of Takoma Park, with the Clerk of the Circuit Court for Prince George's and Montgomery Counties, with the Maryland-National Capital Park and Planning Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

THIS ANNEXATION RESOLUTION IS ADOPTED THIS 30th DAY OF MAY, 1995, BY ROLL CALL VOTE AS FOLLOWS:

Aye: Sharp, Chavez, Davenport, Porter, Williams  
Nay: None  
Abstained: Elrich  
Absent: Rubin

COUNCILMEMBERS OF THE CITY OF  
TAKOMA PARK, MARYLAND

  
\_\_\_\_\_  
Edward F. Sharp, Mayor

  
\_\_\_\_\_  
Larry Rubin, Councilmember, Ward 1

  
\_\_\_\_\_  
Kathy Porter, Councilmember, Ward 2

*Bruce Williams*

Bruce Williams, Councilmember, Ward 3

*Anthony Davenport*

Anthony Davenport, Councilmember, Ward 4

*Marc Elrich*

Marc Elrich, Councilmember, Ward 5

*Reggie Chavez*

Reggie Chavez, Councilmember, Ward 6

ATTEST:

*Catherine E. Sauter*  
City Clerk

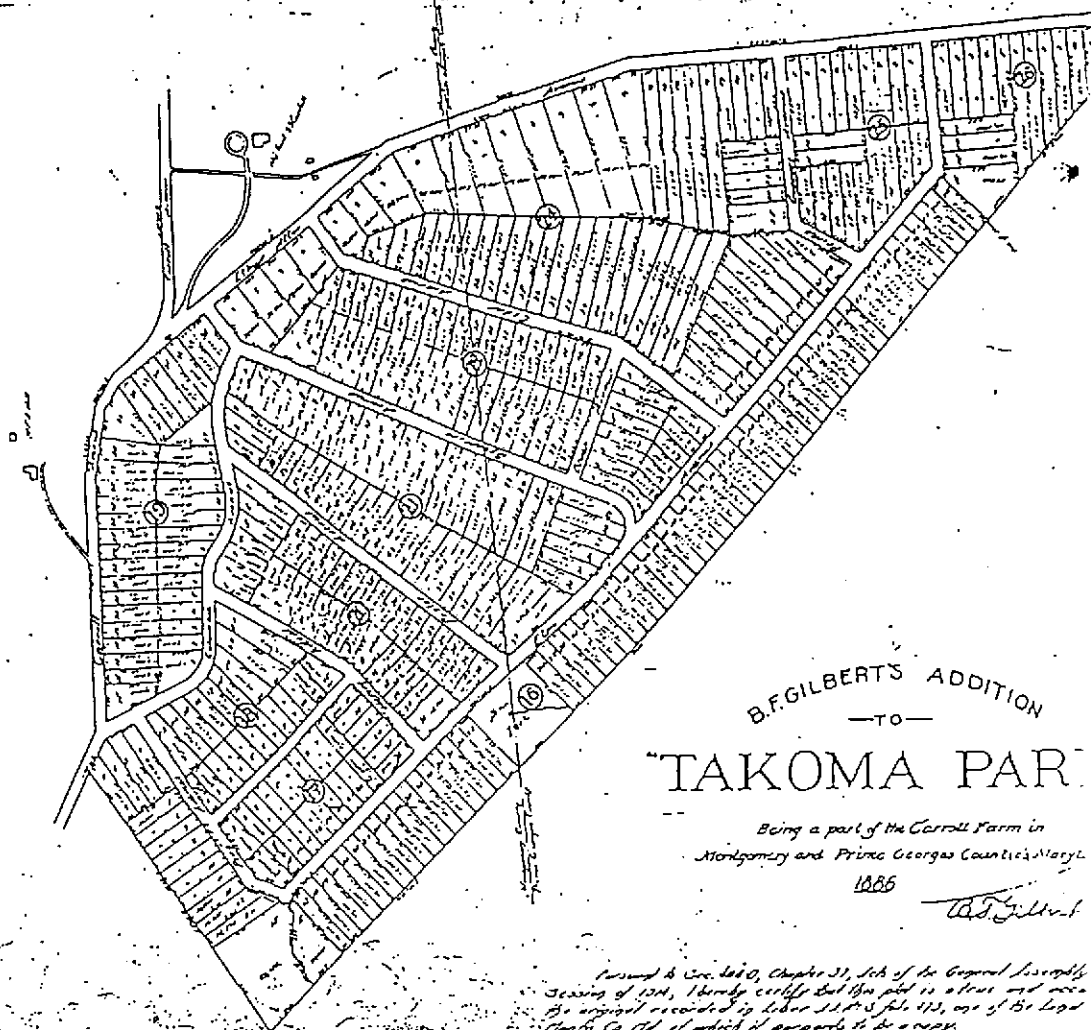
*5/30/95*  
Date

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CITY OF TAKOMA PARK

Beginning for the same at a point on the southwest side of Ethan Allen Avenue at the southeast corner of Lot 12, Block 26 as shown on the B. F. Gilbert's Addition to Takoma Park subdivision plat, running thence with the southerly boundary of Block 26 to the southwest corner of Lot 16, Block 26, thence with the southerly line of Lots 85 thru 88 and Lot 92 as shown on the plat of subdivision Lots 85 thru 92, Block 16 being a resubdivision plat of Lots 69 thru 75, Block 16, B. F. Gilbert's Addition to Takoma Park to the easterly right of way line of Prince Georges Avenue as shown on the subdivision plat Hampshire Knolls, Takoma Park thence crossing Prince Georges Avenue to the northeast corner of Lot 13, Block A as shown on the subdivision plat of Section Two, Hampshire Knolls, Takoma Park, thence running with the northerly line of said Block A to a point at the northwest corner of Lot 1, Block A on the easterly right of way line of Woodland Avenue thence running with said easterly right of way line and crossing Circle Avenue to the northwest corner of Lot 1, Block C as shown on said plat, thence running with the westerly outline of said subdivision plat Section Two, Hampshire Knolls, Takoma Park to the northerly right of way line of New Hampshire Avenue, thence running with said right of way line at said New Hampshire Avenue to the place of beginning.



B.F. GILBERT'S ADDITION  
 — TO —  
 "TAKOMA PARK"

Being a part of the Carroll Farm in  
 Montgomery and Prince Georges Counties, Maryland.

1885

*B.F. Gilbert*

Passed & Co. 2d 0, Chapter 31, Act of the General Assembly  
 Session of 1884, I hereby certify that this plat is a true and correct  
 copy of the original recorded in Liber 21, 2nd file 413, one of the Legal  
 Books of the County of Prince Georges, Md. of which it purports to be a copy.

M. Samuel Off  
 County Surveyor for  
 Prince Georges County

4327 3/1  
4/24/54

**ENGINEERS CERTIFICATE**

**7188**

We hereby certify that the plan shows Areas 2 corner  
 of Lots 85 and 86 and is a true and correct copy of the  
 original plan as shown to us by the City of Prince George's  
 County, Maryland, and recorded in the Office of the  
 Recorder of Deeds of Prince George's County, Maryland,  
 at the City of Prince George's County, Maryland, on  
 the 23rd day of June, 1954, and that the same are  
 correct and that there are no other liens or  
 claims of record against the same.

WITNESSED My Hand and Seal  
 this 24th day of June, 1954.

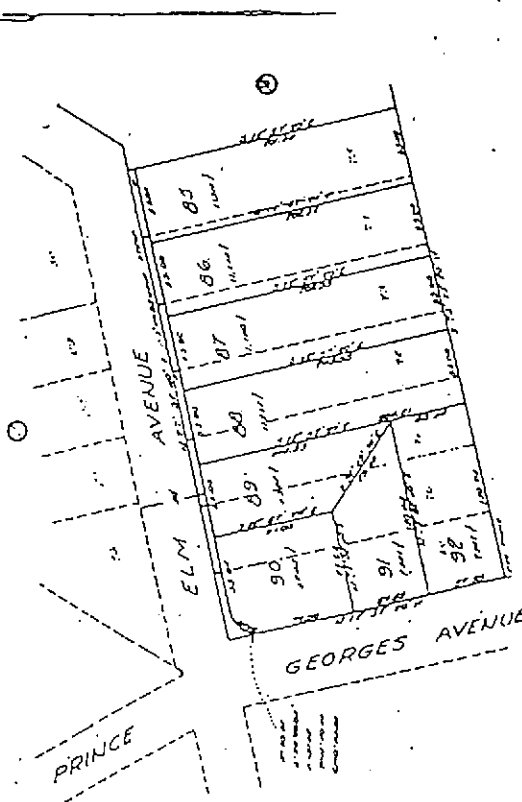
*Alfred A. H. H. H.*  
 Alfred A. H. H. H.  
 Professional Engineer  
 License No. 1122

**OWNER'S DEDICATION**

We, the undersigned, do hereby dedicate to the public  
 use of the property shown on this plan, the entire  
 area of the property shown and described herein, for  
 the purposes of subdivision, and we agree to pay the  
 cost of the same. We further agree to pay the  
 cost of the same. We further agree to pay the  
 cost of the same.

WITNESSED My Hand and Seal  
 this 24th day of June, 1954.

*Alfred A. H. H. H.*  
 Alfred A. H. H. H.  
 Professional Engineer  
 License No. 1122



LOTS 85 THRU 92 BLOCK 16  
 Block 16, Subdivision of  
 Lots 85 Thru 92 Block 16  
 O.F. GILBERT'S ADDITION TO  
 TAKOMA PARK  
 Prince Georges Co. Maryland  
 Sheet No. 30

Approved by  
 Alfred A. H. H. H.  
 Professional Engineer  
 License No. 1122

APPROVED APRIL 11 - 1954  
 Approved by  
 Alfred A. H. H. H.  
 Professional Engineer  
 License No. 1122

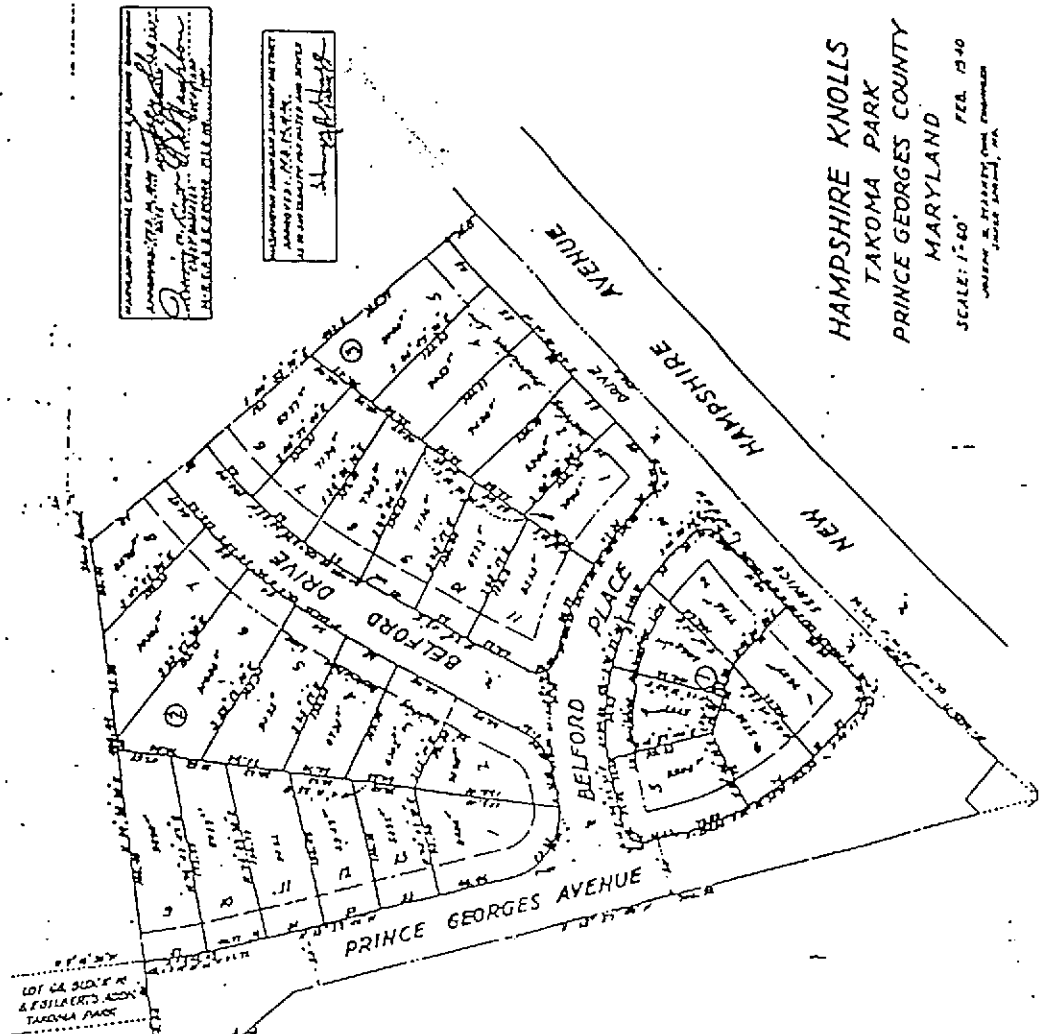
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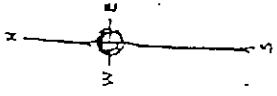
544



ENGINEER'S CERTIFICATE  
 I hereby certify that the plan shown herein is correct  
 and is a true and correct copy of the original plan  
 on file in my office. Witness my hand and seal this  
 15th day of February, 1940.  
 J. M. [Signature]  
 ENGINEER

I hereby certify that the plan shown herein is correct  
 and is a true and correct copy of the original plan  
 on file in my office. Witness my hand and seal this  
 15th day of February, 1940.  
 J. M. [Signature]  
 ENGINEER

LOT 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



ENGINEER'S CERTIFICATE  
 I hereby certify that the plan shown herein is correct  
 and is a true and correct copy of the original plan  
 on file in my office. Witness my hand and seal this  
 15th day of February, 1940.  
 J. M. [Signature]  
 ENGINEER

Feb. 14, 1940  
 Joseph M. [Signature]

ENGINEER'S CERTIFICATE  
 I hereby certify that the plan shown herein is correct  
 and is a true and correct copy of the original plan  
 on file in my office. Witness my hand and seal this  
 15th day of February, 1940.  
 J. M. [Signature]  
 ENGINEER

Feb. 14, 1940  
 Joseph M. [Signature]

HAMPSHIRE KNOLLS  
 TAKOMA PARK  
 PRINCE GEORGES COUNTY  
 MARYLAND  
 SCALE: 1"=60'  
 FEB. 13 40  
 JAMES W. [Signature], INC. ENGINEER

**HAMPSHIRE KNOLLS**  
**TAKOMA PARK**  
**PRINCE GEORGES COUNTY**  
**MARYLAND**

**584**

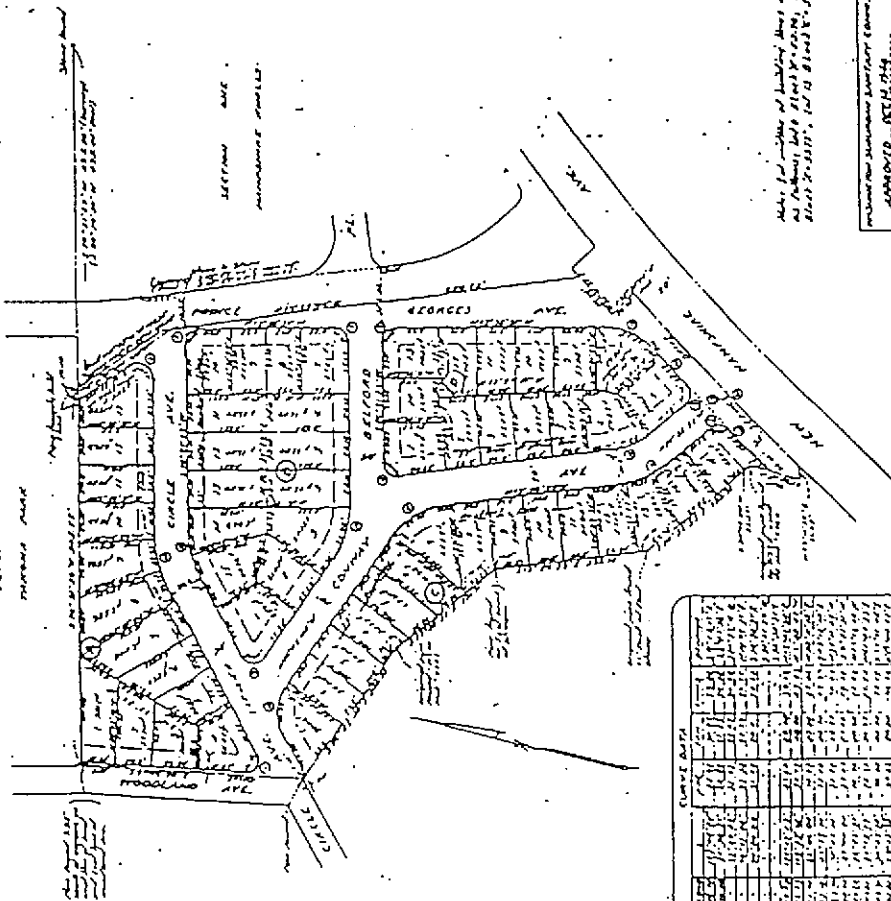
SCALE: 1"=100' SEPT 1940

**OWNER'S RESOLUTION**  
 We, the Board of Directors, do hereby authorize the Board of Directors to...  
 (The text is partially obscured and mostly illegible due to blurriness)

Subscribed at Prince Georges County, Maryland  
 this 15th day of September 1940  
 Mayor, *John H. Brinkley*

**ENGINEER'S CERTIFICATE**  
 I hereby certify that the plan shown...  
 (The text is partially obscured and mostly illegible due to blurriness)

September 15, 1940  
*George H. Brinkley*



Approved for building upon the lot shown on this plan...  
 (Illegible text)

APPROVED: *[Signature]*  
 MARYLAND SURVEYING AND ENGINEERING BOARD  
 No. 1000

Lot No.	Area (Ac.)	Remarks
1	0.12	
2	0.15	
3	0.18	
4	0.20	
5	0.22	
6	0.25	
7	0.28	
8	0.30	
9	0.32	
10	0.35	
11	0.38	
12	0.40	
13	0.42	
14	0.45	
15	0.48	
16	0.50	
17	0.52	
18	0.55	
19	0.58	
20	0.60	
21	0.62	
22	0.65	
23	0.68	
24	0.70	
25	0.72	
26	0.75	
27	0.78	
28	0.80	
29	0.82	
30	0.85	
31	0.88	
32	0.90	
33	0.92	
34	0.95	
35	0.98	
36	1.00	
37	1.02	
38	1.05	
39	1.08	
40	1.10	
41	1.12	
42	1.15	
43	1.18	
44	1.20	
45	1.22	
46	1.25	
47	1.28	
48	1.30	
49	1.32	
50	1.35	
51	1.38	
52	1.40	
53	1.42	
54	1.45	
55	1.48	
56	1.50	
57	1.52	
58	1.55	
59	1.58	
60	1.60	
61	1.62	
62	1.65	
63	1.68	
64	1.70	
65	1.72	
66	1.75	
67	1.78	
68	1.80	
69	1.82	
70	1.85	
71	1.88	
72	1.90	
73	1.92	
74	1.95	
75	1.98	
76	2.00	
77	2.02	
78	2.05	
79	2.08	
80	2.10	
81	2.12	
82	2.15	
83	2.18	
84	2.20	
85	2.22	
86	2.25	
87	2.28	
88	2.30	
89	2.32	
90	2.35	
91	2.38	
92	2.40	
93	2.42	
94	2.45	
95	2.48	
96	2.50	
97	2.52	
98	2.55	
99	2.58	
100	2.60	

LOT 14, 15, 16 & 17 TO BE A DEVELOPMENT OF TAKOMA PARK



Introduced By: Mayor Sharp

1st Reading: 4/17/95

2nd Reading: 5/30/95

\*Effective Date: 7/15/95

\*Unless a referendum petition meeting the requirements of Md. Ann. Code Art. 23A, Sec. 19(g), (h) or (i) is received by July 14, 1995 (within 45 days following final enactment of the annexation resolution).

ANNEXATION RESOLUTION NO. 1995 - 23

A RESOLUTION PROPOSING TO ENLARGE THE CORPORATE BOUNDARIES OF THE CITY OF TAKOMA PARK TO INCLUDE THE AREAS COMMONLY KNOWN AS GUDE'S ADDITION AND PINE CREST (BUT EXCLUDING LOTS 11-20, BLOCK 11 OF THE "PINE CREST" SUBDIVISION), LOCATED IN PRINCE GEORGE'S COUNTY, BETWEEN THE EXISTING CITY BOUNDARIES TO THE NORTH AND WEST, NEW HAMPSHIRE AVENUE TO THE EAST, AND EASTERN AVENUE TO THE SOUTH.

WHEREAS, petitions have been presented to the Council of the City of Takoma Park requesting that property located in Prince George's County between the existing City boundaries to the north and west, New Hampshire Avenue to the east, and Eastern Avenue to the south (but excluding Lots 11-20, Block 11 of the "Pine Crest" subdivision--the portion of Westmoreland Avenue between the existing City boundary at Second Avenue and Highland Street), as shown on the map attached hereto as Exhibit "A" and as more particularly and fully described on Exhibit "B" attached hereto, be annexed into the corporate boundaries of the City of Takoma Park; and

WHEREAS, the signatures on said petitions have been verified and it has been ascertained that the persons signing said petitions represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of at least twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, this resolution proposing the change of boundaries as requested by the petitions has been introduced which, if enacted, would annex the property which is more particularly and fully described on Exhibit "B" to this resolution.

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

Section 1. The corporate boundaries of the City of Takoma Park shall be enlarged to include the following area in Prince George's County, which is contiguous and adjoining to the existing corporate area of the City of Takoma Park, as more particularly and fully described on Exhibit "B" attached hereto and incorporated herein by reference as if fully set forth in this resolution.

Section 2. This annexation resolution shall become effective forty-five (45) days after its final enactment (i.e., second reading of this resolution), unless within said forty-five (45) day period following the final enactment of this resolution, one or more petitions for referendum are filed pursuant to the provisions of Section 19(f), (g) or (h) of Article 23A of the Annotated Code of Maryland.

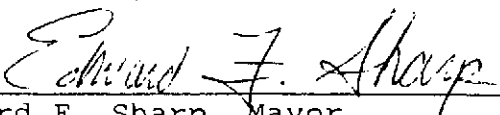
Section 3. All of the area annexed to the City of Takoma Park and the persons residing thereon shall, after the effective date of the annexation provided by this resolution, be subject to the Charter, laws, ordinances, and regulations of the City of Takoma Park.


Section 4. As soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register the new boundaries of the City with the City Clerk of Takoma Park, with the Clerk of the Circuit Court for Prince George's and Montgomery Counties, with the Maryland-National Capital Park and Planning Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

THIS ANNEXATION RESOLUTION IS ADOPTED THIS 30th DAY OF MAY, 1995, BY ROLL CALL VOTE AS FOLLOWS:

Aye: Sharp, Chavez, Davenport, Porter, Williams  
Nay: None  
Abstained: Elrich  
Absent: Rubin

COUNCILMEMBERS OF THE CITY OF  
TAKOMA PARK, MARYLAND

  
\_\_\_\_\_  
Edward F. Sharp, Mayor

  
\_\_\_\_\_  
Larry Rubin, Councilmember, Ward 1

Kathy Porter  
Kathy Porter, Councilmember, Ward 2

Bruce Williams  
Bruce Williams, Councilmember, Ward 3

Anthony Daveport  
Anthony Daveport, Councilmember, Ward 4

Marc Elrich  
Marc Elrich, Councilmember, Ward 5

Reggie Chavez  
Reggie Chavez, Councilmember, Ward 6

ATTEST:

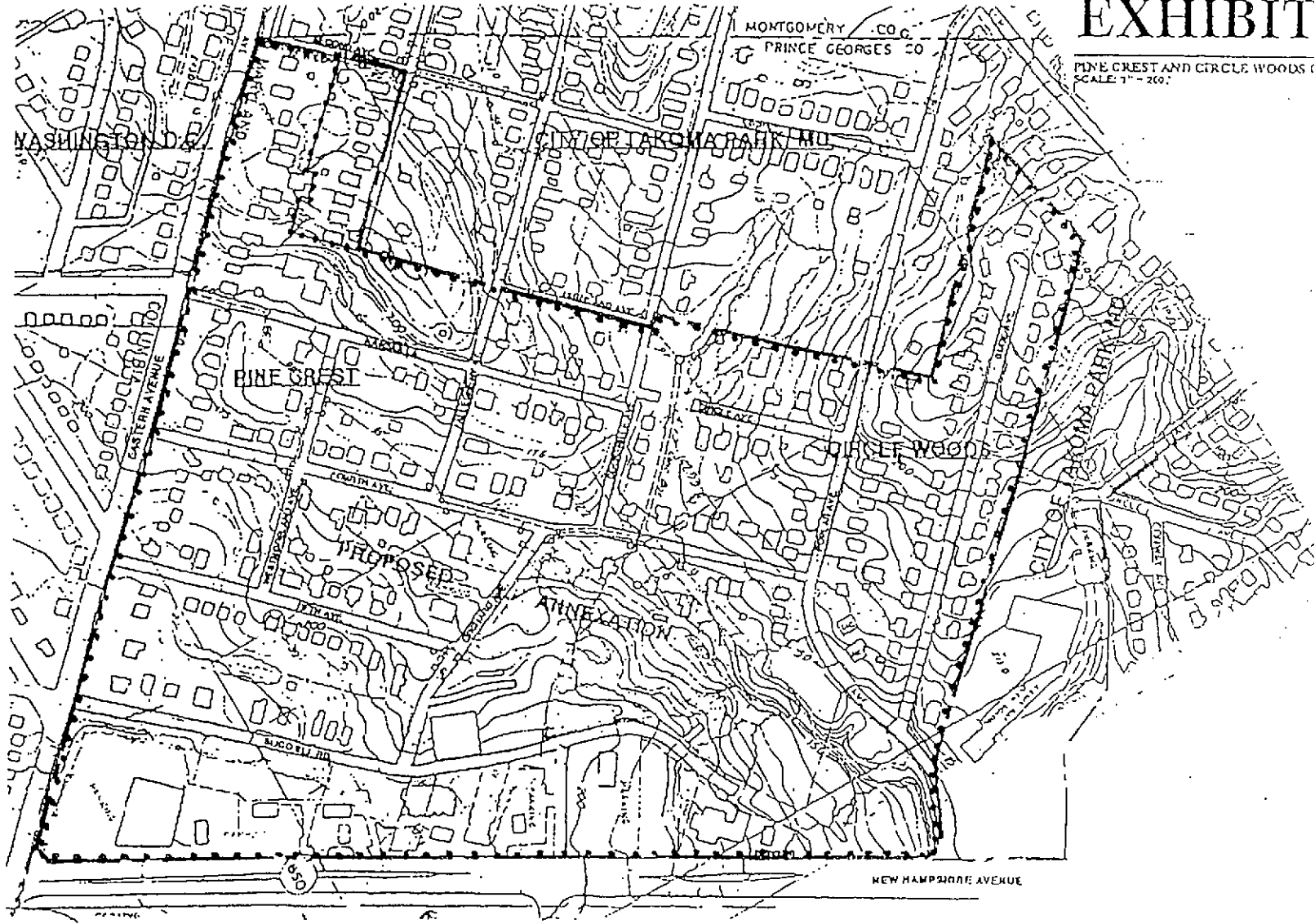
Catherine C. Sauter  
City Clerk

5/30/95  
Date

f:\wpdocs\takoma\annex\area2&3.res

# EXHIBIT

PINE CREST AND CIRCLE WOODS  
SCALE: 1" = 200'



NEW HAMPSHIRE AVENUE

CITY OF TAKOMA PARK

Beginning for the same at a point at the northeast corner of Lot 11, Block C as shown on the plat entitled Block C, George E. Gude's Addition to Takoma Park running thence with the northeast boundary of Block C to the southeast corner of Lot 19, Block C, thence across Circle Avenue to the northeast corner of Lot 1, Block A, thence running with the northeast boundary of Block A to the northeast right of way line of Ray Road, thence straight across Ray Road to intersect the northwesterly right of way line of New Hampshire Avenue thence running with said northwesterly right of way line of New Hampshire Avenue to intersect the northeasterly right of way line of Eastern Avenue, thence running with said northeasterly right of way line of Eastern Avenue to intersect the southerly right of way line of said Second Street (now known as Second Avenue) in the Pine Crest subdivision thence running with the southerly right of way line of Second Avenue (previously described as Corporate Boundary of City of Takoma Park) to the northwest corner of Lot 11, Block 11 as shown on the plat entitled Pine Crest subdivision, thence running with the westerly line of Lots 11 thru 20, Block 11 to intersect the southerly right of way line of Highland Street (now known as Highland Avenue), thence running with the southerly right of way line of Highland Avenue to a point on the easterly right of way line of Cockerille Avenue, thence running with said easterly right of way line of Cockerille Avenue to the southwest corner of Lot 1, Block 13 of the Gibb's and Kosack Addition to Takoma Park subdivision, thence running with the

southerly line of Lots 1 thru 9, Block 13 to a point on the westerly right of way line of Poplar Avenue, thence across Poplar Avenue to the southwest corner of Lot 4, Block 12, thence running with southerly line of said Lot 4, Block 12 to the southeast corner of said Lot 4, thence running with the northeasterly outline of Block 12, being also the southwesterly outline of Block C of the George E. Gude's Addition to Takoma Park subdivision to the rear corner common to Lots 9 and 10, Block C, thence running with the northwesterly outline of Block C to the place of the beginning.

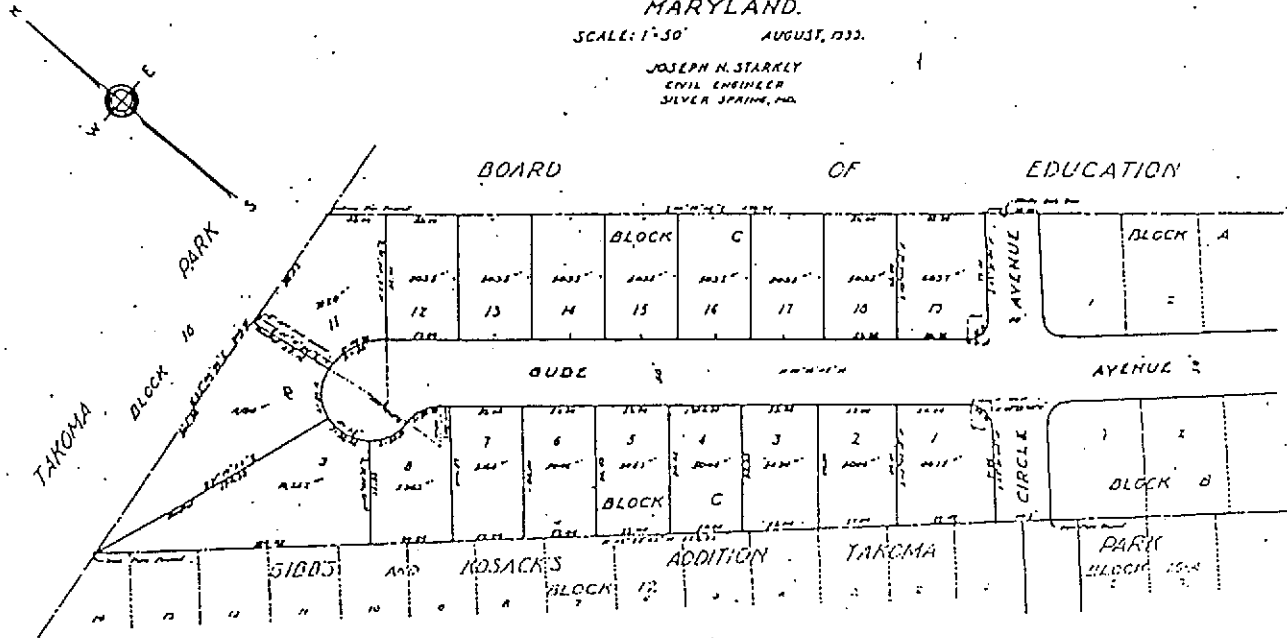
Pine Crest

Rev. 1

TAKOMA PARK  
PRINCE GEORGES COUNTY,  
MARYLAND.

SCALE: 1"=50' AUGUST, 1933.

JOSEPH M. STARKLEY  
CIVIL ENGINEER  
SILVER SPRING, MD.



**ENGINEER'S CERTIFICATE**  
I hereby certify that the plan shown herein is correct:  
That it is a subdivision of all of the lands conveyed by George E. Gude, (deceased), to Smith and Galtus Inc. by deed dated August 18, 1933 and recorded among the Land Records of Prince Georges County, Maryland, August 24, 1933, in Liber 1, folio 2; and that streets marked thereon are in place where indicated.

Dated August 23, 1933

Joseph M. Starkley  
Civil Engineer

**OWNER'S DECLARATION**  
The Smith and Galtus, Inc., a Delaware Corporation, by Joseph E. Smith, President and J. Henry Galtus, Secretary, owners of the property shown and divided as herein, hereby adopt this plan of subdivision, subject to the minimum building restriction laws and standards the streets to public use and reserve a 3' right-of-way for utility, as shown hereon.  
There are no easements, liens or encumbrances on the property included in this plan of subdivision.

Dated August 23, 1933

WITNESSED AND DECLARED, etc.  
Joseph E. Smith  
J. Henry Galtus

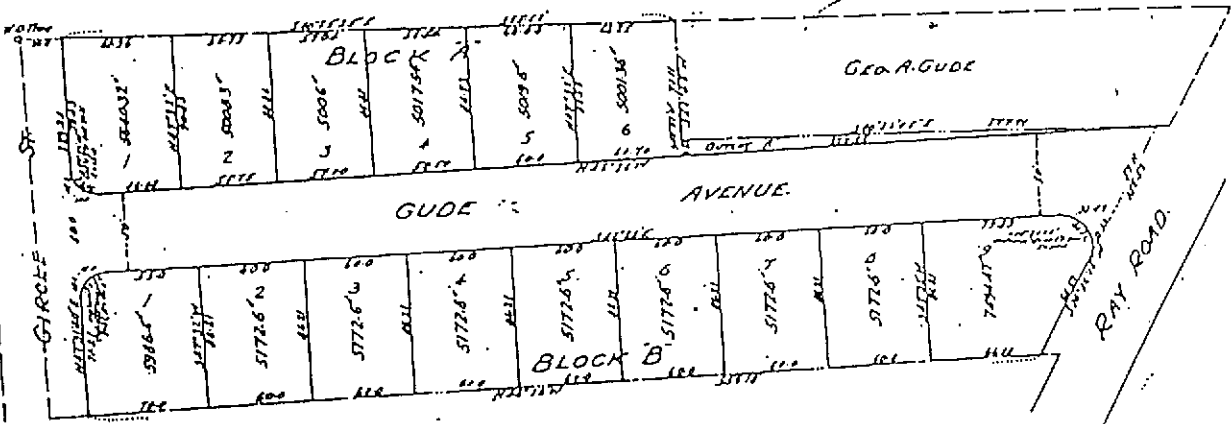
APPROVED BY THE BOARD OF EDUCATION  
H. H. ...

RECORDED BY THE CLERK OF THE COUNTY CLERK'S OFFICE  
August 23, 1933

GEORGE A. GODES  
 ADDITION TO TAKOMA PARK  
 PRINCE GEORGES COUNTY,  
 MARYLAND.  
 JANUARY 1933 SCALF-40  
 JOSEPH N. STANLEY  
 CIVIL ENGINEER  
 SILVER SPRING, MD.

PLAT AND SUBDIVISION OF ALL PARTS OF THE PROPERTY...  
 APPROVED BY THE BOARD OF PUBLIC WORKS...  
 J. N. Stanley  
 CIVIL ENGINEER

ALL PARTS OF THE PROPERTY...  
 APPROVED BY...  
 J. N. Stanley  
 CIVIL ENGINEER



ENGINEER'S CERTIFICATE

I hereby certify that the plan shown herein is correct that it is a subdivision of part of the land conveyed by Basile L. Gode and Frank J. Gode, her husband to George A. Gode by deed of date January 31st 1931 and recorded in the Land Record of Prince Georges County, Maryland, in Liber 114 at folio 25 and that the pipes referred to here have been placed as indicated.

Witnessed: Joseph N. Stanley  
 Civil Engineer

OWNER'S DEDICATION

W. George A. Gode and Bessie M. Gode his wife owners of the property shown and described herein hereby adopt this plan of subdivision, publish the minimum building restriction lines and dedicate the streets to public use. There are no suits of ocean, fresh, brack or trusty on the property included in this plan of subdivision.

Witnessed: Date: Jan. 12, 1933  
 J. H. Pomeroy  
 J. H. Pomeroy

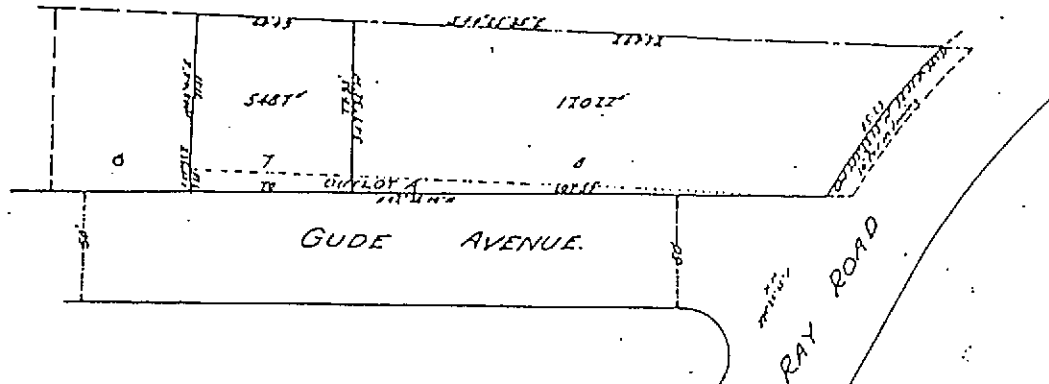




I hereby certify that the plan shown herein is correct, that it is a subdivision of part of the land conveyed by Beise & Holly and Frank J. Holly her husband to George A. Gude by deed dated January 22<sup>nd</sup> 1913 and recorded in the Land Records of Prince George's County, Maryland in Liber 211 of folio 23, and that it is recorded in the Subdivided Land as conveyed by Smith & Gatch Inc. to G. A. Gude by deed dated February 27, 1914 recorded in Liber Folio all of the records of Prince George's County, Maryland, and that iron pipes marked thus have been placed as indicated.

**BLOCK A  
 LOTS 7 & 8  
 GEORGE A. GUDE'S  
 ADDITION TO TAKOMA PARK  
 PRINCE GEORGES COUNTY,  
 MARYLAND.**  
 MARCH 1940 SCALE 1" = 50'  
 JOSEPH N. STARKY  
 CIVIL ENGINEER  
 SILVER SPRING, MD.

APPROVED: APRIL 1, 1940  
 J. N. STARKY  
 CIVIL ENGINEER



ENGINEER'S CERTIFICATE.

I hereby certify that the plan shown herein is correct, that it is a subdivision of part of the land conveyed by Beise & Holly and Frank J. Holly her husband to George A. Gude by deed dated January 22<sup>nd</sup> 1913 and recorded in the Land Records of Prince George's County, Maryland in Liber 211 of folio 23, and that it is recorded in the Subdivided Land as conveyed by Smith & Gatch Inc. to G. A. Gude by deed dated February 27, 1914 recorded in Liber Folio all of the records of Prince George's County, Maryland, and that iron pipes marked thus have been placed as indicated.

March 11, 1940 Joseph N. Starky  
 CIVIL ENGINEER

OWNER'S DEDICATION

We George A. Gude and Beise & Gude his wife, owners of the property shown and described herein have adopted this plan of subdivision, establish the minimum building restrictions and dedicate the streets to public use. There are no suits or other liens or trusts on the property included in this plan of subdivision.

Witnessed on this 11<sup>th</sup> day of March 1940  
 J. B. Brownsville  
 J. B. Brownsville  
 George A. Gude  
 Beise & Gude

96

# "PINE CREST"

## SUBDIVISION

LYING PARTLY IN MONTGOMERY AND PARTLY IN PRINCE GEORGE COUNTIES MARYLAND AND ADJOINING THE DISTRICT OF COLUMBIA

12-4078-EX-101

*12-4078-EX-101*

*(Takoma Park)*

*Montgomery County Prince George's County*

*(Gibbs & Noacks Subdivision)*

Thereby Certify that the land subdivided as shown on this plat, is the same land as conveyed by Carl B. Kesterstein & Wife to Robert G. Lahr by Deed dated August Third, 1923, recorded in Liber No. 51, folio 119 one of the land records of Prince George County Maryland, and Liber No. 100, folio 380 one of the land records of Montgomery County, Maryland.

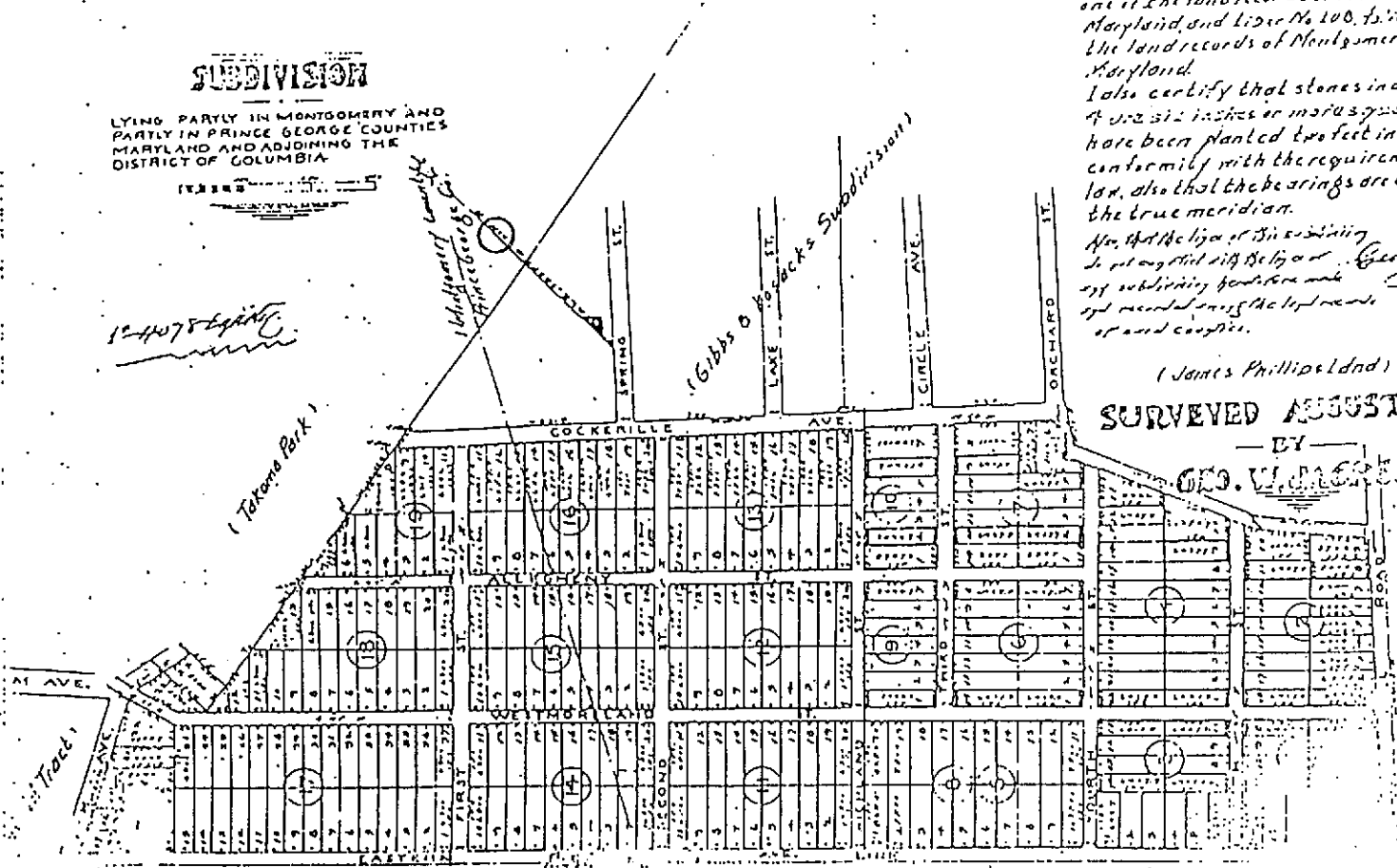
I also certify that stones indicated 1, 2, 3, 4 and 5 1/2 inches or more square or top end have been planted two feet in the ground in conformity with the requirements of the law, also that the bearings are calculated to the true meridian.

And that the lines of this subdivision are straight and the lines of the subdivision have been marked and recorded on the plat made of said copies.

(James Phillip Land)

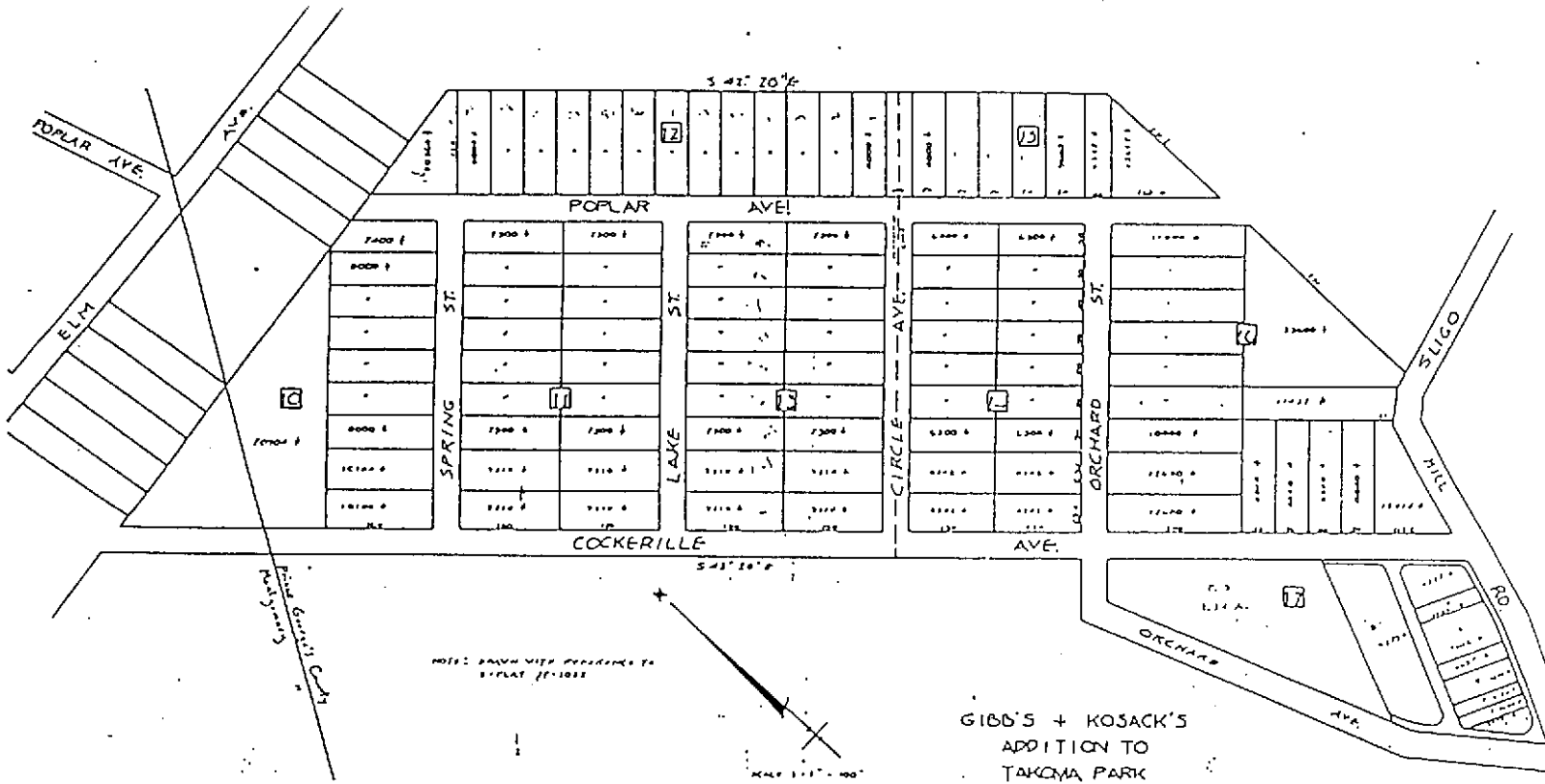
**SURVEYED AUGUST 1923.**

BY  
**GEO. W. JACOBSON.**



*(District of Columbia)*

*Line*



Division of Engineering  
 Department of Public Works  
 Municipal Engineering  
 City of Takoma Park, D.C.

1-895  
 A17-8450

Introduced By: Mayor Sharp

1st Reading: 4/17/95  
2nd Reading: 5/30/95  
\*Effective Date: 7/15/95

\*Unless a referendum petition meeting the requirements of Md. Ann. Code Art. 23A, Sec. 19(g), (h) or (i) is received by July 14, 1995 (within 45 days following final enactment of the annexation resolution).

**ANNEXATION RESOLUTION NO. 1995 - 24**

**A RESOLUTION PROPOSING TO ENLARGE THE CORPORATE BOUNDARIES OF THE CITY OF TAKOMA PARK TO INCLUDE PROPERTY KNOWN AS LOTS 11-20, BLOCK 11, "PINE CREST" SUBDIVISION, LOCATED IN PRINCE GEORGE'S COUNTY.**

**WHEREAS**, petitions have been presented to the Council of the City of Takoma Park requesting that property known as Lots 11-20, Block 11, "Pine Crest" subdivision and located at 6505 Second Avenue and at 6500, 6502, 6504, 6506, 6508, 6510, 6512, 6514, and 6518 Westmoreland Avenue, in Prince George's County, as shown on the map attached hereto as Exhibit "A" and as more particularly and fully described on Exhibit "B" attached hereto, be annexed into the corporate boundaries of the City of Takoma Park; and

**WHEREAS**, the signatures on said petitions have been verified and it has been ascertained that the persons signing said petitions represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of at least twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

**WHEREAS**, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, this resolution proposing the change of boundaries as requested by the petitions has been introduced which, if enacted, would annex the property which is more particularly and fully described on Exhibit "B" to this resolution.

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

**Section 1.** The corporate boundaries of the City of Takoma Park shall be enlarged to include the following area in Prince George's County, which is contiguous and adjoining to the existing corporate area of the City of Takoma Park, as more particularly and fully described on Exhibit "B" attached hereto

and incorporated herein by reference as if fully set forth in this resolution.

Section 2. This annexation resolution shall become effective forty-five (45) days after its final enactment (i.e., second reading of this resolution), unless within said forty-five (45) day period following the final enactment of this resolution, one or more petitions for referendum are filed pursuant to the provisions of Section 19(f), (g) or (h) of Article 23A of the Annotated Code of Maryland.

Section 3. All of the area annexed to the City of Takoma Park and the persons residing thereon shall, after the effective date of the annexation provided by this resolution, be subject to the Charter, laws, ordinances, and regulations of the City of Takoma Park.

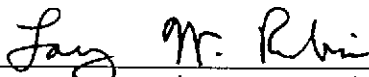
Section 4. As soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register the new boundaries of the City with the City Clerk of Takoma Park, with the Clerk of the Circuit Court for Prince George's and Montgomery Counties, with the Maryland-National Capital Park and Planning Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

THIS ANNEXATION RESOLUTION IS ADOPTED THIS 30th DAY OF MAY, 1995, BY ROLL CALL VOTE AS FOLLOWS:

Aye: Sharp, Chavez, Davenport, Elrich, Porter, Williams  
Nay: None  
Abstained: None  
Absent: Rubin

COUNCILMEMBERS OF THE CITY OF  
TAKOMA PARK, MARYLAND

  
\_\_\_\_\_  
Edward F. Sharp, Mayor

  
\_\_\_\_\_  
Larry Rubin, Councilmember, Ward 1

  
\_\_\_\_\_  
Kathy Porter, Councilmember, Ward 2

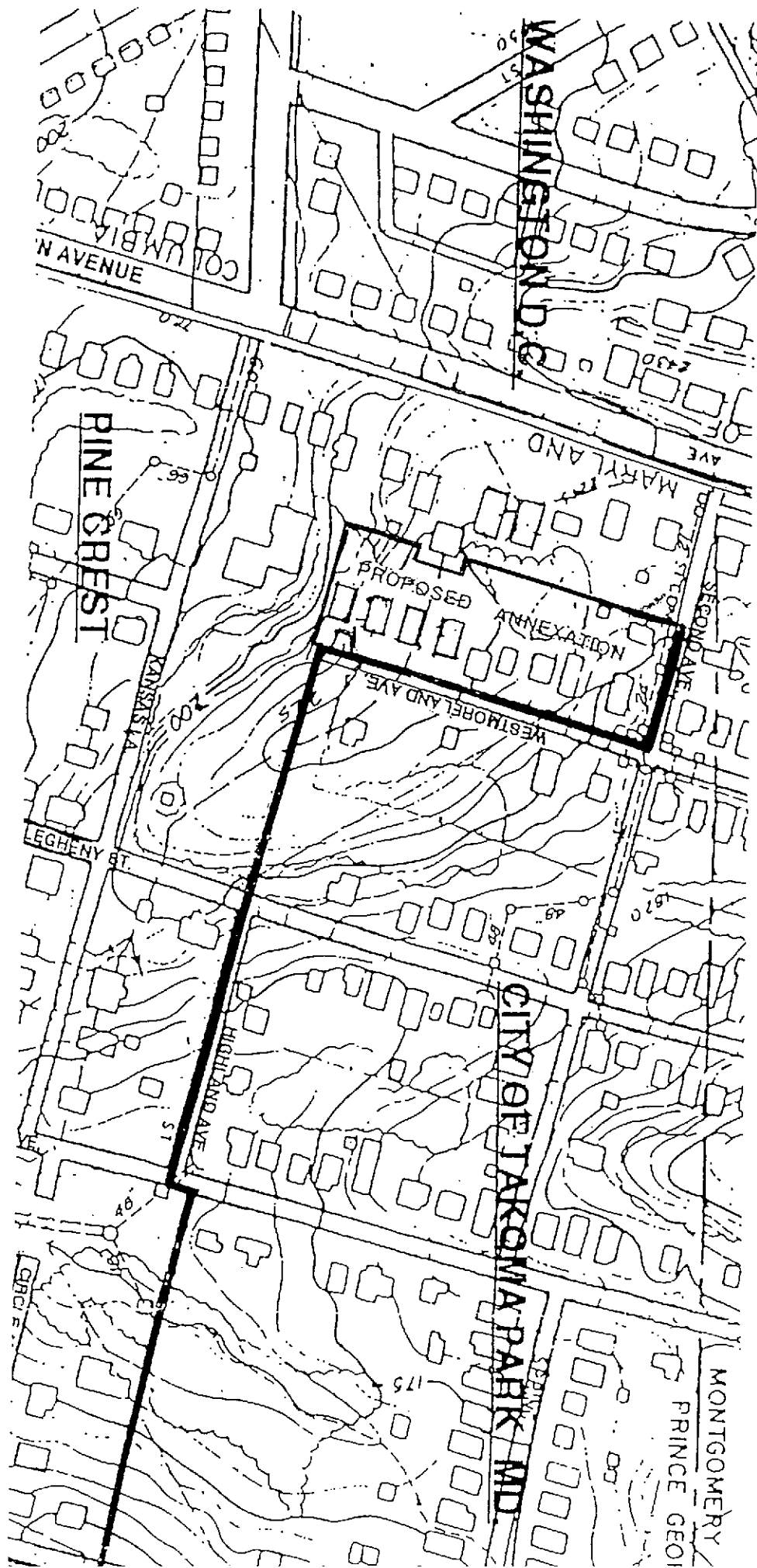


EXHIBIT A

CITY OF TAKOMA PARK

Beginning for the same at a point at the southwest corner of Lot 20, Block 11 as shown on the plat entitled Pine Crest subdivision, thence running with the westerly line of Lots 20, 19, 18, 17, 16, 15, 14, 13, 12, and 11, Block 11 to a point on the southerly right of way of Second Street (now known as Second Avenue), thence running with southerly right of way line of Second Avenue (previously described as corporate Boundary of City of Takoma Park) to intersect the westerly line of Westmoreland Street, thence running with said westerly line of Westmoreland Street to intersect the southerly right of way line of Highland Street (now known as Highland Avenue), thence running with said southerly line of Highland Avenue to the northwesterly corner of Lot 20, Block 8 as shown on the plat entitled Pine Crest subdivision, thence running across Highland Avenue to the place of the beginning.

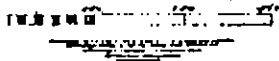
(Westmoreland.rev 1)

**EXHIBIT B**

# "PINE CREST"

## SUBDIVISION

LYING PARTLY IN MONTGOMERY AND PARTLY IN PRINCE GEORGE COUNTIES MARYLAND AND ADJOINING THE DISTRICT OF COLUMBIA.

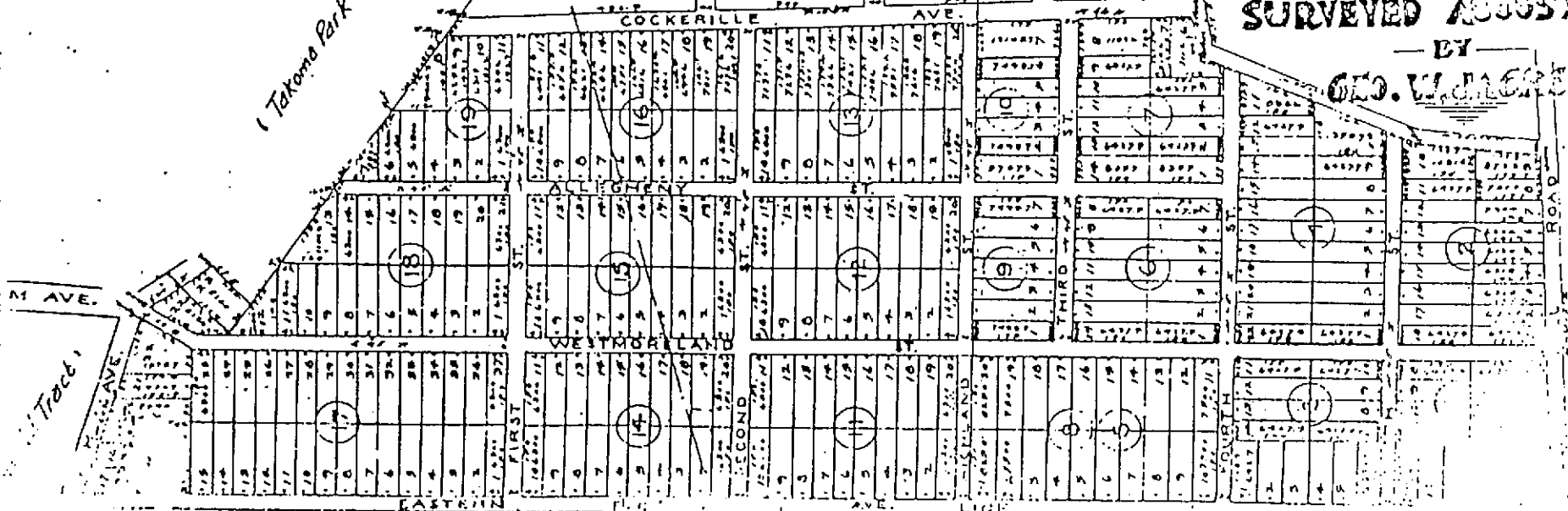


*10-4078 Equity*

*(Takoma Park)*

*1 Montgomery County  
1 Prince George's County*

*(Gibbs & Rosacks Subdivision)*



*(District of Columbia)*

Thereby Certify that the land subdivided as shown on this plat, is the same land as conveyed by Carl B. Keferstein, Wife to Robert G. Lohr by Deed dated April 11th, 1900, recorded in Liber No. 52, folio one of the land records of Prince George's County, Maryland, and Liber No 208, folio 390 one of the land records of Montgomery County, Maryland.

I also certify that stones indicated by four six inches or more square on the plat have been planted two feet in the ground in conformity with the requirements of law, also that the bearings are calculated the true meridian.

Also, that the lines of this subdivision do not conflict with the lines of *Georgetown* any subdividing heretofore made *1908* and recorded among the legal records of said counties.

(James Phillips Land)

**SURVEYED AUGUST 1908**

— BY —  
**GEO. W. J. GREEN.**

*4-11-11  
P.L. 11  
P.L. 11*



Introduced By: Councilmember Elrich

Adopted May 30, 1995  
(Single Reading)

**ORDINANCE #1995 - 13**

An Ordinance to Award a Contract for  
Repaving Municipal Building Parking Lot.

**WHEREAS,** the Municipal Building parking lot needs to be resurfaced; AND

**WHEREAS,** WSSC has contracted C & F Construction to repave that portion of the Municipal Building and Library parking lots that were excavated during the Cedar Avenue sanitary sewer line installation; AND

**WHEREAS,** quotes have been obtained from C & F Construction and another contractor for resurfacing of the remaining portion of the City parking lot in need of improvement, that were not affected by the sanitary sewer line project; AND

**WHEREAS,** C & F Construction submitted a lower quote and the City has an opportunity to resurface the parking lot as a cooperative purchase with a WSSC contractor; AND

**WHEREAS,** it is in the best interest of the City to accept the quote from C & F Construction so that paving can be accomplished in conjunction with completion of the WSSC's sewer line project; AND

**WHEREAS,** this resurfacing will be completed following completion of an increase in pipe size of the current storm water inlet at the back of the municipal building; AND

**WHEREAS,** funds to cover this resurfacing are available from the capital budget in the Storm Water Fund; AND

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,  
SITTING AS A STORM WATER MANAGEMENT BOARD,

**SECTION 1.** THAT a contract be awarded to C & F CONSTRUCTION CORPORATION in the amount of FOURTEEN THOUSAND FIVE HUNDRED AND THIRTY ONE DOLLARS (\$14,531.00); AND

**SECTION 2.** THAT funds to cover this work be charged to the Storm Water Management Capital Budget Account No. 0000-3700-8001.

Adopted this 30th day of May, 1995

**AYE:** Sharp, Chavez, Davenport, Elrich, Rubin

**NAY:** None

**ABSTAIN:** None

**ABSENT:** None

Introduced by: Councilmember Chavez

Single Reading: May 30, 19

**ORDINANCE NO. 1995 - 14**

To Award A Contract for the Purpose of Street Tree Plantings

- WHEREAS,** Small Business Administration Street Tree Planting funds have been earmarked to address these improvements; AND
- WHEREAS,** appropriate advertising was placed in the Washington Post and the Dodge and Blue Reports; AND
- WHEREAS,** outreach efforts to minority contractors were pursued through Small Business Directory; AND
- WHEREAS,** bids were publicly opened at 2:00 p.m., May 19, 1995 with five bidders; AND
- WHEREAS,** Frank's Garden and Nurseries has submitted the low bid of \$24,845.00.
- WHEREAS,** it has been determined that Frank's Gardens & Nurseries has submitted a responsive and responsible bid; AND
- WHEREAS,** sufficient earmarked funds are available.

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

**SECTION 1.** THAT the low bid received from Frank's Gardens & Nurseries in the amount of TWENTY FOUR THOUSAND, EIGHT HUNDRED AND FORTY FIVE DOLLARS (\$24,845.00) be accepted; AND

**SECTION 2.** THAT authority be granted to award a contract to Frank's Gardens & Nurseries accordingly.

Adopted this 30th day of May, 1995 by Roll Call Vote:

**AYE:** Sharp, Chavez, Davenport, Elrich, Rubin, Williams

**NAY:** None

**ABSTAINED:** None

**ABSENT:** Porter

Introduced by: Councilmember Elrich

1st Reading: 5/30/95

2nd Reading: 6/12/95

ORDINANCE NO. 1995-15

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 1996, BEGINNING JULY 1, 1995 AND ENDING JUNE 30, 1996.

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, 1995 and ending June 30, 1996 (FY96);

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, 1996, there shall be, and hereby are appropriated General Fund revenues of TEN MILLION THREE HUNDRED NINETY FIVE THOUSAND NINE HUNDRED TEN DOLLARS (\$10,395,910) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY96 budget as follows:

Taxes-Local	\$ 5,276,195
Taxes-State Shared	1,250,000
License & Permits	15,700
Revenue from other Agencies	1,989,465
Service Charges	454,300
Fines & Forfeitures	163,000
Miscellaneous	219,250

SUBTOTAL \$ 9,367,910

Prior year surplus/unappropriated reserve	884,000
Equipment replacement reserve	144,000

TOTAL \$10,395,910

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the FY96 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$884,000.

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 1995-96 Fiscal Year:

Public Works	\$2,599,676
Police Department	\$2,756,903
Non-Departmental	\$1,141,720
Capital Expenditures (General Fund)	\$ 547,000
Capital Expenditures (Equipment Reserves)	\$ 144,000
General Government	\$1,086,263
Housing & Community Development	\$ 712,544
Recreation	\$ 542,874
Library	\$ 483,197
Media	\$ 91,000
Debt Service	\$ 86,967
General Fund Transfer to Special Revenue Fund	\$ 63,304
<b>TOTAL EXPENDITURES</b>	<b>\$10,255,448</b>

**AUTHORIZED FY96 EXPENDITURES** **\$10,255,448**

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 EIGHT THOUSAND DOLLARS (\$38,000);

SECTION 5. THAT in accordance with Resolution 1995-16, effective May 16, 1995, which amended Article IX of the City Charter, Section 904 (a), the City Administrator is hereby authorized to transfer all principal and interest (projected to be \$570,340 at the close of FY95) in excess of the \$250,000 Emergency Reserve fund balance required to the Equipment Replacement Reserve;

SECTION 6. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects, with Revenues of NINE HUNDRED EIGHT THOUSAND TWO HUNDRED SIXTY DOLLARS (\$908,260) inclusive of a General Fund Transfer of SIXTY THREE THOUSAND THREE HUNDRED FOUR DOLLARS (\$63,304),

and an Expenditure appropriation of NINE HUNDRED EIGHT THOUSAND TWO HUNDRED SIXTY DOLLARS (\$908,260).

- SECTION 7. THAT the Council hereby ratifies the stormwater management budget for FY96 adopted by the Stormwater Board by Ordinance #1995-16.
- SECTION 8. THAT the approved FY96 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 or as otherwise directed by the City Council.
- 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, 1995.

Adopted this 12th day of June, 1995, by Roll Call Vote:

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

Introduced by: Councilmember Davenport

1st Reading: 5/30/95

2nd Reading: 6/12/95

ORDINANCE NO. 1995-16

**AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 96 BEGINNING JULY 1, 1995 AND ENDING JUNE 30, 1996.**

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 1995-96 fiscal year, an ad valorem tax of 3 cents per \$100.00 on assessed property valuation in the City is hereby established to be used for stormwater management activities.

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

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

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

SECTION 3. THAT from and out of the monies known to be received from the 3 cent ad valorem tax established by Section 1 of this Ordinance and levied by the FY96 Tax Rate Ordinance (Ordinance No. 1995- ), and from all monies to come into all funds during the twelve (12) month period ending June 30, 1996, there shall be, and hereby are appropriated Storm Water Management Fund revenues of \$193,115 as follows:

Local Taxes	\$ 89,051
Stormwater Permit fees	5,000
Appropriated Surplus	68,000
EDA Grant	31,064
TOTAL	\$193,115

SECTION 4. THAT the City Administrator is hereby authorized to transfer funds to the FY96 stormwater budget from the prior year surplus and/or unappropriated reserve in the amount of \$68,000.

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 1995-96 Fiscal Year:

Storm Water Management Expenditures	\$193,115
-------------------------------------	-----------

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 or other reserves as may be designated by the City Council.

SECTION 7. THAT the approved FY96 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.

Page Three  
STORM WATER MANAGEMENT BUDGET ORDINANCE

SECTION 9. THAT this Ordinance shall become effective  
July 1, 1995.

Adopted this 12th day of June, 1995 by Roll Call Vote of the  
Stormwater Board for the City of Takoma Park:

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



Introduced by: Councilmember Elrich

1st Reading: 5/30/95

2nd Reading: 6/12/95

ORDINANCE NO. 1995-17

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1996 BEGINNING JULY 1, 1995 AND ENDING JUNE 30, 1996.

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. 1995-16 set an ad valorem tax on property at \$0.03 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, 1995, 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:	\$1.544
Fire service (Montgomery County rate):	.243
Stormwater Management Fund:	<u>.030</u>
Total	\$1.817

per \$100.00 of assessed valuation.

SECTION 2. THAT this Ordinance shall be effective July 1, 1995.

Adopted this 12th day of June, 1995.

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

O-96RATE.tax

Introduced by: Councilmember Porter

First Reading: 5/30/95  
Second Reading: 6/12/95  
Effective: 7/1/95

**ORDINANCE NO. 1995-18**

Short Title: Pay scale for Employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 96, 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 1996;

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, 1995 and ending June 30, 1996. This Pay Scale Plan will become effective July 1, 1995, 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
	\$10.54/hour	\$11.38/hour	\$12.29/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 12th day of June, 1995 by roll call vote as follows:

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

O-96PYP

FY - 96 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	\$16,611.02	\$17,316.99	\$18,009.67	\$18,685.03	\$19,339.01	\$19,967.52	\$20,566.55	\$21,132.13	\$21,660.43	\$22,147.79	\$22,612.90
	Weekly	\$319.44	\$333.02	\$346.34	\$359.33	\$371.90	\$383.99	\$395.51	\$406.39	\$416.55	\$425.92	\$434.86
	Hourly	\$7.99	\$8.33	\$8.66	\$8.98	\$9.30	\$9.60	\$9.89	\$10.16	\$10.41	\$10.65	\$10.87
2	Annual	\$17,856.85	\$18,615.76	\$19,360.39	\$20,086.41	\$20,789.43	\$21,465.09	\$22,109.04	\$22,717.04	\$23,284.97	\$23,808.88	\$24,308.86
	Weekly	\$343.40	\$358.00	\$372.32	\$386.28	\$399.80	\$412.79	\$425.17	\$436.87	\$447.79	\$457.86	\$467.48
	Hourly	\$8.59	\$8.95	\$9.31	\$9.66	\$9.99	\$10.32	\$10.63	\$10.92	\$11.19	\$11.45	\$11.69
3	Annual	\$19,196.11	\$20,011.94	\$20,812.42	\$21,592.89	\$22,348.64	\$23,074.97	\$23,767.22	\$24,420.82	\$25,031.34	\$25,594.54	\$26,132.03
	Weekly	\$369.16	\$384.85	\$400.24	\$415.25	\$429.78	\$443.75	\$457.06	\$469.63	\$481.37	\$492.20	\$502.54
	Hourly	\$9.23	\$9.62	\$10.01	\$10.38	\$10.74	\$11.09	\$11.43	\$11.74	\$12.03	\$12.31	\$12.56
4	Annual	\$20,635.82	\$21,512.84	\$22,373.35	\$23,212.35	\$24,024.79	\$24,805.59	\$25,549.76	\$26,252.38	\$26,908.69	\$27,514.13	\$28,091.93
	Weekly	\$396.84	\$413.71	\$430.26	\$446.39	\$462.02	\$477.03	\$491.34	\$504.85	\$517.47	\$529.12	\$540.23
	Hourly	\$9.92	\$10.34	\$10.76	\$11.16	\$11.55	\$11.93	\$12.28	\$12.62	\$12.94	\$13.23	\$13.51
5	Annual	\$22,183.50	\$23,126.30	\$24,051.36	\$24,953.28	\$25,826.65	\$26,666.01	\$27,465.99	\$28,221.31	\$28,926.84	\$29,577.69	\$30,198.83
	Weekly	\$426.61	\$444.74	\$462.53	\$479.87	\$496.67	\$512.81	\$528.19	\$542.72	\$556.29	\$568.80	\$580.75
	Hourly	\$10.67	\$11.12	\$11.56	\$12.00	\$12.42	\$12.82	\$13.20	\$13.57	\$13.91	\$14.22	\$14.52
6	Annual	\$23,847.27	\$24,860.78	\$25,855.21	\$26,824.78	\$27,763.64	\$28,665.96	\$29,525.94	\$30,337.91	\$31,096.35	\$31,796.02	\$32,463.74
	Weekly	\$458.60	\$478.09	\$497.22	\$515.86	\$533.92	\$551.27	\$567.81	\$583.42	\$598.01	\$611.46	\$624.30
	Hourly	\$11.47	\$11.95	\$12.43	\$12.90	\$13.35	\$13.78	\$14.20	\$14.59	\$14.95	\$15.29	\$15.61
7	Annual	\$25,635.81	\$26,725.33	\$27,794.35	\$28,836.64	\$29,845.92	\$30,815.91	\$31,740.39	\$32,613.25	\$33,428.58	\$34,180.72	\$34,898.52
	Weekly	\$493.00	\$513.95	\$534.51	\$554.55	\$573.96	\$592.61	\$610.39	\$627.18	\$642.86	\$657.32	\$671.13
	Hourly	\$12.32	\$12.85	\$13.36	\$13.86	\$14.35	\$14.82	\$15.26	\$15.68	\$16.07	\$16.43	\$16.78
8	Annual	\$27,558.50	\$28,729.73	\$29,878.92	\$30,999.38	\$32,084.36	\$33,127.10	\$34,120.92	\$35,059.24	\$35,935.72	\$36,744.28	\$37,515.91
	Weekly	\$529.97	\$552.49	\$574.59	\$596.14	\$617.01	\$637.06	\$656.17	\$674.22	\$691.07	\$706.62	\$721.46
	Hourly	\$13.25	\$13.81	\$14.36	\$14.90	\$15.43	\$15.93	\$16.40	\$16.86	\$17.28	\$17.67	\$18.04
9	Annual	\$29,625.39	\$30,884.46	\$32,119.84	\$33,324.34	\$34,490.69	\$35,611.64	\$36,679.99	\$37,688.69	\$38,630.90	\$39,500.10	\$40,329.60
	Weekly	\$569.72	\$593.93	\$617.69	\$640.85	\$663.28	\$684.84	\$705.38	\$724.78	\$742.90	\$759.62	\$775.57
	Hourly	\$14.24	\$14.85	\$15.44	\$16.02	\$16.58	\$17.12	\$17.63	\$18.12	\$18.57	\$18.99	\$19.39
10	Annual	\$31,847.29	\$33,200.80	\$34,528.83	\$35,823.66	\$37,077.49	\$38,282.51	\$39,430.98	\$40,515.34	\$41,528.22	\$42,462.61	\$43,354.32
	Weekly	\$612.45	\$638.48	\$664.02	\$688.92	\$713.03	\$736.20	\$758.29	\$779.14	\$798.62	\$816.59	\$833.74
	Hourly	\$15.31	\$15.98	\$16.60	\$17.22	\$17.83	\$18.41	\$18.96	\$19.48	\$19.97	\$20.41	\$20.84
11	Annual	\$34,235.84	\$35,690.86	\$37,118.49	\$38,510.44	\$39,858.30	\$41,153.70	\$42,388.31	\$43,553.99	\$44,642.84	\$45,647.30	\$46,605.89
	Weekly	\$658.38	\$686.36	\$713.82	\$740.59	\$766.51	\$791.42	\$815.16	\$837.58	\$858.52	\$877.83	\$896.27
	Hourly	\$16.46	\$17.16	\$17.85	\$18.51	\$19.16	\$19.79	\$20.38	\$20.94	\$21.46	\$21.95	\$22.41
12	Annual	\$36,803.52	\$38,367.67	\$39,902.38	\$41,398.72	\$42,847.68	\$44,240.22	\$45,567.43	\$46,820.54	\$47,991.05	\$49,070.85	\$50,101.34
	Weekly	\$707.76	\$737.84	\$767.35	\$796.13	\$823.99	\$850.77	\$876.30	\$900.39	\$922.90	\$943.67	\$963.49
	Hourly	\$17.69	\$18.45	\$19.18	\$19.90	\$20.60	\$21.27	\$21.91	\$22.51	\$23.07	\$23.59	\$24.09

Introduced by: Councilmember Williams

First Reading: 5/30/95  
Second Reading: 6/12/95  
Effective: 7/1/95

**ORDINANCE NO. 1995-19**

Short Title: Pay Scale for Police.

AN ORDINANCE TO:

Establish a pay scale for police officers for FY 96, 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 2.5% cost-of-living adjustment for FY 1996;

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, 1995 and ending June 30, 1996. This Pay Scale Plan will become effective July 1, 1995, 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 12th day of June, 1995 by roll call vote as follows:

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

POLICE PAY SCALE FY 96  
2.5% COLA

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	25,542.57 491.20 12.28										
PRIVATE 7	ANNUAL WEEKLY HOURLY	27,458.26 528.04 13.20	28,625.24 550.49 13.76	29,770.25 572.50 14.31	30,886.63 593.97 14.85	31,967.67 614.76 15.37	33,006.62 634.74 15.87	33,996.81 653.78 16.34	34,931.73 671.76 16.79	35,805.02 688.56 17.21	36,610.63 704.05 17.60	37,379.46 718.84 17.97
PFC 8	ANNUAL WEEKLY HOURLY	29,517.63 567.65 14.19	30,772.13 591.77 14.79	32,003.02 615.44 15.39	33,203.13 638.52 15.96	34,365.24 660.87 16.52	35,482.11 682.35 17.06	36,546.58 702.82 17.57	37,551.61 722.15 18.05	38,490.40 740.20 18.50	39,356.43 756.85 18.92	40,182.92 772.75 19.32
CORPORAL 9	ANNUAL WEEKLY HOURLY	31,731.46 610.22 15.26	33,080.04 636.15 15.90	34,403.25 661.60 16.54	35,693.37 686.41 17.16	36,942.64 710.44 17.76	38,143.27 733.52 18.34	39,287.57 755.53 18.89	40,367.98 776.31 19.41	41,377.18 795.71 19.89	42,308.16 813.62 20.34	43,196.63 830.70 20.77
SERGEANT 10	ANNUAL WEEKLY HOURLY	34,111.32 655.99 16.40	35,561.05 683.87 17.10	36,983.49 711.22 17.78	38,370.37 737.89 18.45	39,713.33 763.72 19.09	41,004.02 788.54 19.71	42,234.14 812.19 20.30	43,395.58 834.53 20.86	44,480.46 855.39 21.38	45,481.28 874.64 21.87	46,436.38 893.01 22.33
LIEUTENANT 12	ANNUAL WEEKLY HOURLY	39,419.89 758.07 18.95	41,095.24 790.29 19.76	42,739.04 821.90 20.55	44,341.76 852.73 21.32	45,893.72 882.57 22.06	47,385.27 911.26 22.78	48,806.82 938.59 23.46	50,149.01 964.40 24.11	51,402.74 988.51 24.71	52,559.30 1010.76 25.27	53,663.04 1031.98 25.80

Introduced by: Councilmember Chavez

1st Reading: 5/30/95

2nd Reading: 6/12/95

Effective: 7/1/95

**ORDINANCE NO. 1995-20**

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 2.5% adjustment to the Pay Plan for FY 96.

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, 1995:

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 = [35,618 - 39,625]	36,508 - 40,616
	2nd Quartile = [39,626 - 43,632]	40,617 - 44,723
	3rd Quartile = [43,633 - 47,640]	44,724 - 48,831
	4th Quartile = [47,641 - 51,647]	48,832 - 52,938
Executive 2:	1st Quartile = [38,290 - 42,598]	39,247 - 43,662
	2nd Quartile = [42,599 - 46,905]	43,663 - 48,078
	3rd Quartile = [46,906 - 51,213]	48,079 - 52,493
	4th Quartile = [51,214 - 55,520]	52,494 - 56,908
Executive 3:	1st Quartile = [41,162 - 45,793]	42,191 - 46,938
	2nd Quartile = [45,794 - 50,424]	46,939 - 51,685
	3rd Quartile = [50,425 - 55,055]	51,686 - 56,431
	4th Quartile = [55,056 - 59,686]	56,432 - 61,178
Executive 4:	1st Quartile = [44,249 - 49,227]	45,355 - 50,458
	2nd Quartile = [49,228 - 54,205]	50,459 - 55,560
	3rd Quartile = [54,206 - 59,183]	55,561 - 60,663
	4th Quartile = [59,184 - 64,161]	60,664 - 65,765

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 12th day of June, 1995 to take effect July 1, 1995.

AYE: Sharp, Chavez, Davenport, Elrich, Porter, Williams

NAY: None

ABSTAINED: None

ABSENT: Rubin

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