

**INTERVIEWS, SPECIAL SESSION, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL**

Monday, July 1, 1996

Executive Session 6/17/96 - Moved by Rubin; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:05 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin. OFFICIALS ABSENT: Davenport, Williams. STAFF PRESENT: Habada, Grimmer, Hobbs, Sartoph, Silber, Sickel, Braithwaite. Council discussed matters related to (1) possible land transfer, (2) a legal matter (update and advice), and (3) the City Administrator's evaluation. The following actions were taken: (1) direction given to obtain further information on land purchase, (2) direction given to legal Counsel for further action, and (3) continued discussion of the City Administrator's Evaluation (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3), (7) and (1)(1)).

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Davenport

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

Deputy City Clerk Espinosa

Police Chief Phillips

Captain Wortman

Lieutenant Rosenthal

Lieutenant Creamer

COLTA Executive Director Lee-Bryant

Housing Services Coordinator Walker

The City Council convened at 7:38 p.m. on Monday, July 1, 1996, in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

PRESENTATION

#1 State Legislation--Gun Control. Mayor Sharp introduced Delegate Peter Franchot (D-Dist.20).

Mr. Franchot described the history and status of gun control laws in Maryland, including State law preemption of local gun control laws. He urged that control efforts be limited to handguns, since these weapons are most often associated with criminal activity. Mr. Franchot suggested that local efforts to restrict handguns be exerted by petitioning the Maryland General Assembly, and by marshaling support among municipalities and regional organizations. He cautioned that in light of considerable State restrictions recently enacted, it is unlikely that the incumbent governor will be seeking additional gun control measures.

INTERVIEWS

#2 Tree Commission. The Council interviewed Patricia Hill and Karyn Molines. Ms. Hill is seeking reappointment to the Commission.

SPECIAL SESSION

The Council convened in Special Session at 8:12 p.m.

#3 Resolution re: Tree Commission. Mr. Sharp noted that John Hartmann is the only current member of the Commission whose term has not expired.

Ms. Porter suggested that the Council reappoint Ms. Hill for a 3-year (primary) term, and appoint Ms. Molines and reappoint Mr. Pawlikowski for 3-year (alternate) terms. She said that the Council could consider eliminating the "primary" and "alternate" designations.

Mr. Sharp restated Ms. Porter's proposal as a motion "reappoint Ms. Hill for a 3-year (primary) term, and appoint Ms. Molines and reappoint Mr. Pawlikowski for 3-year (alternate) terms," adding that Council can later discuss adjusting the expiration dates to establish a more regular cycle of expirations/appointments.

The Resolution was adopted unanimously, reappointing Patricia Hill and Eugene Pawlikowski, and appointing Karyn Molines to the Takoma Park Tree Commission (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1996-39 (Attached)

#4 Single Reading Ordinance re: Tow Contract. Lieutenant Rosenthal explained the ordinance. Moved by Rubin; seconded by Williams.

The Single Reading Ordinance was adopted unanimously, authorizing the City Administrator to enter into a contract for sole source towing with R.A.R. Enterprises, Inc., trading as Ron's Towing for a period of two years with renewable extensions up to four additional years (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

ORDINANCE #1996-19
(Attached)

WORKSESSION

The Council moved into Worksession at 8:23 p.m. Following the Worksession, the Council convened in Executive Session, and later adjourned for the evening.

Executive Session 7/1/96 - Moved by Williams; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:15 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Hobbs, Espinosa, Perlman. Council discussed matters related to (1) ongoing litigation, and (2) status of Union negotiations. The following actions were taken: (1) Counsel advised to proceed with litigation, and (2) further direction given regarding negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (9)).

Introduced By: Councilmember Rubin

RESOLUTION #1996 - 39

REAPPOINTING AND APPOINTING MEMBERS OF THE
CITY OF TAKOMA PARK TREE COMMISSION

WHEREAS, Ordinance #2674, as amended, adopted by the Takoma Park City Council on June 27, 1983. established the Tree Commission for the purpose of preserving, protecting, and promoting the urban forest of Takoma Park; AND

WHEREAS, there are currently two primary members and one alternate member of the Commission whose terms have expired; AND

WHEREAS, one of the aforesaid primary members has expressed interest in being reappointed to continue serving on the Commission; AND

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

<u>Name/Address</u>	<u>Term Expires</u>
Patricia K. Hill 303 Philadelphia Avenue	June 30, 1999
Karyn Molines 6616 Gude Avenue	June 30, 1999
Eugene Pawlikowski 7300 Hilton Avenue	June 30, 1999

ADOPTED this 1st day of July, 1996.

Introduced by: Councilmember Rubin

Single Reading: July 1, 1996

ORDINANCE NO. 1996 - 19

AN ORDINANCE TO AWARD A TOWING CONTRACT

WHEREAS, The Police Department issued Request for Proposals conducting a valid competitive bid process for towing of vehicles which was acceptable under the bidding requirements contained in the City Code; AND

WHEREAS, Seven Requests for Proposals were sent out and two valid responses were returned; AND

WHEREAS, This contract provides for no cost towing of city vehicles except for large trucks; AND

WHEREAS, This purchase is in compliance with the Nuclear Free Zone Act; AND

WHEREAS, The low bid was from R. A. R. Enterprises, Inc., trading as RON'S TOWING a responsive and responsible bidder.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Takoma Park, Maryland: The City Administrator is authorized to enter into a contract for sole source towing with R. A. R. Enterprises, Inc., trading as RON'S TOWING for a period of two (2) years with renewable extensions up to four (4) additional years.

Adopted this 1st day of July, 1996.

AYES: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: None

CONTRACT FOR TAKOMA PARK POLICE DEPARTMENT TOWING SERVICES

CONTRACT NO: 96-12
PROJECT NAME: Takoma Park Towing Services

THIS CONTRACT, made this 1 day of July, 1996, between the City of Takoma Park, Maryland, a municipal corporation, 7500 Maple Ave., Takoma Park, MD 20912, hereinafter referred to as the "City," and R.A.R. Enterprises, Inc., t/a Ron's Towing, 2701 Garfield Ave., Silver Spring, MD 20910, hereinafter referred to as the "Contractor."

WITNESSETH, that the City and the Contractor for the consideration hereinafter named, agree as follows:

ARTICLE 1. Scope of Work.

A. General Description. The Contract Work includes the towing of abandoned or inoperable vehicles, vehicles involved in accidents, vehicles involved in criminal activity, vehicles towed by request of a Takoma Park Police Officer, vehicles in violation of parking regulations, vehicles towed for safekeeping, and vehicles towed when the driver is arrested or otherwise incapable of driving. Past experience indicates that requests for towing service average between 300 and 600 vehicles per year.

B. Special Provisions. Contractor shall comply with the requirements and provisions set forth in the Special Provisions, Additional Provisions, and Vehicle Disposal sections of Police Department Proposal 96-12 in accordance with State of Maryland laws and regulations.

ARTICLE 2. Changes to Scope of Work. Within the general scope of work set forth in Article 1, the City may unilaterally make any alterations, additions or omissions which it may deem proper, without affecting or making void this Contract; and in such cases, the contract price may be adjusted by the parties to reflect the change.

ARTICLE 3. Contract Documents. This Contract and the following listed documents form the Contract, and are termed the Contract Documents:

- ▶ Takoma Park Police Department Towing Services, Police Department Proposal 96-12.
- ▶ Contractor's Proposal in Response to Police Department Proposal 96-12 (including Cost Proposal Form).

All terms and provisions of the Contract Documents are incorporated in this Contract by reference as though fully set forth herein. In the event of any inconsistency, the terms of

this Contract shall supersede the terms and conditions of any of the other Contract Documents.

ARTICLE 4. Contract Price.

A. Contractor's fees are set forth on the Cost Proposal Form submitted by Contractor in Response to Police Department Proposal 96-12 which is attached hereto and incorporated in this Contract by reference.

B. Payments for the Contract Work shall be made based on Contractor's billings, submitted by the tenth day of each month during the contract term and in the form prescribed by the City. Provided the work represented by Contractor's billing has been satisfactorily performed, payments shall be made by the City within thirty days following the billing. Partial payments do not relieve Contractor from responsibility for full performance of this Contract.

ARTICLE 5. Contract Term.

A. Initial Term. The initial contract term shall be for two years from July 1, 1996 to June 30, 1998.

B. Contract Renewal. At the option of the City, with the acceptance of the Contractor, this Contract may be renewed for up to four additional one year terms. Any contract renewal shall be on the same terms and conditions as set forth in this Contract and at the same contract price unless the Contractor submits revised prices in writing to the City at least two months before the expiration of the contract term and the City gives the Contractor written notice that it accepts the revised prices prior to the end of the contract term.

ARTICLE 6. Authorized Representatives.

A. For the Contractor.

1. Ronald A. Romand is the Contractor's Authorized Representative for the Contract Work. The Contractor's Authorized Representative shall act on behalf of the Contractor on all matters pertaining to the towing and other services under this Contract. All matters and correspondence to the Contractor shall be directed to the attention of the Contractor's Authorized Representative.

2. Contractor's Authorized Representative shall not be changed without written notice to and the agreement of the City.

B. For the City.

1. The City Administrator, or her designee, is the City Representative in connection with this Contract. The City Representative shall have authority to: (1) serve as liaison between the City and the Contractor; (2) give direction to the Contractor to ensure satisfactory and complete performance; (3) monitor and inspect the Contractor's performance to ensure acceptable timeliness and quality of the towing and other contract services; (4) serve as records custodian for this Contract; (5) furnish written or oral notice of the Contractor's performance failures to the City Administrator, City Council, and/or City Corporation Counsel, as appropriate; (7) approve or reject invoices for payment; (8) recommend Contract modifications or terminations to the City Administrator, City Council, and/or City Corporation Counsel, as appropriate; and (9) issue notices under the Contract.

2. At any time or from time to time, the City Administrator may change the City Representative by written notice to Contractor.

ARTICLE 7. Insurance. Prior to the commencement of the Contract Work, the Contractor must obtain at its own cost and expense and keep in force and effect during the term of this Contract, including any extensions, the insurance specified in the Police Department Proposal 96-12, Special Provisions, SP-9 and SP-10. The Contractor shall provide the City with a Certificate of Insurance, as evidence of compliance with this provision.

ARTICLE 8. Notices. Any required notices or other communications under this Contract shall be in writing and personally delivered or sent by facsimile and mailed as follows:

If to the Contractor:

Attn: Ronald A. Romand
Ron's Towing
2701 Garfield Ave.
Silver Spring, MD 20910
Phone: (301) 608-0000
Fax: (301) 608-3095

If to the City:

Beverly Habada, City Administrator
City of Takoma Park
7500 Maple Ave.
Takoma Park, MD 20912
Phone: (301) 270-1700, ext. 204
Fax: (301) 270-8794

with a copy personally delivered or mailed to:

Lt. James G. Rosenthal
Takoma Park Police Department
7500 Maple Ave.
Takoma Park, MD 20912
Phone: (301) 270-1100, ext. 243
Fax: (301) 270-1230

and a copy personally delivered or mailed to:

Susan Silber, Corporation Counsel
Silber, Andalman, Perlman & Flynn, P.A.
7000 Carroll Ave., Suite 200
Takoma Park, MD 20912-4437
Phone: (301) 891-2200
Fax: (301) 891-2206

or to such other person or address as either party shall have designated by a notice in writing to the other. Any such notice shall be deemed given when personally delivered or when sent by facsimile and deposited, properly addressed and postage prepaid, in the United States mail.

ARTICLE 9. Termination of Contract.

A. For Convenience. For the convenience of the City, the performance of services under this Contract may be terminated in whole or in part whenever the City Administrator or her designee determines that termination of this Contract is in the best interests of the City. In addition, this Contract is subject to cancellation by the City at any time without penalty if funds are not appropriated by the City Council or otherwise made available. Any termination under this provision shall be effective five days after notice of termination is given by the City. If this Contract is terminated by the City pursuant to this provision, then Contractor shall be paid for services performed or furnished prior to the effective date of termination.

B. For Cause.

1. The City may terminate this Contract for default, in whole or in part, whenever the City, in its sole discretion, determines that Contractor is:

a. in breach of any of the terms, conditions, or covenants of this Contract;

b. failing to satisfactorily perform any of the towing or other services under this Contract or if the Contractor is unable or unwilling to respond to a request for service;

c. failing to adhere to the terms of City, County, State, or Federal law, regulations, or stated public policy; and/or

d. (i) if Contractor shall become bankrupt or insolvent, or file any debtor proceedings or take or have taken against it in any court pursuant to any statute of the United States or of any state a petition in bankruptcy or insolvency or for reorganization or the appointment of a receiver or trustee of all or a portion of Contractor's property, or (ii) if Contractor makes a general assignment for the benefit of creditors, or petitions for or enters into an arrangement with creditors, or (iii) if Contractor shall allow this Contract to be taken under any writ of execution (each of which events shall be a default), then the City, in addition to other rights or remedies it may have, shall have the right to terminate this Contract.

2. In the event of a default by Contractor, the City may elect to terminate this Contract, in whole or in part, or it may (but shall not be required to) grant Contractor an opportunity to cure the default without termination of this contract, and upon such terms and conditions as the City at its sole discretion may deem advisable. Should the City at any time terminate this contract for any default, then in addition to any other remedies it may have, the City reserves the right to complete the work required at the expense of Contractor, and to withhold all money that may be due or become due and apply same to any incurred expenses to the City resulting from Contractor's default.

3. Prior to a termination for cause, the City shall give Contractor written notice specifying the cause. The notice shall give Contractor five days from the date of the notice to cure the default or make progress satisfactory to the City, in the City's sole discretion, to cure the default. If the City determines that a default contributes to the curtailment of an essential service or poses a threat to life or property, the City may terminate the contract immediately upon issuing oral or written notice to Contractor without any prior notice or opportunity to cure. Any termination for cause shall be effective as of the date Contractor specified in the notice of termination.

4. Any termination of this Contract for cause that is later deemed to be unjustified shall be deemed a termination for the convenience of the City under subsection A. of this Article.

ARTICLE 10. Assignability. This Contract and any rights or obligations hereunder may not assigned, transferred or subcontracted by Contractor without the prior written consent of the City and any attempted assignment, transfer or subcontracting without such prior written consent shall be void.

ARTICLE 11. Independent Contractor. The Contractor is an independent contractor. The Contractor and Contractor's employees or agents are not agents of the City.

ARTICLE 12. Contractor's Representations. Contractor warrants and represents: that it is the sole entity, directly or indirectly, interested in compensation for the delivery of the services and materials bid upon, awarded, and to be performed under this Contract; that any proposal upon which this Contract was based was made without any connection or common interest in the profits with any undisclosed persons or entity making any quotation or proposal for the said work; that the Contract is, in all respects fair and without collusion or fraud; that no employee or official of the City is directly or indirectly interested therein; that Contractor in the performance of this contract will not violate any laws applicable in the State of Maryland; that Contractor will in no way engage in or participate in any form of illegal discrimination; and that Contractor is not now, and will not so long as this contract remains in effect, engage in the development, research, testing, evaluation, production, maintenance, storage, transportation, and/or disposal of nuclear weapons or their components, or the sale of merchandise produced by companies so involved.

ARTICLE 13. Indemnification. The Contractor is responsible for any loss, personal injury, death and any other damage (including incidental and consequential) that may be done or suffered by reason of the Contractor's negligence or failure to perform any contractual obligations. The Contractor must indemnify and save the City harmless from any loss, cost, damage and other expenses, including attorney's fees and litigation expenses, suffered or incurred due to the Contractor's negligence or failure to perform any of its contractual obligations. The Contractor also agrees to indemnify and save the City harmless from any loss, cost, damage and other expenses, including attorney's fees and litigation expenses, from any action, suit, or claim of any nature by any third party for any alleged act or omission which occurred while the vehicle was in the custody or control of the Contractor. The acts and negligence of any employee, agent or subcontractor of the Contractor is deemed to be the negligence of the Contractor. For purposes of this Article, City includes its employees, departments, agents, and officials.

ARTICLE 14. Records. The City may examine the Contractor's and any subcontractor's records to determine and verify compliance with the Contract. The Contractor and any subcontractor must grant the City access to these records at all reasonable times during the contract term and for three years after final payment. If the Contract is supported to any extent with federal, state, or county funds, the appropriate federal, state, or county authorities also may examine these records.

ARTICLE 15. Disputes.

A. In the event the Takoma Park Police Department requests Contractor to tow a vehicle in error, Contractor agrees to negotiate a settlement of the tow charges with the Police Department and/or with the owner or operator of the vehicle.

B. Any dispute arising under this contract which is not resolved by an agreement between the parties shall be decided by the City Administrator or her designee, after reasonable opportunity is provided for all parties to provide written documentation supporting their position. Pending final resolution of a dispute, except for a termination of this contract by the City, Contractor must proceed diligently with contract performance. Contractor waives any dispute or claim not made in writing and received by the City Administrator within one month of the occurrence giving rise to the dispute or claim. A claim must be in writing, for a sum certain if the claim is for money, and any money requested must be fully supported by all cost and pricing information.

C. Both parties hereby waive trial by jury in any action on all matters arising out of this Contract.

D. A decision by the City Administrator or her designee under the procedure set forth in A. above shall be a condition precedent to suit being filed by any party. In the event that suit is filed for the recovery of amounts due under the provisions of this Contract, or because of the default of Contractor, and if the City prevails or a default shall be established, Contractor shall pay to the City all expenses incurred therefore, including reasonable attorney's fees. For purposes of any litigation involving this contract, exclusive venue and jurisdiction shall be in the Circuit Court for the Montgomery County, Maryland or in the District Court of Maryland for Montgomery County.

ARTICLE 16. Entire Agreement.

A. This Contract contains the final and entire understanding of the parties with respect to the subject matter of this Contract. There are no representations, terms, conditions, statements, warranties, promises, or understandings other than those expressly set forth or mentioned herein. All modifications and amendments to this Contract shall be in writing. The failure of the City to enforce any of the terms, conditions or covenants of the Contract shall not be deemed to be a waiver of a subsequent breach of the terms of this Contract. This Contract shall be binding upon the parties, their heirs, successors, and assigns.

B. This Contract shall be interpreted in accordance with and controlled by the laws and regulations of the State of Maryland and the City of Takoma Park. Contractor must, without additional cost to the City, pay any necessary fees and charges, obtain any necessary licenses and permits, and comply with all applicable federal, state and local laws, statutes, ordinances, and regulations.

IN WITNESS WHEREOF, the City and the Contractor have executed this Contract under seal effective the day and year first above written.

CITY OF TAKOMA PARK, MARYLAND

Attest:

Thomas H. Espinosa

By: Beverly Habada (SEAL)
Beverly Habada
City Administrator

Date signed: July 1, 1996

R.A.R. ENTERPRISES, INC.
t/a RON'S TOWING, Contractor

Attest:

John Zinger

By: Ronald A. Romand (SEAL)
Ronald A. Romand
Title: President

Date signed: _____

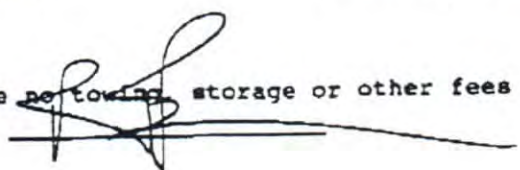
TAKOMA PARK, MARYLAND
 TAKOMA PARK TOWING SERVICES

POLICE DEPARTMENT
 PROPOSAL 96-12

COST PROPOSAL FORM

	hook-up	per mile	
a. Cars, Vans, Pick-up trucks	\$ 45.00	2.00	} no mileage if towed to Ron's Towing storage Lot.
b. Motorcycles	\$ 45.00	2.00	
c. Larger vehicles	\$ 55.00	2.00	
d. Accidents, cars, vans pick-up trucks	\$ 45.00	2.00	
e. Accidents, motorcycles	\$ 45.00	2.00	
f. Dollies required (additional)	\$ 30.00		
g. Flatbed required (additional)	\$		
h. Road service Labor + time	\$ 30.00		
i. Winching, cars, vans, pick-up trucks, motorcycles	\$ 95.00	per hour	/per man
Larger vehicles	\$ 95.00	per hour	
Heavy duty recovery & accident work	\$ 95	per hour	/per man
Storage rates: cars, vans, pick-up trucks, motorcycles	\$ 15.00	per day	calendar Day
larger vehicles	\$ 15.00	per day	per space Per calendar Day

Approved by
 + Rosenthal
 via telephone
 please initial
 + send
 or fax back
 Thank you

Note: There shall be no towing, storage or other fees charged to the city
 Signature: 

REGULAR MEETING AND WORKSESSION OF THE CITY COUNCIL

Monday, July 8, 1996

Executive Session 7/1/96 - Moved by Williams; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:15 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Hobbs, Espinosa, Perlman. Council discussed matters related to (1) ongoing litigation, and (2) status of Union negotiations. The following actions were taken: (1) Counsel advised to proceed with litigation, and (2) further direction given regarding negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (9)).

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Deputy City Administrator Grimmer

Assistant City Administrator Hobbs

City Clerk Sartoph

Planning Center Coordinator Ludlow

Public Works Team Leader Braithwaite

Public Works Team Leader Shafer

OFFICIAL ABSENT:

Councilmember Davenport

The City Council convened at 7:43 p.m. on Monday, July 8, 1996, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR AND COUNCIL COMMENTS

Councilmembers commented on the success of the 4th of July parade, and extended their thanks and congratulations to members of the Independence Day Committee.

Mr. Sharp noted that the city had a glorious celebration on the 4th of July, and extended congratulations to members of the Independence Day Committee. He remarked that Montgomery County Councilmember Hanna said that in his opinion the City's is the best organized parade of all parades that he attends. Mr. Sharp commented that the Independence Day Committee has run the parade for years and know well how to organize a successful show.

Ms. Porter said that this year's parade was one of the best she can remember. It was particularly spirited and was accompanied by wonderful weather.

Mr. Williams stated that the parade and fireworks were the best he has seen. He thanked all of the Public Works and Police Department employees for their efforts. He related two events. (1) Contingents from the Takoma Park Lesbians & Gays (TPLAG) who participated in the parade reported to the Police that stones had been thrown at them toward the end of the parade route. (2) He said that even though we take pride in a diverse City, we tend to forget that there are people with differing views. He noted that a person approached him after the parade to say that this was the worst parade, that the City is full of satanists, and that she would not be coming back to another parade in the future.

Mr. Rubin congratulated the Columbia Union College acrobats who participated in the parade, commenting on their amazing skills.

ADOPTION OF MINUTES

The Council Meeting Minutes from 3/18, 3/25, 4/1, 4/8, 4/15, 4/22, 4/29, 5/6, 5/13 and 5/20, were adopted unanimously.

ADDITIONAL AGENDA ITEMS

Two items were added to the end of the Worksession agenda--(1) agenda for July 15 meeting with Montgomery County Executive Doug Duncan, and (2) Presbyterian Church Daycare's request to close 300 block of Tulip each day during week of July 15-19 for "Olympics."

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, commended the organization of the 4th of July parade, and requested that arrangements be made for next year's celebration to allow for the Maple Avenue corridor to remain closed to traffic following the parade so that bands can set-up and continue playing (i.e. in the streets). He thanked the Council for their support for the Stand for Children event, and commented on its success. Mr. Onyeneke spoke in favor of legislation to ban smoking in public restaurants, buildings and facilities (i.e. bus stops).

Mr. Williams commented on the band from the parade that continued playing on Maple Avenue and which drew the attention of approximately 300 people who were dancing in the street. He said that if residents want the street to remain closed following the conclusion of the parade, then the necessary street closure permit needs to be obtained in advance.

Mr. Rubin noted that one of the Caribbean bands was kind enough to go to the home of a woman who is homebound and play for her. He remarked that this was one of the nicest things he has ever witnessed.

REGULAR MEETING

#1 Resolution re: Cable Franchise Transfer. Assistant City Administrator Hobbs explained the resolution, noting how this agreement is “stronger” than the last.

Moved by Rubin; seconded by Porter.

Mr. Rubin asked whether this transfer will have any impact on getting our broadcast signal improved.

Mr. Hobbs replied in the negative. He repeated an explanation of the transfer in response to Mr. Onyeneke’s request for clarification. He emphasized that it is a transfer of the entire Montgomery County franchise with a guarantee of same services currently received.

The Resolution was adopted unanimously, approving the transfer of the cable communications franchise from SBC Media Ventures, Inc. to SBC Media Ventures, Limited Partnership (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-40 (Attached)

#2 Resolution re: Commission on Landlord-Tenant Affairs (COLTA). Mr. Sharp noted the one reappointment and four new appointments effected by the resolution. Moved by Chavez; seconded by Williams.

Mr. Williams questioned whether all of the persons being appointed are still interested in serving on the Commission, since several were interviewed last fall. City Clerk Sartoph responded that it is her understanding that Executive Director Lee-Bryant has been in contact with all of the applicants, and that they are willing to serve on COLTA.

Mr. Sharp summarized a recent discussion he had with Ms. Sartoph about taking action to regularize the expiration dates of Council appointed committees. He stated that Ms. Sartoph will be coming forth with a proposal in early September (i.e. 9/3/96).

Mr. Williams referred to the terms for persons serving on the Rockville Compensation Commission, noting that their appointments are effective until the term expires or until new appointments are made. He suggested that this might be a way to address the problem of gaps between term expiration and the date new appointments are made.

Ms. Porter commented that one argument against the Rockville procedure would be that expired terms may not get addressed in a timely manner.

Mr. Sharp said that the Council can consider this as part of the upcoming discussion.

The Resolution was adopted unanimously, effecting one reappointment and four new appointments to the Commission on Landlord-Tenant Affairs (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-41
(Attached)

WORKSESSION

The Council moved into Worksession. Following conclusion of the Worksession, the Council adjourned for the evening at 10:40 p.m.

Introduced by: Councilmember Rubin

RESOLUTION 1996-40

A Resolution approving the transfer of the cable communications franchise from SBC Media Ventures, Inc. to SBC Media Ventures, Limited Partnership.

WHEREAS, The City of Takoma Park, has granted the SBC Media Ventures, Inc. a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; **AND**

WHEREAS, SBC Media Ventures, Inc. and SBC Media Ventures, L.P. have applied to the City of Takoma Park for approval to transfer the franchise from SBC Media Ventures, Inc. to SBC Media Ventures, L.P.; **AND**

WHEREAS, The municipal co-franchisors conducted a public hearing on the proposed transfer on February 26, 1996; **AND**

WHEREAS, Based upon the application and supporting materials supplied by SBC Media Ventures, Inc. and SBC Media Ventures, L.P., and the record of the hearing, the Council of the City of Takoma Park finds that the proposed transfer will serve the best interests of Takoma Park and its residents, provided that the transfer is upon the terms and conditions set forth herein.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park that the transfer of the cable communications franchise from SBC Media Ventures, Inc. to SBC Media Ventures, L.P. within the corporate limits of the City of Takoma Park be and the same is hereby approved upon the following conditions:

1. SBC Media Ventures, Inc. and SBC Media Ventures, L.P. shall execute an agreement whereby it assumes all of the obligations of SBC Media Ventures, Inc. under the existing franchise agreement and any amendments or supplements hereto.
2. SBC Media Ventures, Inc. SBC Media Ventures, L.P. and Montgomery County shall enter into a Franchise Transfer Agreement transferring the franchise in the unincorporated areas of Montgomery County.

AND BE IT FURTHER RESOLVED, that the City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of this Resolution.

Adopted this 8th day of July, 1996.

Introduced by: Councilmember Chavez

RESOLUTION #1996 - 41

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

WHEREAS, as of June 30, 1996, the term of Wanda Moore, member of the Commission on Landlord-Tenant Affairs (COLTA), expired; **AND**

WHEREAS, Ms. Moore has expressed interest in reappointment; **AND**

WHEREAS, there are four additional vacancies on COLTA for which several persons applied; **AND**

WHEREAS, all applicants have been interviewed by the City Council.

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

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Wanda Moore	7667 Maple Avenue #611	6/30/99


BE IT FURTHER RESOLVED THAT the City Council appoints the following persons to fill the remainder of the terms for the vacant positions:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Mary Forrest-Doyle	7415 Piney Branch Road	6/30/97
Sean Tipton	7507 Flower Avenue	6/30/98
Christopher Oyobio	7513 Maple Avenue #903	6/30/98
Peter Lane	702 Chaney Drive #401	6/30/99

BE IT FURTHER RESOLVED THAT these appointments become effective immediately.

ADOPTED this 8th day of July 1996.

ATTEST:


Catherine Sartoph, CMC, City Clerk

**PUBLIC HEARING, BRIEFING, REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL**

Monday, July 22, 1996

Executive Session 7/15/96 - Moved by Elrich; seconded by Porter. 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, Sartoph, Sickle, Cliff Henry (Hammer, Siler, George, Assoc.). Council discussed matters related to possible future land acquisition and received a briefing about options. No action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

OFFICIALS PRESENT:

Mayor Sharp
Councilmember Chavez
Councilmember Elrich
Councilmember Porter
Councilmember Rubin
Councilmember Williams

City Administrator Habada
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
City Clerk Sartoph
Community Development Coor. Sickle
Community Planner George
Senior Planner Schwartz

OFFICIAL ABSENT:

Councilmember Davenport

Engineer Monk
Corporation Counsel Silber

The City Council convened at 7:42 p.m. on Monday, July 22, 1996, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that Mr. Davenport is working this evening and will not be in attendance.

Mr. Williams noted an article in which he was quoted as having said "we are going to do that". He clarified that his remark referred to the City Council scheduling a public hearing in September. Mr. Rubin noted that the Post article supported sanctions against Burma. Mr. Williams noted that there was also an article in the Times.

ADDITIONAL AGENDA ITEMS

Mr. Williams requested that the following items be added to the agenda: (Regular Meeting) resolution supporting the application submitted by Cynthia Fee (Knee High to a Grasshopper) under the Maryland Neighborhood Business Development Program, and (Worksession) discussion of location of the Council's Affordable Housing Retreat.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, expressed condolences to the families touched by the tragedy of the TWA flight. He commented on welfare reform issues and the need to provide vocational training for single mothers.

PUBLIC HEARING

#1 Speed Hump Request - Longbranch-Sligo Neighborhood Association. Community Planner George (Transportation Management Coordinator) provided a brief history of the neighborhood's efforts to devise a traffic proposal. She explained that in February, members of the Sligo-Longbranch Transportation Group presented a proposal to the Technical Review Committee (TRC). The TRC decided to allow the speed hump portion of the proposal to be processed according to the Speed Hump Guidelines and petition process. The remainder of the proposal was to be handled separately, with adequate notice to the community. Ms. George stated that since that time, she has met with members of the Association regarding the exact locations of the speed humps.

Lois Schoenbaum, 7204 Garland Avenue, said that she has lived in the neighborhood for some time, and that there is a serious traffic problem. Vehicles travel too fast and often ignore stop signs. She stated her support for the speed humps, more signs, increased law enforcement, and lowering of speed limits in the neighborhood.

Doug Tursman, President of Longbranch-Sligo Citizens Association, commented that there are two parts to the traffic proposal: (1) traffic interdictions on Flower Avenue, and the effect of those things on other neighborhood streets, and (2) the need for more sidewalks in the neighborhood. In 1982 a traffic study was done on Flower Avenue showing that 80% of cars (volume) was attributable to cut-through traffic. However, no formal study was ever done. The volume was not high on Garland and Central, but these streets were not predominantly used by cut-through motorists. He remarked that residents on Central and Garland circulated and filed petitions in support of speed humps. Once it was clear that there was a problem on Flower Avenue, residents on Trescott also petitioned in anticipation of residents on Flower Avenue seeking some remedy (i.e. speed humps). Mr. Tursman said that the "informal" study conducted some years ago provides the best data available to the neighborhood right now that has been used as a base for the traffic proposal. Undoubtedly, there is a problem with traffic on Flower Avenue, and once traffic control devices are installed on Flower, the cut-through traffic is likely to be

diverted to other neighborhood streets (i.e. Garland, Trescott, and Central).

Laurie Lester, stressed the amount of community involvement surrounding the traffic proposal. The association membership was first advised of the traffic proposal in February, and copies of the proposal were distributed in March. The neighborhood association held two informational meetings about the proposal, and all along has tried to maintain open communication with the residents and to provide responses to residents' concerns. She noted that she turned-in the final proposal and speed hump petitions to the City on June 26. Ms. Lester remarked that she found out last Tuesday that signatures from Chaney, Cherry, and Palmer were needed. She emphasized that she had originally been told by staff that signatures from these streets were not necessary. Consequently, these streets were not petitioned, and it has been recommended that Flower Avenue be divided into separate petitions (i.e. between Garland and Jackson, and between Jackson and Carroll). Only the petition for Flower, between Garland and Jackson, is included in the ordinance tonight, but the residents are hoping to come back to the Council in September regarding the other section of Flower. She ensured the Council that residents are continuing with petition efforts along Flower Avenue.

Rolfe Hubbe, 7235 Garland Avenue, stated that he aims to show that (1) Garland, between Jackson and Minter, should be considered a block, and (2) there is not adequate support on this block to meet the 2/3 signature requirement. He displayed a diagram of the street intersections, stating that Garland is an anomaly, in that it is both perpendicular and horizontal to the other streets. The petition was based on a "block" defined by numerical address (i.e. 7200 block of Garland). However, Garland is clearly intersected at a point within the 7200 range. He commented that he does not think that residents who are opposed to the speed hump proposed for Garland (between Jackson and Minter) should be penalized because their section of the street is included in a long number range that stretches over two blocks. He speculated about how planners assigned numbers to the lots along Garland Avenue, and asked whether Minter, which does not cross Garland, from a block by virtue of its intersection with Garland. There is evidence that Minter would have crossed Garland had there not been a creek on the other side of the street. He noted that there is a question about 7221 Garland, in terms of which block it should fall into, but that the petition (opposition) that was submitted to the City, has nine signatures, including 7221 Garland. These "opposition" signatures would make it impossible for the speed hump petition on this block to meet the 2/3 signature requirement.

Mr. Rubin asked what is an intersecting street, and questioned whether Mr. Hubbe is saying that there are other streets that do not cross which were used to establish blocks. He remarked that the question seems to be regarding the definition of intersecting streets, and said that the City's policy deals with intersecting streets, not numerical ranges.

Jim Roberts, 7310 Flower, commented that he has been involved with this project since the original traffic study, and that he passed-on the chairmanship of the committee last year. He briefly described the original study, and commented on the recent impact of the closure of Flower at Sligo Creek Parkway. He noted that residents have been told different things at different times

throughout the petition process. Residents were once told that numbers defined blocks, but have recently been told that intersecting streets define blocks. He stated that residents have been told that there are sufficient signatures on Garland, regardless of the definition of block. He said that in regards to Flower Avenue, there is a traffic problem, and even though speed humps were not considered in the beginning, these devices are now thought to be an immediate traffic control device. Because of narrowness of streets and lack of sidewalks, there is a problem with speed on Garland and Central. With parking on both sides of the street and no sidewalks, people are forced to use these streets as sidewalks. There needs to be some kinds of speed controls on Garland. But if controls are put on Garland, Central, and Trescott, the controls will be needed on Flower. Because of the nature of residences on Flower Avenue (e.g. transient and densely populated) staff is having trouble with validation of signatures. He noted that lower Flower is only three signatures short of validation. He attributed a large part of the last minute validation problems with the misinformation provided by City staff to the neighborhood representatives. Mr. Roberts urged the Council to keep this factor in mind, and approve the speed hump request. The neighborhood needs them.

Mr. Sharp asked how the closing of Sligo Creek Parkway changes the validity of speed concerns.

Mr. Roberts said that if you cut down the volume by shutting off access the numbers will appear to be reduced, but in fact, when the street is reopened, the numbers will increase.

Jack Hedgeman, Flower Avenue, commented that he has lived in the neighborhood for 23 years. He said that during that time, he has seen traffic get progressively worse. He noted that he has a 21 month old daughter and an elderly mother living at his residence. There used to be police officers enforcing traffic in neighborhood, but those officers are seldom seen now. He remarked that the neighborhood has had a momentary reprieve with the closing of Sligo Creek Parkway, but that once it is reopened, the problem will return. He said that he has been active in circulating the petitions, and that he was able to get 80+ percent of signatures from occupied residences. Mr. Hedgeman remarked that he is looking to the Council to protect the residents in the neighborhood. He commented on the incorrect information provided by staff regarding the petition process and requirements. He said that while the petitions were submitted in May, he understands that the Clerk's office started on the verification last week. He commented that some of the verification methods work against the less affluent people (i.e. cross-referencing name to telephone number). Mr. Hedgeman concluded that the residents are strongly in favor of the speed humps and are looking to the Council for approval.

Debbie Easterly, 7111 Garland Avenue (immediate past president of Longbranch-Sligo Neighborhood Association), said that while she was president, this traffic proposal was in its early stages. She thanked Ms. Riley, Ms. Lester, and Mr. Tursman for taking on the project. She remarked that the neighborhood has a traffic problem which is defined by the people who live in the neighborhood--we think we have a traffic problem. She commented that the traffic proposal has the support of most of the neighborhood, adding that the proposal includes speed humps. There is a speed problem which is exacerbated by the fact that there are no sidewalks in the

neighborhood. Ms. Easterly stated that the residents are looking to this mechanical device (i.e. speed humps) to protect themselves, children and pets.

John Garrett, 7231 Garland Avenue, agreed that there is a traffic problem on Flower Avenue, but said that is not convinced there are problems on the other streets. There has never been a professional traffic study of the neighborhood. He commented that there is not really a big speed problem on Garland, but that if speed controls are put on Flower, there may well develop a problem on Garland. He stated that there are a lot of older people on Upper Garland who are concerned about how their parking will be affected by the placement of speed humps, as well as the impact on the response time of emergency and police vehicles. He noted that the upper end of Garland (between Minter and Jackson) is defined as a block, and clarified that the "opposition" movement is fighting the speed hump that is proposed for this block. He remarked that he does not have a problem with the other traffic control devices described in the proposal, but that this section of Garland is a straight flat area, far enough from Flower, that excluding it from the proposal would not have an adverse effect on the rest of the proposal.

Judith Graywald, 7500 Flower Avenue, said that she and her neighbors support the traffic proposal, and were discouraged to learn that the section of Flower between Jackson and Carroll would not be able to get speed humps. This is the area where speed humps are most needed. She noted that along this stretch of Flower, which includes residences on Chaney and Palmer, the majority of the households are on Chaney. The residents were originally told that they did not have to get signatures from the residents on Chaney. She commented on the traffic problems in this stretch of Flower, and said she hopes there will be a way to address the very real problem that will be left unattended if the proposal goes forward without speed humps along the upper Flower stretch.

Allison Shelson, 7501 Flower Avenue, remarked that there is a terrible problem with traffic on this street which suddenly narrows at its bend. She said that as she was leaving her home this evening, she counted 8 houses with 7500 addresses, four of which she knows are homes where young children live. She commented that residents just found out that signatures are needed from residents on Chaney Drive, and encouraged the Council to help identify a solution to the subsequent situation (i.e. not all of Flower is covered by the verified petition). Ms. Shelson remarked that she thinks other speed humps in the neighborhood will only divert more traffic to Flower, and that speed humps on upper Flower are a necessity.

Emily Kirshlan, 7216 Garland, expressed strong support for the speed humps. She emphasized that Garland is very narrow, a lot of cars are parked along the street, many people do not have driveways, sidewalks are nonexistent, and there is impending danger to children and elderly persons walking in street. She related that she has had occasion to avoid vehicular traffic when walking the street, and that she is frightened by the speed of vehicles.

Ann Riley, 7220 Garland, (Co-chair, Traffic Committee), said that the idea that there is not a traffic problem on Garland, between Minter and Jackson, is false. It is very difficult to cross the

street in this block, and while there is a stop sign (Jackson and Garland), cars speed through the intersection. She said that she has almost been hit by another vehicle while trying to exit her driveway. She recognized that there is a cluster of elderly people near Jackson and Garland who are opposed to the speed humps, but that the Traffic Committee did take into account this opposition, noting that there are alternate routes to reach their homes without crossing speed humps. She stated that she was told, in the beginning, by the Clerk's office that a block is defined by number range, and that the petitions were based on this incorrect information. Ms. Riley noted that she received calls over the weekend regarding accidents in the neighborhood, and concluded that it is only a matter of time before someone is hit or killed.

Eric Shafer, 7200 block of Garland, remarked that he does not like driving over speed humps, but that he supports the traffic proposal because there is a problem that needs to be addressed. He said that he does not foresee the neighborhood getting sidewalks any time soon, or a police officer being stationed in the area to constantly enforce speed. For these reasons, speed humps appear to be the best alternative. He commented that there is a real problem on Flower.

Robert Shafer, (John's neighbor), supported the speed humps, adding that he is also the spokesperson for Roscoe Rooster, who is convinced we need speed humps. He stated that he has witnessed motorists run stop signs.

Carol Stewart, said that anything the City can give the neighborhood to help control traffic would be better than her efforts to shout out at passing motorists. She urged the Council to approve the speed humps.

Todd Baldwin, 910 Jackson Avenue, stated that his family walks along Garland to get to the park, and that it is a dangerous street that he would avoid if possible. He testified that cars run the stop sign at Jackson and Garland.

Phil Vogel, 7117 Garland Avenue, remarked that individual streets in the neighborhood have long avoided asking for speed humps because of the effect on other neighborhood streets. This proposal, however, addresses all streets in the neighborhood. He added his support for the proposal.

Mr. Hubbe said that he has lived on Garland Avenue since 1962, and has walked the streets for years. He testified that he and his wife have not witnessed the cars that everyone is talking about. He recalled the tragic fire on Flower and the confusion experienced by emergency vehicles-- imagine had there been speed humps to maneuver. He said that while there are children in the neighborhood, there are others, and the larger issue is the safety for everyone in the neighborhood. He commented that the neighbors are exaggerating about the traffic problems. Most of the time, residents can freely walk along the street, and if a car comes along, one need only step aside between parked cars. He urged the Council to take into consideration all safety problems related to the proposal, not just those mentioned by people here this evening.

Garrett McWilliams, 7211 Garland Avenue, commented that when he pulls out of his driveway each morning, he is not able to see very quickly the vehicles coming around the blind corner. He added his support for the speed humps.

Barry Garther, Garland (between Jackson and Minter), stated his concern for the safety of children, noting that he frequently walks along the street and sees a lot of cars traveling fast. He strongly supported the speed humps.

Mr. Rubin requested clarification of the definition of "block."

Ms. Porter noted that in addition to the people who have testified, she received a letter of support from Richard O'Grady, and a telephone message from Allen Shapiro, who also expressed support for the proposal, but especially for the speed hump on upper Flower.

#2 1st Reading Ordinance re: Speed Humps--Longbranch-Sligo Neighborhood. Ms. Porter moved the version of the ordinance that includes (1) Garland between Jackson and Flower, (2) Central between Garland and Jackson, (3) Trescott between Garland and Jackson, and (4) Flower between Garland and Jackson; seconded by Chavez.

Mr. Sharp questioned whether all petitions have met the verification requirement (i.e. 67% signatures of households).

Ms. Porter stated that currently, there are 64% of signatures on Flower between Jackson and Garland Avenues (including Cherry Avenue). Only three additional signatures are needed. She noted that the ordinance does not include the upper part of Flower Avenue (between Jackson and Carroll Avenues).

Mr. Rubin asked about the "numbers" on Garland Avenue, if the argument holds that the section of Garland between Jackson and Minter is a block.

Ms. Sartoph stated the definition of "block", and confirmed that the section of Garland between Jackson and Minter is a block by definition. However, she explained that in no case is a single block considered exclusive of the adjacent blocks. She referred to the Speed Hump Guidelines, noting that if a speed hump is proposed for only one block of a street, the petition must also be circulated to the adjacent blocks. Ms. Sartoph clarified that two petitions were submitted for the stretch of Garland between Jackson and Flower, and that since her understanding was that the petitions are part of a comprehensive neighborhood traffic proposal, she combined the two Garland petitions (covering four blocks) for purposes of verification. Signatures for 71% of the households have been verified. She noted, however, that if she were to consider the two petitions individually, the one for Garland between Jackson and Central obtained 69% of the necessary signatures, and the one for Garland between Central and Flower obtained 67% of the necessary signatures. Ms. Sartoph concluded that regardless of how the petitions are considered (i.e. separately or combined) the required 67% is met.

Ms. Porter commented on the issues regarding Flower Avenue: (1) including Flower (between Jackson and Garland) in the ordinance, excludes the proposed speed hump(s) on the section of Flower between Jackson and Carroll. She explained the impact of the definition of block and direction to not petition Cherry, Chaney and Palmer, as originally provided by staff. It was not realized until last Tuesday morning that these other streets needed to be petitioned, and with this realization came the disappointing conclusion that it would be difficult to obtain the needed signatures from Chaney Drive (43 total households) to effect a successful petition for speed humps on adjacent blocks of Flower. Organizers made the decision to separate-out the portion of Flower between Garland and Jackson, and continue efforts to meet the required 67%. She said that she feels confident that the remaining three signatures will be verified by next week (i.e. second reading of ordinance).

Ms. Porter stated that the anomaly in this case is that Chaney Drive alone has more households than the 7400-7500 stretch of Flower (including Palmer Lane residences). She commented that she is not aware of a past situation of this kind, adding that the residents on Chaney are not supportive. She requested that the Council consider changing the policy about how dead-end intersecting streets are considered in the process (i.e. whether they should be petitioned if the total households exceed that of the adjacent blocks).

Mr. Sharp responded that the described policy amendment is not germane to this ordinance.

Ms. Porter proposed that the ordinance be amended to strike "Jackson" and insert "Carroll", whereby including the entire length of Flower.

Mr. Sharp stated that the proposed change alone would have to be ruled out-of-order since it is inconsistent with the rules we have regarding speed humps (i.e. there would need to be an amendment to the way units are counted). He remarked that there is not ample time for Council to discuss this change, and be prepared to amend and consider the ordinance at second reading by next Monday.

Ms. Porter withdrew her proposal (i.e. strike Jackson and insert Carroll). Mr. Sharp agreed to schedule a discussion next week regarding Ms. Porter's proposal.

Mr. Elrich said that he understands the process, but questioned whether the guidelines were written such that the Council cannot take action regarding speed humps in the absence of a petition. He commented that he is willing to make an elective decision to install a speed hump in the section of Flower between Jackson and Carroll. Ms. Porter expressed her support.

Mr. Rubin referred to the original ordinance (before amendment), and remarked that he thinks it is reasonable to accept the ordinance, including Flower between Garland and Jackson, at first reading without the remaining three signatures needed on Flower. He asked how does this differ, fundamentally, from not having enough signatures on upper Flower (between Jackson and

Carroll), understanding that there has not been a major effort to get signatures on Chaney.

Ms. Porter said that she is confident that the blocks of Flower between Garland and Jackson will get the needed signatures by next week, but that she is not confident that upper Flower will be successful.

Mr. Rubin stated that when the speed standard was taken out of the traffic plan he was opposed because he felt that the Council should be allowed to exercise some discretion even with the standard in place.

Mr. Elrich responded that he does not interpret the deletion of this standard to have mattered, since the concerns of the residents over-ride data regarding vehicular speeds. He said that in this case, the Council is confronted with a neighborhood process which was set-up to ensure neighborhood concordance (i.e. speed hump petition process).

Mr. Rubin confirmed that the Council has the authority to install a speed hump, and that most people on Chaney are renters versus owners. He stated that he does not want to repeat a situation resulting in residents on a cul de sac feeling ignored in the process, and that while he has never voted against speed hump request, he is not comfortable with Council using its authority to effect speed hump(s) installation on upper Flower without hearing from the people on Chaney Drive.

Mr. Williams clarified that the requests for speed humps are being considered aside from the other requests in the traffic proposal.

Ms. Porter agreed, noting that the Sligo-Longbranch Neighborhood Association has presented a proposal--a "hybrid situation" since it is not a neighborhood plan, as typically presented to the Council.

Mr. Williams remarked that there are two ways to get speed humps: (1) speed hump petition process, and (2) neighborhood traffic study.

Ms. Porter stated that in this anomalous case it is appropriate for the Council to consider installing a speed hump(s) outside of the petition process, especially since incorrect information was given to residents from the start and the speed humps have been requested in the context of a neighborhood plan.

Mr. Rubin said that he has a problem ignoring the people on Chaney. He recalled the situation on Darwin where residents felt ignored.

Mr. Sharp explained what happened in the case of Darwin. He commented that the speed hump was installed before the Council ratified the installation, and that instead of removing the speed hump, it was left in place until after hearing residents' testimonies at the public hearing. The

result was that the speed hump was not removed.

Mr. Sharp returned to the discussion of including only the section of Flower between Jackson and Garland in the ordinance. He said that he does not see how the Council can fairly notify residents on Chaney Drive before next week, if upper Flower were added to the ordinance. He stated his opposition to the Council using its judgment and adding in the speed hump(s) on upper Flower. Mr. Sharp remarked that he would like to have further discussion of this matter before taking any action to include the request for upper Flower. He stated his belief that if the Council decides to use its authority to effect the installation of a speed hump(s), it would not be necessary to do anything more than direct staff to install the hump(s). He commented that a public hearing does not need to be held regarding the administrative process, but that he believes more consultation needs to be done with the residents of Chaney. Mr. Sharp said that he is not convinced that the people on Chaney could not be persuaded to sign the petition.

Mr. Rubin asked whether it is an overwhelming thing to petition Chaney Drive. Ms. Porter responded that this should not be relevant.

Mr. Williams asked whether a speed hump(s) had always been proposed for upper Flower during the time the proposal was discussed in the neighborhood.

Ms. Porter stated that the supposition going into the neighborhood discussion was that residents did not have to include Chaney Drive. She proposed an amendment to the ordinance- paragraph (b) strike Jackson and substitute Carroll (seconded by Chavez).

Mr. Rubin questioned whether the ordinance can be divided.

Mr. Sharp responded that the Council can make an amendment to delete one of the paragraphs.

The Council voted on the amendment proposed by Ms. Porter (NAY: Rubin, Sharp; AYE: Williams, Elrich, Chavez, Porter).

Mr. Rubin said that he would like to vote "for" paragraphs (a), (c) and (d), but abstain from voting for paragraph (b). He made a motion to divide the ordinance (seconded by Elrich). The motion failed.

Ms. Porter stated that the issue here is more substantive than dividing the ordinance. To divide the ordinance would send a signal to the neighborhood that the Council is not considering the proposal as a whole. She noted that Mr. Rubin has made a statement for the record regarding his concern.

Mr. Rubin said that it is not his intention to take away from the integrity of the proposal, but that he just wants to be sure that people on Chaney are notified.

Mr. Sharp agreed, adding that he was prepared to vote for the ordinance without the amendment to include upper Flower (between Jackson and Carroll). This amendment looks like the next step toward eliminating the speed hump petition process, and could lead to people wondering why they are being put through the process if it is not recognized.

Mr. Elrich said he does not agree with either Ms. Porter's or Mr. Sharp's perceptions. He commented that the Council is considering the safety of the neighborhood, and that 99% of the time speed hump installations are initiated by residents, either through the petition process or a traffic plan.

Ms. Porter remarked that she thinks it can be established that this situation is different: (1) the way petitioning was conducted--people initially got wrong information, (2) not typical neighborhood traffic plan, and (3) Chaney Drive has high proportion of the total units for the area.

Mr. Sharp called the question on the proposal to divide the ordinance (AYE: Sharp, Rubin; NAY: Williams, Chavez, Porter, Elrich).

Rolfe Hubbe, 7235 Garland Avenue, commented on the unfairness of the petitioning process which requires adjacent blocks' votes to be added into the equation of a single block's petition. In this case, neighbors on the next block have successfully voted to place speed humps on his block. He requested a meeting with City Clerk Sartoph to discuss the process.

Doug Tursman, President of Longbranch-Sligo Citizens Association, urged the Council to vote for "all or nothing".

The Ordinance was accepted at first reading (VOTING FOR: Chavez, Elrich, Porter, Williams; ABSTAIN: Sharp, Rubin; ABSENT: Davenport).

**ORDINANCE #1996-20
(Attached)**

BRIEFING

#3 South Silver Spring Concept Plan. Senior Planner Schwartz stated that the presentation is about what has been proposed, so far, regarding the South Silver Spring Concept Plan (SSSCP) area. The Planning Board will receive a briefing on August 8, and it will be appropriate for the City Council to take action on this matter sometime in September. She introduced Marilyn Clemens and John Carter of the Maryland-National Capital Park and Planning Commission (M-NCPPC), and Doug Wrenn of the Silver Spring Redevelopment Office.

John Carter, M-NCPPC, summarized the planning parameters for the SSSCP i.e. Jessup Blair Park, Montgomery College, Giant Bakery, and other uses. He referred to an area map. There are

three agencies involved in the project--Montgomery College, Park & Planning, and the County Executive. He referred to the "South Silver Spring News" publication, and explained the concept alternatives (see publication). He noted that #2 is the recommended alternative.

Mr. Williams asked about how the plans deal with the three college-owned buildings on the northeast side of New York Avenue. Mr. Carter explained that in alternative #2 the buildings would remain, but that in alternative #3, the buildings would be removed.

Mr. Rubin questioned whether the existence of Caldor (East-West Highway) impact getting another large anchor store on Georgia Avenue.

Mr. Carter responded that the area can support two large stores.

Mr. Rubin recognized that the plan does not involve buying land for commercial use, but asked what Mr. Carter predicts would be the impact on this area if the American Dream Mall were to go forward.

Mr. Carter stated that the current recommendation is not to buy anymore commercial land, and added that this plan does not link to the "American Dream" development.

Mr. Elrich questioned how the plan deals with housing problems on the south end of project.

Mr. Carter said that an adjacent piece of vacant piece of land will be purchased and turned into a tot lot (extension of park). Some sections of the housing units are in good shape; others are in disrepair. These buildings were built before there were parking requirements, so there remains a parking concern. He stated that parking will be added for the park (along the south side), and that the District has in its CIP to widen Eastern Avenue which is anticipated to provide more parking for the housing units.

Mr. Elrich expressed concern that none of the alternatives make recommendations regarding housing codes, but instead they make a lot of recommendations regarding commercial areas.

Mr. Carter responded that a discussion of enforcement of housing codes is a good idea to carry forward in the planning process.

Ms. Porter questioned the available sources and opportunities for information on this planning process.

Mr. Carter noted that there is a Task Force meeting next Wednesday, the Planning Board will be briefed on August 8, and the final document will be going to the Board on October 8.

He said that if the City wants to comment in a way to effect the report, the Council should act on a recommendation before October 1.

REGULAR MEETING

#4 1st Reading Ordinance re: Speed Humps--Ritchie Avenue. Ms. George reminded the Council that she met with the neighborhood association, at which time locations for the speed humps were identified. The petitions meet the requirement. She also noted that there is a request for additional speed devices in the Ritchie Avenue area (see letter from C. Clayton).

Moved by Elrich; seconded by Williams.

The Ordinance was accepted unanimously, authorizing installation of speed hump(s) on Ritchie Avenue (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

ORDINANCE #1996-21 (Attached)

#5 Resolution re: Crossroads Development Authority, Inc. (CDA) By-laws Amendments.
Moved by Elrich; seconded by Williams.

Mr. Sharp explained the amendment.

City Administrator Habada remarked that since the Council created the CDA, the Council needed to be a part of the process of amending the by-laws.

Mr. Sharp questioned whether passing a resolution is the appropriate action in this case. If the ordinance that established the CDA includes reference to the composition of the membership, an ordinance would have to be adopted to change the membership.

The Council moved on to the next item while Deputy City Administrator Grimmer went to get a copy of the City Code.

#6 Resolution re: Darwin, Grant and Holly Avenues Traffic Study. Moved by Rubin; seconded by Williams.

Mr. Rubin stated that this study has been discussed numerous times within the community, and remarked that the plan is a result of dynamic efforts on the parts of Hodges Heights Citizens Association and staff, particularly Ms. George.

The Resolution was adopted unanimously, adopting the Holly, Grant, and Darwin Avenues Intersection Study (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-42

(Attached)

#7 Resolution re: State Grant Agreement--Takoma Junction. Moved by Williams; seconded by Rubin.

Mr. Williams asked about restrictions on use of the grant monies.

Ms. Sickle said that the eligible activities are related to capital improvements (acquisition and installation of structures). She referred to letter written to Project Administrator Paul Georgiou of the State Department of General Services. The letter was in response to Council's concerns about what is permissible under the grant.

Mr. Williams questioned whether the City can use the funds to do analyses other than environmental.

Ms. Sickle responded that she is not sure what is being defined as an "analysis". The scope of "analysis" is seems somewhat wider than the way this grant was phrased. She suggested that the City identify specific things we might want to do and ask for clarification from the State.

Mr. Williams clarified that the City is not precluded from asking for things not mentioned in the grant.

Mr. Porter noted that the City can use the monies for acquisition, but that we cannot dispose of any property acquired with these monies without the State's prior written consent. She said that she would like assurance from the State that they would assent to our disposing of the property.

Ms. Habada remarked that the issue for State is ensuring that the City does not sell the property for less than the cost of acquisition. There will probably be no guarantee from the State on this issue. The City will have to negotiate this matter when the time comes.

Ms. Porter asked whether accepting the grant binds the City to keeping the property.

Ms. Habada commented that the monies are for redevelopment.

Ms. Porter questioned whether the Council and staff are comfortable with the notion that it does not make sense for the State to force us to hang on to the property, as our only assurance that the State will consent to our later disposing of the property.

Ms. Habada said that the intent is to develop the site.

Mr. Elrich noted that the site could be developed in a partnership arrangement between the City and another entity. In this case the City may not dispose of the property.

Ms. Porter clarified that Mr. Elrich is assuming that the disposition requirement will not be a problem. Mr. Elrich confirmed.

Ms. Porter asked whether the money can be used for building and renovations.

Ms. Sickle responded in the affirmative, noting that the contract refers to renovations. All of these things need to be reviewed with the State before expenditure of funds, since they are the source.

The Resolution was adopted unanimously, authorizing the City Administrator to execute a Grant Agreement with the State of Maryland for \$500,000 to be used for acquisition and redevelopment of Takoma Junction (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-43
(Attached)

#8 Resolution re: Robert Alpern, Nuclear-Free Takoma Park Committee. Moved by Williams; seconded by Chavez.

Mr. Williams explained that Mr. Alpern is not present this evening because he was intentionally not made aware that the Council was considering this resolution. The NFZ Committee wants to present it to him on August 11 as part of the Hiroshima Memorial Service. Mr. Williams commented that it was supposed to be a surprise, but that he understands Mr. Alpern noticed it on the Rolling Agenda and called staff today to explain that he cannot be here to receive the resolution.

Terry Berkeley, 630 Kennebec Avenue (member of the NFZ Committee), stated that last November he and his daughter were at conference in Singapore, where they met someone who said he knew Bob Alpern at the mention of us living in Takoma Park. Mr. Berkeley pointed out how Mr. Alpern is known around the world. He noted some of Mr. Alpern's publications (i.e. "Peace in the Media" chapter in book). Mr. Berkeley stated that Mr. Alpern is a wonderful person and symbol of founding values for this community--gentleness, grace and warmth. He will be missed when he retires and moves out of the area. Mr. Berkeley urged the Council to pass the resolution.

Ms. Porter noted that several active community members have left the neighborhood, and she said she hopes this is not becoming a trend.

Messrs Sharp and Williams extended thanks for the community service of Mr. Alpern.

The Resolution was adopted unanimously, expressing appreciation to Robert Alpern (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-44
(Attached)

#9 Resolution re: Union Contract--Local 400. Mr. Hobbs commented that the union membership ratified the 2% COLA.

Moved by Sharp; seconded by Elrich.

Mr. Sharp referred to Mr. Hobbs' memorandum, and stated that this is consistent with Council's direction regarding negotiations.

The Resolution was adopted unanimously, ratifying the collective bargaining agreement between Local 400, United Food & Commercial Workers Union, and the City of Takoma Park, Maryland (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-45
(Attached)

#10 1st Reading Ordinance re: Employee Pay Plan. Mr. Sharp noted that with regard to this item, the memo explains the status of the negotiations with AFSCME.

Moved by Rubin; seconded by Chavez.

Mr. Hobbs said that the contract has all but been resolved, and that it needs to be ratified by the membership. The Union has indicated that they cannot act before the Council's recess. He stated that he will come back to the Council in September regarding the AFSCME contract. Mr. Hobbs commented that there are other employees covered by the pay plan who are not covered by the Union contract, and explained that by adopting this ordinance, these employees will be awarded their COLA.

The Ordinance was accepted at first reading, amending the pay scale for employees for FY97, tied to the position classification schedule as adopted by Ordinance #1986-53, as amended, to include a 2% cost-of-living adjustment for FY97 (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

ORDINANCE #1996-22
(Attached)

#11 1st Reading Ordinance re: Police Pay Plan. Moved by Williams; seconded by Elrich.

The Ordinance was accepted at first reading, establishing a pay scale for police officers for FY97, tied to the position classification schedule as adopted by Ordinance #1986-53, as amended, to include a 2% cost-of-living adjustment for FY97 (VOTING FOR: Sharp, Chavez, Elrich, Porter,

Rubin, Williams; ABSENT: Davenport).

ORDINANCE #1996-23
(Attached)

#12 1st Reading Ordinance re: Executive Pay Plan. Moved by Chavez; seconded by Williams.

The Ordinance was accepted at first reading, changing the Executive Pay Plan to provide for a 2% adjustment to the Pay Plan for FY97 (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

ORDINANCE #1996-24
(Attached)

ADDITIONAL AGENDA ITEM

#13 Resolution re: Application submitted by Cynthia Fee (Knee High to a Grasshopper) under the Maryland Neighborhood Business Development Program. Mr. Williams explained the resolution. Moved by Williams; seconded by Elrich.

Mr. Sharp asked if there are any City requirements related to this matter

Ms. Habada responded in the negative, noting that the grant would be awarded to the business and not through the city.

Ms. Porter noted that Ms. Fee came before the Council some time ago asking for support on another business issue, and that Ms. Fee had the support of the neighborhood at that time.

The Resolution was adopted unanimously, supporting the application submitted by Cynthia Fee (Knee High to a Grasshopper) under the Maryland Neighborhood Business Development Program (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-46
(Attached)

#14 Amendments to CDA By-Laws. Ms. Habada said that the Council will need to adopt an ordinance to change the City Code regarding the membership on the Board of Directors.

Mr. Sharp questioned what is the provision for amending the by-laws.

Ms. Grimmer responded that the Code states that the voting members shall adopt by-laws, so the Council does not have to take action on the by-law amendment. She explained, however, that the

City Code does specifically describe the membership of the Board, and that for the by-law amendment to be effective, the Code will need to be amended.

Mr. Sharp clarified that the Council does not have to authorize amendments to the by-laws.

Ms. Grimmer confirmed, but cautioned that the Council does need to adopt an ordinance to change the make-up of the Board membership.

Mr. Sharp made a motion for staff to draft language for an ordinance to effect the Code amendment consistent with the proposed by-laws amendment.

The Ordinance was accepted at first reading, amending the City Code (Article 4A.1. Commercial Management Districts and Authorities, Sec. 4A.1.8(e)) to allow for a change in the Takoma/Langley CDA Board of Directors ex officio members (ABSENT: Davenport).

**ORDINANCE #1996-25
(Attached)**

Mr. Sharp stated that the resolution that was presented as the Agenda Item will not be addressed.

Ms. Grimmer commented that the CDA was asking for Council's consent to the by-laws amendment, and that she believes first reading of this ordinance will be sufficient. She remarked that she will check, but that she believes the second reading vote should wait until November, after the CDA membership has ratified by-laws amendment.

Mr. Sharp suggested that staff bring the first reading ordinance back to Council next week, so that Council can review the text.

WORKSESSION

The Council moved into Worksession at 10:10 p.m. Following the Worksession, the Council adjourned for the evening at 11:05 p.m.

Introduced By: Council Member Larry Rubin

RESOLUTION NO. 1996 - 42

Resolution Adopting the Holly, Grant, and Darwin Avenues Intersection Study which proposes to:

1. Implement temporary traffic calming measures that will re-align and reduce the intersection by extending the curbs with pavement markings and provide enhancing measures that will inform motorists of stop signs; and,
2. Reevaluate the temporary traffic calming measures approximately six months later to determine the effectiveness of channelling the traffic at the intersection and, if effective install permanent concrete curb extensions.

WHEREAS, in January of 1995, the members of the Hodges Heights Citizens Association requested that the City of Takoma Park study the intersection of Holly, Grant, and Darwin; AND

WHEREAS, the City's traffic consultant analyzed and reviewed the intersection and provided recommendations to address the concerns of this community; AND

WHEREAS, the City traffic consultant and City staff met with the members of the Hodges Heights Citizens Association to discuss solution and prepared the Traffic Study; AND

WHEREAS, the members of the Hodges Heights Citizens Association endorsed the resulting Traffic Study's recommended proposals; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby adopts the Holly, Grant and Darwin Avenues Intersection Study.

BE IT FURTHER RESOLVED THAT the Council commends the Hodges Heights Citizens Association for its exemplary contributions to the preparation of the Intersection Study.

AND BE IT FURTHER RESOLVED THAT the City Administrator or her designee is hereby directed to prepare an implementation schedule for the Hodges Heights Citizens Association recommendations.

ADOPTED THIS 22nd DAY OF JULY, 1996.

Introduced by: Councilmember Williams

RESOLUTION 96 - 43

A resolution authorizing the City Administrator to execute a Grant Agreement with the State of Maryland for \$500,000 to be used for acquisition and redevelopment of Takoma Junction.

WHEREAS, the City has invested in the revitalization of the Takoma Junction Commercial District; and

WHEREAS, additional funds are required for land acquisition and infrastructure improvements to accomplish the development goals for this area; and

WHEREAS, the City received a Capital Appropriation in the amount of \$500,000 from the State of Maryland.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park in a public meeting that the City Administrator be and hereby is authorized to execute a Grant Agreement with the State of Maryland for the use of the \$500,000 Capital Appropriation.

Adopted this 22nd day of July, 1996.

Introduced By: Councilmember Williams

RESOLUTION #1996 - 44

IN APPRECIATION OF ROBERT Z. ALPERN

WHEREAS, *Robert Z. Alpern, of 316 Elm Avenue, has been a long-time resident of the City of Takoma Park, Maryland; AND*

WHEREAS, *Mr. Alpern has brought great pride to the Takoma Park Community through his work towards peace and justice on all six continents, including, but not limited to, his service as Director of the Unitarian Universalist Association; AND*

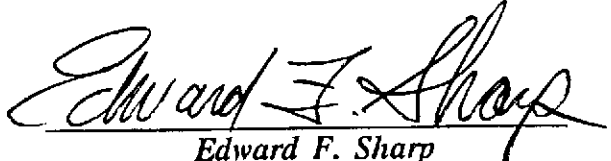
WHEREAS, *Mr. Alpern has served as a member of the Nuclear-Free Takoma Park Committee since its inception in 1985; AND*

WHEREAS, *Mr. Alpern's strong leadership when chairing the Nuclear-Free Takoma Park Committee has been indispensable in preserving the integrity of the Takoma Park Nuclear-Free Zone; AND*

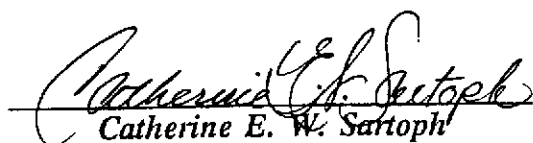
WHEREAS, *although Mr. Alpern is moving away from the residential boundaries of Takoma Park, he retains many friends in our Community.*

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, *on behalf of the Citizens, Council, and Staff of the City of Takoma Park, that sincere appreciation and thanks are hereby extended to Robert Z. Alpern for his tireless efforts for the betterment of his Community of the Earth.*

ADOPTED *this 22nd day of July, 1996.*


Edward F. Sharp
Mayor

ATTEST:


Catherine E. W. Sartoph
City Clerk

Introduced By: Mayor Sharp

RESOLUTION 1996-45

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT
LOCAL 400, UNITED FOOD & COMMERCIAL WORKERS UNION
AND THE CITY OF TAKOMA PARK, MARYLAND**

WHEREAS, the Negotiating Team representing the City of Takoma Park, Maryland and the Union representing City employees who are members of Local 400 of the United Food & Commercial Workers Union, AFL-CIO, have culminated negotiations over pay issues for the second year of the existing contract which covers three years from July 1, 1995 through June 30, 1998; AND

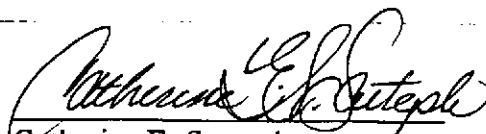
WHEREAS, both parties request that funds necessary to implement the Agreement be approved by the Council pursuant to Section 8B-206 (g) of the Takoma Park Code; AND

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

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1995 through June 30, 1998, as modified for FY 97, between the City of Takoma Park and Local 400 of the United Food & Commercial Workers Union, AFL-CIO.

Dated this 22nd Day of July, 1996.

ATTEST:



Catherine E. Sartoph
City Clerk

Introduced by: Councilmember Williams

RESOLUTION #1996 - 46

Resolution of support for the application submitted by Cynthia Fee (Knee High To A Grasshopper) under the Maryland Neighborhood Business Development Program.

WHEREAS, the Takoma Junction Commercial Revitalization District was established to facilitate economic development activities using both public and private resources; and

WHEREAS, the City of Takoma Park and the State of Maryland contributed funds for the preparation of a revitalization plan for the Takoma Junction area; and

WHEREAS, support for existing businesses was included as a priority in the recommendations made by the consultant, Hammer, Siler, George Associates; and

WHEREAS, Cynthia Fee, proprietor of the business Knee High To A Grasshopper, has submitted an application to the Maryland Neighborhood Business Development Program for funding; and

WHEREAS, the expansion of this business is compatible with the vision for this neighborhood commercial area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City supports the application by Cynthia Fee to the Maryland Neighborhood Business Development Program.

Adopted the 22nd day of July, 1996.

Introduced By: Councilmember Porter

1st Reading: 7/22/96

2nd Reading:

ORDINANCE #1996 - 20
LONGBRANCH/SLIGO SPEED HUMP PETITIONS

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

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

That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following locations:

- (a) Central Avenue (between Jackson and Garland Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator; AND
- (b) Flower Avenue (between Garland and [Jackson] Carroll Avenues, including Cherry Avenue), exact number and location of speed humps shall be at the discretion of the City Administrator.
- (c) Garland Avenue (between Jackson and Flower Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator; AND
- (d) Trescott Avenue (between Jackson and Garland Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

ADOPTED this _____ day of _____, 1996.

AYE:

NAY:

ABSTAIN:

ABSENT:

[Bracketed] item denotes deletion

Underlined item denotes addition

Introduced By: Council Member: Marc Elrich

1st Reading: 7 - 22- 96

2nd Reading: _____

Effective: _____

ORDINANCE NO. 1996 - 21

AN ORDINANCE REGULATING THE INSTALLATION OF SPEED HUMPS

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

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

That speed hump installations, as defined in Section 13 - 2 (a) (14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following location:

(a) Ritchie Avenue (unit block through the 100 block of Ritchie Avenue), exact location and number, not to exceed five, shall be at the discretion of the City Administrator; and

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this ____ day of July, 1996, by roll call vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

Introduced by: Councilmember Rubin

First Reading: 7/22/96
Second Reading:
Effective:

ORDINANCE NO. 1996-22
Short Title: Pay scale for Employees.

AN ORDINANCE TO: Amend the pay scale for employees for FY 97, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended to include a 2% cost-of-living adjustment for FY 1997.

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, 1996 and ending June 30, 1997. This Pay Scale Plan will become effective July 1, 1996, and will remain in effect until amended or repealed by the City Council:

(a) Recreation Attendant (year around part-time). The pay scale for recreation attendants is as follows:

STEP	A	B	C	D	E	F
	6.20/hour	6.42/hour	6.64/hour	6.88/hour	7.12/hour	7.37/hour
	G	H	I	J	K	
	7.62/hour	7.89/hour	8.17/hour	8.45/hour	8.75/hour	

(b) The pay scale for recreation seasonal and part-time hires is as follows:

CIT (Counselor in Training)	\$4.25/hour
Recreation Aide I	5.00/hour
Recreation Aide II	5.62/hour
Camp Aide	5.30/hour
Camp Leader	6.05/hour
Camp Director	8.00/hour

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

STEP:	A	B	C
	\$10.75/hour	\$11.61/hour	\$12.54/hour

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

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

(1) 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.

(2) Employees represented by the collective bargaining agreement between AFSCME, Local 3399 and the City of Takoma Park will be paid according to the terms of the collective bargaining agreement effective July 1, 1996 when it is adopted. Until such adoption, all such employees will continue to be paid according to the pay plan effective July 1, 1995.

(f) 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 day of , 1996 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

FY - 97 EMPLOYEE PAY PLAN (2% COLA)

STEP		A	B	C	D	E	F	G	H	I	J	K
GRADE	STARTING	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
% Increase			4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%
1	Annual	\$16,943.24	\$17,663.33	\$18,369.86	\$19,058.73	\$19,725.79	\$20,366.87	\$20,977.88	\$21,554.77	\$22,093.64	\$22,590.75	\$23,065.15
	Weekly	\$325.83	\$339.68	\$353.27	\$366.51	\$379.34	\$391.67	\$403.42	\$414.51	\$424.88	\$434.44	\$443.56
	Hourly	\$8.15	\$8.49	\$8.83	\$9.16	\$9.48	\$9.79	\$10.09	\$10.36	\$10.62	\$10.86	\$11.09
2	Annual	\$18,213.98	\$18,988.08	\$19,747.60	\$20,488.14	\$21,205.22	\$21,894.39	\$22,551.22	\$23,171.38	\$23,750.67	\$24,285.06	\$24,795.04
	Weekly	\$350.27	\$365.16	\$379.76	\$394.00	\$407.79	\$421.05	\$433.68	\$445.60	\$456.74	\$467.02	\$476.83
	Hourly	\$8.76	\$9.13	\$9.49	\$9.85	\$10.19	\$10.53	\$10.84	\$11.14	\$11.42	\$11.68	\$11.92
3	Annual	\$19,580.03	\$20,412.18	\$21,228.67	\$22,024.75	\$22,795.61	\$23,536.47	\$24,242.56	\$24,909.23	\$25,531.97	\$26,106.43	\$26,654.67
	Weekly	\$376.54	\$392.54	\$408.24	\$423.55	\$438.38	\$452.62	\$466.20	\$479.02	\$491.00	\$502.05	\$512.59
	Hourly	\$9.41	\$9.81	\$10.21	\$10.59	\$10.96	\$11.32	\$11.66	\$11.98	\$12.27	\$12.55	\$12.81
4	Annual	\$21,048.53	\$21,943.10	\$22,820.82	\$23,676.60	\$24,505.28	\$25,301.70	\$26,060.76	\$26,777.43	\$27,446.86	\$28,064.42	\$28,653.77
	Weekly	\$404.78	\$421.98	\$438.86	\$455.32	\$471.26	\$486.57	\$501.17	\$514.95	\$527.82	\$539.70	\$551.03
	Hourly	\$10.12	\$10.55	\$10.97	\$11.38	\$11.78	\$12.16	\$12.53	\$12.87	\$13.20	\$13.49	\$13.78
5	Annual	\$22,627.17	\$23,588.83	\$24,532.38	\$25,452.35	\$26,343.18	\$27,199.33	\$28,015.31	\$28,785.73	\$29,505.38	\$30,169.25	\$30,802.80
	Weekly	\$435.14	\$453.63	\$471.78	\$489.67	\$506.60	\$523.06	\$538.76	\$553.57	\$567.41	\$580.18	\$592.36
	Hourly	\$10.88	\$11.34	\$11.79	\$12.24	\$12.66	\$13.08	\$13.47	\$13.84	\$14.19	\$14.50	\$14.81
6	Annual	\$24,324.21	\$25,357.99	\$26,372.31	\$27,361.27	\$28,318.92	\$29,239.28	\$30,116.46	\$30,944.66	\$31,718.28	\$32,431.94	\$33,113.01
	Weekly	\$467.77	\$487.65	\$507.16	\$526.18	\$544.59	\$562.29	\$579.16	\$595.09	\$609.97	\$623.69	\$636.79
	Hourly	\$11.69	\$12.19	\$12.68	\$13.15	\$13.61	\$14.06	\$14.48	\$14.88	\$15.25	\$15.59	\$15.92
7	Annual	\$26,148.53	\$27,259.84	\$28,350.23	\$29,413.37	\$30,442.84	\$31,432.23	\$32,375.20	\$33,265.51	\$34,097.15	\$34,864.34	\$35,596.49
	Weekly	\$502.86	\$524.23	\$545.20	\$565.64	\$585.44	\$604.47	\$622.60	\$639.72	\$655.71	\$670.47	\$684.55
	Hourly	\$12.57	\$13.11	\$13.63	\$14.14	\$14.64	\$15.11	\$15.56	\$15.99	\$16.39	\$16.76	\$17.11
8	Annual	\$28,109.67	\$29,304.33	\$30,476.50	\$31,619.37	\$32,726.05	\$33,789.65	\$34,803.34	\$35,760.43	\$36,654.44	\$37,479.16	\$38,266.22
	Weekly	\$540.57	\$563.54	\$586.09	\$608.06	\$629.35	\$649.80	\$669.29	\$687.70	\$704.89	\$720.75	\$735.89
	Hourly	\$13.51	\$14.09	\$14.65	\$15.20	\$15.73	\$16.25	\$16.73	\$17.19	\$17.62	\$18.02	\$18.40
9	Annual	\$30,217.89	\$31,502.15	\$32,762.24	\$33,990.82	\$35,180.50	\$36,323.87	\$37,413.59	\$38,442.46	\$39,403.52	\$40,290.10	\$41,136.19
	Weekly	\$581.11	\$605.81	\$630.04	\$653.67	\$676.55	\$698.54	\$719.49	\$739.28	\$757.76	\$774.81	\$791.08
	Hourly	\$14.53	\$15.15	\$15.75	\$16.34	\$16.91	\$17.46	\$17.99	\$18.48	\$18.94	\$19.37	\$19.78
10	Annual	\$32,484.24	\$33,864.82	\$35,219.41	\$36,540.14	\$37,819.04	\$39,048.16	\$40,219.60	\$41,325.64	\$42,358.78	\$43,311.86	\$44,221.41
	Weekly	\$624.70	\$651.25	\$677.30	\$702.69	\$727.29	\$750.93	\$773.45	\$794.72	\$814.59	\$832.92	\$850.41
	Hourly	\$15.62	\$16.28	\$16.93	\$17.57	\$18.18	\$18.77	\$19.34	\$19.87	\$20.36	\$20.82	\$21.26
11	Annual	\$34,920.55	\$36,404.68	\$37,860.86	\$39,280.65	\$40,655.47	\$41,976.77	\$43,236.07	\$44,425.07	\$45,535.69	\$46,560.25	\$47,538.01
	Weekly	\$671.55	\$700.09	\$728.09	\$755.40	\$781.84	\$807.25	\$831.46	\$854.33	\$875.69	\$895.39	\$914.19
	Hourly	\$16.79	\$17.50	\$18.20	\$18.88	\$19.55	\$20.18	\$20.79	\$21.36	\$21.89	\$22.38	\$22.85
12	Annual	\$37,539.59	\$39,135.03	\$40,700.43	\$42,226.69	\$43,704.63	\$45,125.03	\$46,478.78	\$47,756.95	\$48,950.87	\$50,052.27	\$51,103.36
	Weekly	\$721.92	\$752.60	\$782.70	\$812.05	\$840.47	\$867.79	\$893.82	\$918.40	\$941.36	\$962.54	\$982.76
	Hourly	\$18.05	\$18.81	\$19.57	\$20.30	\$21.01	\$21.69	\$22.35	\$22.96	\$23.53	\$24.06	\$24.57

Introduced by: Councilmember Williams

First Reading: 7/22/96
Second Reading:
Effective:

ORDINANCE NO. 1996-23
Short Title: Pay Scale for Police.

AN ORDINANCE TO:

Establish a pay scale for police officers for FY 97, 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 incorporates a 2% cost-of-living adjustment for FY 1997;

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, 1996 and ending June 30, 1997. This Pay Scale Plan will become effective July 1, 1996, and will remain in effect until amended or repealed by the City Council:

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

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

Adopted this day of , 1996 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

O-96/PYPD

OLICE PAY SCALE FY 97
% COLA

GRADE	STEP % INCR	A ANNUAL STARTING	B ANNUAL 4.25%	C ANNUAL 4.00%	D ANNUAL 3.75%	E ANNUAL 3.50%	F ANNUAL 3.25%	G BIENNIAL 3.00%	H BIENNIAL 2.75%	I BIENNIAL 2.50%	J BIENNIAL 2.25%	K BIENNIAL 2.10%
CADET 6	ANNUAL WEEKLY HOURLY	26,053.42 501.03 12.53										
PRIVATE 7	ANNUAL WEEKLY HOURLY	28,007.43 538.60 13.47	29,197.75 561.50 14.04	30,365.66 583.95 14.60	31,504.37 605.85 15.15	32,607.02 627.06 15.68	33,666.75 647.44 16.19	34,676.75 666.86 16.67	35,630.36 685.20 17.13	36,521.12 702.33 17.56	37,342.85 718.13 17.95	38,127.05 733.21 18.33
PFC 8	ANNUAL WEEKLY HOURLY	30,107.99 579.00 14.47	31,387.58 603.61 15.09	32,643.08 627.75 15.69	33,867.19 651.29 16.28	35,052.55 674.09 16.85	36,191.75 696.00 17.40	37,277.51 716.88 17.92	38,302.64 736.59 18.41	39,260.20 755.00 18.88	40,143.56 771.99 19.30	40,986.57 788.20 19.71
CORPORAL 9	ANNUAL WEEKLY HOURLY	32,366.09 622.42 15.56	33,741.64 648.88 16.22	35,091.31 674.83 16.87	36,407.23 700.14 17.50	37,681.49 724.64 18.12	38,906.14 748.19 18.70	40,073.32 770.64 19.27	41,175.34 791.83 19.80	42,204.72 811.63 20.29	43,154.33 829.89 20.75	44,060.57 847.32 21.18
SERGEANT 10	ANNUAL WEEKLY HOURLY	34,793.54 669.11 16.73	36,272.27 697.54 17.44	37,723.16 725.45 18.14	39,137.78 752.65 18.82	40,507.60 778.99 19.47	41,824.10 804.31 20.11	43,078.82 828.44 20.71	44,263.49 851.22 21.28	45,370.07 872.50 21.81	46,390.90 892.13 22.30	47,365.11 910.87 22.77
LIEUTENANT 12	ANNUAL WEEKLY HOURLY	40,208.29 773.24 19.33	41,917.14 806.10 20.15	43,593.83 838.34 20.96	45,228.59 869.78 21.74	46,811.59 900.22 22.51	48,332.97 929.48 23.24	49,782.96 957.30 23.93	51,151.99 983.69 24.59	52,430.79 1008.28 25.21	53,610.48 1030.97 25.77	54,736.30 1052.62 26.32

Introduced by: Councilmember Chavez

1st Reading: 7/22/96
2nd Reading:
Effective:

ORDINANCE NO. 1996-24

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO:

(a) Change the Executive Pay Plan to provide for a 2% adjustment to the Pay Plan for FY 97.

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, 1996:

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 = [36,508 - 40,616]	37,238 - 41,428
	2nd Quartile = [40,617 - 44,723]	41,429 - 45,618
	3rd Quartile = [44,724 - 48,831]	45,619 - 49,807
	4th Quartile = [48,832 - 52,938]	49,808 - 53,997
Executive 2:	1st Quartile = [39,247 - 43,662]	40,032 - 44,536
	2nd Quartile = [43,663 - 48,078]	44,537 - 49,039
	3rd Quartile = [48,079 - 52,493]	49,040 - 53,543
	4th Quartile = [52,494 - 56,908]	53,544 - 58,046
Executive 3:	1st Quartile = [42,191 - 46,938]	43,035 - 47,877
	2nd Quartile = [46,939 - 51,685]	47,878 - 52,719
	3rd Quartile = [51,686 - 56,431]	52,720 - 57,560
	4th Quartile = [56,432 - 61,178]	57,561 - 62,402
Executive 4:	1st Quartile = [45,355 - 50,458]	46,262 - 51,467
	2nd Quartile = [50,459 - 55,560]	51,468 - 56,671
	3rd Quartile = [55,561 - 60,663]	56,672 - 61,876
	4th Quartile = [60,664 - 65,765]	61,876 - 67,080

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).

Adopted this day of , 1996 to take effect July 1, 1996.

AYE:

NAY:

ABSTAINED:

ABSENT:

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

Introduced by: Mayor Sharp

First Reading: 7/29/96
Second Reading:

ORDINANCE NO. 1996-25

An ordinance amending City Code to allow for a change in the Takoma/Langley Crossroads Development Authority Board of Directors ex officio members.

WHEREAS, with the unification of the City of Takoma Park within Montgomery County, Montgomery County should be represented on The Takoma/Langley Board of Directors as ex officio; AND

WHEREAS, the Prince George's County representative would continue as an ex officio member of the Board of Directors, to serve the best interests of the community regardless of jurisdictional boundaries, AND;

WHEREAS, the Takoma/Langley Crossroads Development Authority met on May 9, 1996 and November 14, 1996, and at both meetings a majority of the voting members present voted approval of this change to the Crossroads Development Authority By-Laws.

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

SECTION 1. THAT Section 4A.1.8(e) be amended to add: "(5) A representative of Montgomery County designated by the County Executive."

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this ____ day of _____ 1996, by Roll Call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

STAFF NOTE: Ordinance will not be considered at second reading until November 18, 1996, following ratification of the amendment to The Takoma/Langley Crossroads Development Authority By-laws by the Board of Directors.

CITY OF TAKOMA PARK, MARYLAND

(FINAL 9/5/96)

**SPECIAL SESSION AND WORKSESSION
OF THE CITY COUNCIL**

Monday, July 29, 1996

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Deputy City Administrator Grimmer

Assistant City Administrator Hobbs

City Clerk Sartoph

Community Development Coordinator Sickle

OFFICIALS ABSENT:

Councilmember Davenport

Councilmember Elrich

MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that Councilmembers Davenport and Elrich are on vacation and will not be in attendance this evening.

SPECIAL SESSION

#1 2nd Reading Ordinance re: Employee Pay Plan. Mr. Sharp explained the ordinance. Moved by Williams; seconded by Chavez.

The Ordinance was adopted unanimously, amending the pay scale for employees for FY97, tied to the position classification schedule as adopted by Ordinance #1986-53, amended to include a 2% cost-of-living adjustment for FY97 (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

ORDINANCE #1996-22

(Attached)

#2 2nd Reading Ordinance re: Police Pay Plan. Mr. Sharp explained the ordinance. Moved by Williams; seconded by Rubin.

The Ordinance was adopted unanimously, establishing a pay scale for police officers for FY97, tied to the position classification schedule as adopted by Ordinance #1986-53, and incorporating a 2% cost-of-living adjustment for FY97 (negotiated as part of the contract with Local 400 of the United Food and Commercial Workers Union) (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

ORDINANCE #1996-23
(Attached)

#3 2nd Reading Ordinance re: Executive Pay Plan. Mr. Sharp explained the ordinance. Moved by Rubin; seconded by Chavez.

The Ordinance was adopted unanimously, changing the Executive Pay Plan to provide for a 2% adjustment to the Pay Plan for FY97 (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

ORDINANCE #1996-24
(Attached)

#4 1st Reading Ordinance re: Takoma/Langley Crossroads Development Authority, Inc. (CDA) Board of Directors. City Administrator Habada explained that last week the Council, without having ordinance language before them, voted to accept an ordinance at first reading that would amend the City Code to allow for a change in the CDA Board of Directors ex officio members. Moved by Chavez; seconded by Porter.

Mr. Sharp recalled that the CDA Board of Directors is considering an amendment to their by-laws that would add a Montgomery County representative and enable a representative from Prince George's County to continue serving as an ex officio member on the Board of Directors even after unification in July 1997. Since the CDA was established by City Council ordinance, the CDA is seeking the Council's approval of the by-laws amendment. It is necessary to amend the City Code to allow for the change in membership. He noted that an ordinance has been prepared by staff subsequent to last week's meeting, and that the Council should ratify their first reading vote.

The first reading vote on the Ordinance (7/22/96) was reaffirmed unanimously, to amend the City Code to allow for a change in the Takoma/Langley Crossroads Development Authority Board of Directors ex officio members; second reading will occur after a CDA ratifying vote in November.

ORDINANCE #1996-25
(Attached)

#5 Single Reading Ordinance re: Leaf Vacuums. Mr. Sharp noted the cover memo which

includes information about the bids. Moved by Porter; seconded by Chavez.

Councilmember Porter asked why two different leaf vacuums are needed.

Ms. Habada said that one is a pull-behind, and the other is a side vacuum. Public Works wants to have two different types of vacuums to better deal with leaf collection next year.

Councilmember Williams questioned if the two bids had been combined would there have been a savings. He suggested staff consider this for future bids.

The Single Reading Ordinance was adopted unanimously, authorizing purchase of two leaf vacuums for Public Works Department--Model No. TARCO TTL3-16 from S.M. Christhilf in the amount of \$12,500, and Model No. LCT600 from Old Dominion Brush (O.D.B.) in the amount of \$13,595--the total (i.e., \$26,095) to be charged to Capital Expenditures Account 9100-8003. (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich)

ORDINANCE #1996-26

(Attached)

#6 Single Reading Ordinance re: Sand/Salt Spreaders and Dump Trucks: Moved by Williams; seconded by Porter. Mr. Williams asked whether the two vendors had bid on the same truck, noting the \$5,500 difference.

Public Works Team Leader Braithwaite responded that the bids were for identical trucks.

Ms. Porter noted that for the previous agenda item, the two leaf vacuums were purchased from different vendors, but that only one vendor is being recommended as the source for both items (i.e., truck and salt spreader) in this case.

Ms. Braithwaite explained that there have been problems in the past with purchasing the truck and spreaders separately, because the spreaders have to be assembled onto the truck and the hydraulic system has to be worked out. By purchasing the truck and spreader from the same vendor, the truck will be delivered with the spreader already attached and operational.

The Single Reading Ordinance was adopted unanimously, authorizing the purchase of two 1997 Stake Body Dump Trucks and two Salt Spreaders--two Stake Body Dump Trucks in the amount of \$42,152, and two Bed Mounted Salt Spreaders in the amount of \$6,990, from Sheehy Ford of Springfield--the \$42,152 to be charged to Capital Expenditures Account 9100-8003 and \$6,990 to be charged to Capital Expenditure Account 9100-8000. (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

ORDINANCE #1996-27

(Attached)

7. 2nd Reading Ordinance re: Speed Humps--Longbranch/Sligo Neighborhood Association.

Rolfe Hubbe, Garland Avenue, said that on April 24, residents from the block of Garland, between Jackson and Minter, submitted a petition in opposition to the speed humps proposed for this block. He quoted from the staff memorandum presented at last week's meeting regarding the Speed Hump Guidelines and how there is no process of handling opposition petitions. He remarked that the "right to petition" has been abridged since the petition has only been accepted and acknowledged, but no action has been taken. He commented that the Constitution states that a petition is an opportunity for persons to express grievance to government, and that it should not simply be an administrative matter. Mr. Hubbe further testified that the overall percentage of signatures gathered on neighboring should not be imposed on his individual block. He urged the Council to adhere to its reputation for fairness and to table the speed hump proposal until the effectiveness of other traffic control devices can be explored.

Patty Garrett, Garland Avenue, remarked that she sees no reason why residents need to use the near middle of the street for walking and jogging. She stated that she has not witnessed the mass entrance or exodus of motorists described by some of her neighbors. She agreed that Flower Avenue has a problem that is exacerbated by the narrow street and sharp curves. Ms. Garrett commented that while there is a lot of reference to the partial traffic study conducted in 1992, there is no documentation of the study, only the conflicting views of persons who were on the traffic committee at that time. She described a recent incident where a member of the Traffic Committee approached a neighbor who did not want to sign the petition, and who was told that she just caused the death of a child by refusing to sign the petition.

Laurie Lester, Co-Chair, Traffic Committee, noted that Ann Riley is out of town this evening attending a family reunion. She said that speaking as a co-Chair, the traffic proposal was worked on, in its totality, as a neighborhood plan. She commented that it is her understanding that there is an even split (opposed/favorable) in the block of Garland between Jackson and Minter. Ms. Lester expressed her strong support for the speed humps, adding that she would like to be sure that she has done everything to ensure the safety of children and others in the community.

Doug Tursman, President, Longbranch-Sligo Neighborhood Association, remarked that the 1992 study was a traffic count study. Approximately 600 cars a day use Flower Avenue during rush hours. These cars were largely cut-through vehicles. He stated that while no one is arguing the traffic problems on Flower Avenue, addressing the problems on this street alone will divert traffic to Garland, Trescott and Central Avenues. This is the reason speed humps are proposed on all neighborhood streets. Mr. Tursman noted that Garland and Central do not have sidewalks. In lieu of getting sidewalks which might take 5-10 years, speed humps seem to be better than

nothing. He commented that there were two community meetings regarding the proposal, and that it was largely supported.

Wanda Glitz, Garland Avenue, commented that she has been involved on the Traffic Committee since its inception in 1992, noting that there was overwhelming support for the speed humps several years ago. The committee dissolved because practically every plan that was submitted was not feasible according to Mr. Hubbe. He refused to acknowledge that there were such dangers and "nay-sayed" all proposals that were put on the table. Ms. Glitz stated that over the last five years, the demographics have changed. There are more children, families, and couples. She said that she understands the inconveniences caused by speed humps--inconveniences which everyone will have to share--but that she does not see the balance between the safety of children and avoidance of these inconveniences. She commented that she is sorry there is dissent, but that there is always dissent and the voice of opposition in this case should not override the concerns of people who have worked very hard on this issue.

Debbie Easterly, past President, Longbranch-Sligo Neighborhood Association, thanked Ms. Lester and Ms. Riley for having taken on this project last fall. She commented on their work to create a neighborhood proposal which would solve problems for the entire neighborhood. She said that when the Association held its final meeting to discuss the proposal, in May, the majority of the persons in attendance voted for the plan as a neighborhood proposal. She remarked that she can understand why some people are opposed to the speed humps, but reminded them that all neighborhood residents use their streets. Ms. Easterly said that the traffic speeding in and out of the neighborhood on the upper portion of Garland needs to be addressed. She commented on the recent Washington Post magazine article reporting the rudeness of motorists in the metro area, and added that we cannot depend on these attitudes to change. She emphasized the importance of keeping the proposal intact.

Ray Messick, 7224 Garland Avenue, noted that he has lived at his residence for 24 years during which time he has raised five children. He said that his biggest concern is that the Police Department has done nothing to enforce speed on Garland, and that this approach should be tried before installing speed humps. He commented that motorists do not pay attention to the stop sign at Garland and Jackson. Mr. Messick questioned how the City can justify spending money on speed humps when there are streets throughout the City that are crumbling and breaking up. He suggested that police radar would be an effective means to slow traffic in the neighborhood.

Russ Greenburg, Flower Avenue, commented on the consensus that there is a traffic problem on Flower which will be even worse when Sligo Creek Parkway is reopened. He said that everyone seems to agree that upper Flower needs to have speed humps, and remarked that he does not believe radar will impact the traffic problems in the neighborhood. He stated that residents make the best of narrow streets which lack sidewalks in some cases, and that they do not intentionally walk down the middle of streets. Mr. Greenburg urged the Council to accept the traffic proposal in its totality. It is a neighborhood proposal which is meant to holistically address the problems.

Darcie Kahall, Central Avenue (member Traffic Committee), said that the proposal is the culmination of efforts over many years. It is a representative plan that has 70+% of the neighborhood's support. She stated that she would hate to see it defeated by the opposition. She remarked that the neighborhood has changed over the years, and that there are new challenges to be addressed (e.g. more people at home, heavier volume of traffic, etc.).

Larry Barts, 7225 Garland, strongly supported the speed humps. He said that he walks very cautiously in the street, but that it is nerve racking. He remarked that even playing in the front yard can be scary. Mr. Barts concluded that the one speed hump proposed for the block where the opposition resides should not cause them an inconvenience.

Eric Shafer, Garland Avenue, favored the speed humps. He remarked that clearly something has to be done on Flower, and that any remedy for Flower will divert traffic into the rest of the neighborhood. If the speed hump is not put on the last block of Garland (i.e. between Minter and Jackson) motorists will speed up for the last block as they are coming down the hill.

Sally Mulhern, 7233 Garland, expressed opposition to the proposal. She said that she has not observed anything more than an occasional speeding vehicle, and that she does not see this as a problem. She asked the Council to consider other traffic devices like signs and sidewalks.

Rick Mulheir, Flower Avenue, stated that when he drives through a neighborhood where there are speed humps, he feels like the residents there have exercised their right to do something about the traffic and does not consider this an inconvenience. He expressed his strong support for the speed humps, adding that time has come to do something.

Mr. Rolfe Hubbe referred to an earlier testimony in which he felt he was characterized as an obstructionist on the early Traffic Committee. He said that there were several options which he did favor (i.e. narrowing streets, implementing one-way streets), but that the evidence now (people in opposition) reveals that he represented his area well. He remarked that he hopes the earlier speaker can apologize for her comments, because her statement was not true. He said that he believes these kinds of hard feelings are playing a large part in the debate.

Councilmember Rubin said that he respects the time, concern, and passion that Mr. Hubbe has invested in this matter, and that he wants to assure those persons who are against the speed hump requests that they have been heard and their petition has been taken into consideration. He noted that it takes 2/3 of people signing the petition "in favor" to bring the matter before the Council, but that the opposition needs only 1/3+ to render a petition effort unsuccessful. The residents opposed to a speed hump have twice the voice of the persons who are in favor. He commented that the question "2/3 of what" is raised every time there is a speed hump. People who live a ways away from the proposed speed hump(s) want to be consulted since they will either have to go over the hump or experience other impacts (i.e., diverted traffic). In most situations, people who live directly in front of the proposed location for the speed hump want more say in the

matter--"determining say." And the question is raised "should they have more say than a neighbor." Mr. Rubin remarked that the truth of the matter is that the street in front of a resident's house is public right-of-way. Through years of discussion, parameters have been established about how people participate in the "say" about whether a speed hump is installed. People who are against speed humps have extra power (requires only 1/3+ opposition), and in this case, people against the request have been heard many times. But it cannot just be the people living directly where the speed hump is proposed who have say in this matter.

Mr. Williams noted that the speed hump requests are part of a neighborhood traffic proposal, and commented on the importance of this approach, referring to the staged approach planning that was done for Manor Circle. Efforts to correct traffic problems on Manor Circle have snowballed as new groups of people from neighboring areas are getting involved. He expressed his support for the comprehensive approach, adding that he has seen the dangers of not handling traffic concerns in the context of a neighborhood plan that anticipates and addresses reactions to and concerns about first steps.

Ms. Porter said that the petition in opposition was taken into account with the rest of the information provided to Council. The Council has heard the opposing remarks, but does not agree with the alternative solution (i.e., eliminate block of Garland between Jackson and Minter from proposal). She noted that the Council is scheduled to have a discussion regarding new sidewalk construction later this evening, and that she believes this neighborhood is a good area to discuss sidewalks. She said she is not sure what other immediate solution exists. People cannot always get off of the road and stand in neighbors' yards to avoid traffic, nor should they serve as traffic deterrents when walking down street. Traffic has increased in the neighborhood over the years. One of the advantages of this plan is not pushing the problem from one street to another, since it is not a piecemeal approach. She complimented the residents on their effort to address the problem as a neighborhood issue by proposing a neighborhood solution.

Mr. Chavez noted that the Council has heard from both parties--pro and con--but that the Council needs to consider the safety of the neighborhood. He supported the ordinance.

Mr. Sharp responded to Ray Messick's comments about justifying spending money on speed humps versus other things. He commented that none of the Councilmembers live in the Longbranch-Sligo neighborhood, and consequently, do not have a vested interest in the speed humps, in terms of how they will effect the Councilmembers. He explained that the Council is responding to the desires of people who have come to the City for a solution, and that the decision made by the Council will have come from the "grass roots." Mr. Sharp said that with regard to the amount of money spent on street rehab, approximately \$300,000 is budgeted each year and the Council is exploring additional resources. He stated that the Council will be continuing the discussion street rehab funding in September.

Mr. Sharp noted the amendment proposed by Mr. Elrich to the ordinance presented last week,

i.e., inclusion of upper Flower without verified petition. He said that he believes it is wrong to short circuit the petition process, and that he does not agree with this amendment. Citizen initiative needs to be preserved in the process. He commented that he thinks the amendment was a mistake, and that the residents in that neighborhood should have been given a chance to get the petition together.

Mr. Messick commented that if sidewalks are being considered for Garland Avenue, then the matter of speed humps should be tabled until a decision is made regarding sidewalks for the street. If there were sidewalks, there would be a place for people to walk and play. He said that he does not agree with arbitrarily deciding that speed humps will solve the problem.

Ms. Porter urged Mr. Messick to stay around for the sidewalk discussion, adding that the Council is a long way from making a decision regarding sidewalks. Sidewalks are long-term solutions; a short-term solution is needed for the neighborhood.

Ms. Easterly said that at no time, during the discussion of the traffic proposal, were sidewalks a trade-off for speed humps, but emphasized that the neighborhood does need sidewalks. She commented that if the Council thought the residents had problems agreeing on the traffic proposal, just wait until sidewalks are the topic of discussion.

Larry Corsick, Garland Avenue, noted that school buses fly up and down the street. He said that he has reported this to the police.

Lou Daniel 7204 Garland Avenue, supported the speed humps and sidewalks. He said that there is a failure to communicate among members of the community, and that this is a shame. In the long run, the speed humps will benefit the entire neighborhood, because they will lend to a safer neighborhood.

Jim Roberts, 7310 Flower Avenue, stated that he is aware of the disagreement between residents over this matter, but that he does not think of Mr. Hubbe as being an obstructionist. He is not always agreeable, but he is not an obstructionist.

Mr. Hubbe thanked Mr. Rubin for his considerate remarks.

Mr. Sharp said that a petition in opposition to a speed hump request should be accepted, and that there is no reason they cannot be taken into account.

Ms. Lester responded to the concern about upper Flower Avenue not having opportunity to participate in the petition process. Residents on Chaney were aware of the traffic proposal, and there were efforts underway to petition Chaney Drive last week simultaneous with the Council meeting. One resident was able to get 12 people in one building to sign the petition; only 2 were against the proposal.

Mr. Rubin explained that he abstained from the vote last week because of his concern about the lack of petitioning on Chaney Drive. He said he felt these residents needed the opportunity to provide input, and that he would like to have seen the Council vote on everything but upper Flower; giving extra time for the petitioning of Chaney. The Council could later reconsider the speed hump request for upper Flower. He remarked that Ms. Porter has done a good job advocating for the traffic proposal, and has taken time to explain to him that the people who drew-up the proposal have done a good job. He commented that up until a moment ago he wanted to again abstain from voting to avoid setting a precedent, but that after Ms. Lester's remarks about the effort made to petition Chaney Drive he is convinced otherwise.

The Ordinance was adopted unanimously, approving the request for installation of speed humps on Garland, Trescott, Central and Flower Avenue according to the Longbranch-Sligo Neighborhood Traffic Proposal (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**ORDINANCE #1996-20
(Attached)**

#8 2nd Reading Ordinance re: Ritchie Avenue Speed Humps. Moved by Williams; seconded by Porter.

Clarence Boatman, 33 Ritchie Avenue, supported the proposal, adding that he is here to represent the residents of Ritchie Avenue.

Ms. Porter asked whether the neighborhood, as a whole, has discussed the speed humps. Mr. Boatman said that 75% of residents support the request.

Ms. Porter asked whether residents on intersecting streets were included in the discussions. Mr. Boatman responded that most of the people on the street are in favor of the speed humps.

The Ordinance was adopted unanimously, approving the request for installation of speed humps on Ritchie Avenue (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**ORDINANCE #1996-21
(Attached)**

#9 Single Reading Ordinance re: Ritchie Avenue Improvements. Mr. Sharp explained the ordinance. Moved by Porter; seconded by Williams.

Ms. Porter said that it makes her uneasy that the low bid was considerably lower than the others. She asked whether Public Works is comfortable with the low bid.

Ms. Habada responded that the lower bid was received from NZI Construction, the vendor the City currently has an indefinite quantities contract with. NZI Construction has been very good with their prices, and staff is confident with the work they have done.

Mr. Sharp noted that the NZI bid is \$18,000 lower than the next lowest bid.

Ms. Porter stated that she does not want us to get in the situation where the lowest bidding vendor cannot handle the work within the estimate.

Clarence Boatman 33 Ritchie Avenue, remarked that a question was raised about the cut-off of the sidewalk at two lots, and questioned how this will be addressed.

Ms. Habada said that sidewalks on these lots cannot be addressed until there is an owner with whom the City can discuss getting permission to install sidewalks. There is a legal question regarding whether or not the City can go ahead without getting permission from the property owners.

Mr. Boatman confirmed that there is an indefinite time frame for resolution with these properties.

The Single Reading Ordinance was adopted unanimously, awarding a construction contract for the Ritchie Avenue Improvement Project to NZI Construction in the amount of \$55,965.74, to be charged to the Special Revenue Fund, Community Development Block Grant as follows: account 0010-6836 (\$37,000.00) and account 0010-6141 (\$29,400.00) (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**ORDINANCE #1996-28
(Attached)**

#10 Single Reading Ordinance re: Routes 410 and 650 Intersection Improvements and Takoma/Langley Streetscape Improvements, Phase III. Ms. Habada noted that for one account \$12,000 is reprogrammed monies from the Takoma Park Street Improvement Project that we need to ask the County to reprogram to the Takoma/Langley project.

Moved by Chavez; seconded by Porter.

Ms. Porter commented on the variation among the bids, and requested more information on the scope of work for the two projects.

Community Development Coordinator Sickle responded that the Takoma/Langley improvements address some safety issues at the intersection--i.e., installation of (1) a railing at the top of the embankment, an area people use to cut down and over and (2) some sidewalk, and (3) grading and replacement around the area where the sign is located. The 410/650 project includes

reconstruction of the traffic island and possibly some additional sidewalks.

The Single Reading Ordinance was adopted unanimously, awarding a construction contract to NZI Construction in the amount of \$144,785.90, for (1) Routes 410 and 650 Intersection Improvements and (2) Takoma/Langley Streetscape Improvements, Phase III, to be charged to the Special Revenue Fund, Community Development Block Grant as follows: account 0010-6837 (\$37,680.00) and account 0010-6815 (\$107,106.00) (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

ORDINANCE #1996-29
(Attached)

#11. Resolution re: Poplar Mills Subdivision Plan. Community Planner Schwartz noted that Mr. Marts has drawn-up a plan which was not available in time for the package, and that staff has not had time to review and respond to.

Mr. Sharp clarified that the resolution before the Council addresses certain requirements regarding elements that need to be in the plan. He asked how the resolution being considered by the Council this evening would effect the developer's plan.

Ms. Schwartz responded that the plan being presented by Mr. Marts this evening shows a bulb with a 46 ft ROW. It provides the same amount of pavement as there would be with a 50 ft bulb, but the unpaved ROW extension is shortened. She reiterated that staff has not taken a position on the recent plan.

Mr. Williams moved the resolution as written (seconded by Porter). Mr. Sharp noted that there is a proposal by the developer to change the first paragraph under the Resolved Clause.

Mr. Williams said that he was comfortable with the consensus reached last week, and that he does not want the Council to be presented with changes at the last minute. He remarked that he does not want to keep going through this process.

Ms. Porter expressed her concern that the recent plan was not provided in time for staff to provide input.

Ms. Schwartz noted that several staff members have been involved in discussions about this subdivision, and that there was not sufficient time for staff to discuss the latest plan.

Mr. Sharp asked whether the Council could change the resolution at a later date.

Ms. Schwartz stated that conceivably, the Council could take action on September 3, but that the County will take into consideration any action the Council takes this evening.

Mr. Rubin asked for her suggestion. Ms. Schwartz said that the resolution could just address the pavement diameter and not the right-of-way extension, adding that if the resolution is passed tonight, as is, these are the terms the County will hold applicant to when he submits plans.

Mr. Rubin questioned why the plan was changed at this late date. Mr. Marts responded that they could not fit the 50 ft ROW, and explained the impact on the flood plain.

Mr. Williams recalled that one important thing for the Council last week, in terms of the radius of the bulb, was trucks being able to turn around.

Mr. Sharp said he is not in a position tonight to discuss a change to this resolution, especially since there was not time for staff to make a recommendation and not all of the Council is present for the discussion. He asked whether there is some way to convey to the County staff that the Council might be willing to reconsider the 50 ft bulb requirement, in September.

Ms. Schwartz suggested that this be added in another Resolved clause. Ms. Habada said this can be stated in the transmittal letter.

Ms. Porter remarked that the Council should pass the resolution as is, and note in a letter that the Council was presented with a new proposal at the last minute which could not be considered. The Council reached consensus on this proposal.

The Resolution was adopted unanimously, recommending street standards for Poplar Mill Preliminary Subdivision Plan (4-96028) (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**RESOLUTION #1996-47
(Attached)**

CONSENT AGENDA

Moved by Porter; seconded by Rubin. The following items were adopted unanimously (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

#12 Resolution re: Tax Refunds. The Resolution was adopted unanimously, adopting property tax refund regulations and refund claim form.

**RESOLUTION #1996-48
(Attached)**

#13 Resolution re: City Council's 1996 Summer Recess. The Resolution was adopted unanimously, setting forth the City Council's Summer 1996 Recess from July 30, 1996, through

September 2, 1996.

**RESOLUTION #1996-49
(Attached)**

#14 Council Meeting Minutes from 5/28, 6/3, 6/10 and 6/17 were adopted unanimously.

ADDITIONAL AGENDA ITEMS

#15 Single Reading Ordinance re: Request for Payment of Legal Services. Mr. Sharp explained the ordinance. Moved by Williams; seconded by Porter.

Ms. Porter noted that she had the opportunity to sit in on a meeting regarding this matter, and that it became apparent to her that the City will need further legal assistance on this matter. She suggested that in a case like this, we need to think longer term about the legal fees that will be involved in pursuing this issue.

The Single Reading Ordinance was adopted unanimously, authorizing payment to Paul Madden, of Whiteford, Taylor, Preston Law Firm, for legal services regarding the City's ability to withdraw from the State Retirement system and the City's unfunded pension liability, in the amount of \$1,000 to be charged to 1120-6140, Government Administration, Contracts (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**ORDINANCE #1996-30
(Attached)**

#16 Resolution re: Maryland Industrial and Commercial Redevelopment Fund Loan (MICRF). Mr. Sharp explained that the resolution would extend the loan until March 31, 1997. He noted that the resolution has been discussed with the attorney in the State MICRF Loan Office who agrees that this resolution meets their requirements.

Deputy City Administrator Grimmer remarked that the State requires this action, and that the State's offering of this loan extension is done with the understanding that the City will continue our diligent efforts in regards to collections and repayment. Mr. Sharp agreed.

Mr. Williams asked whether this action also requires approval from the State Board of Public Works. Ms. Grimmer confirmed.

In response to Ms. Porter's query, Ms. Grimmer explained that this action will extend the term of the loan by a year and two months (14 mos).

The Resolution was adopted unanimously, accepting the revised terms of the Maryland Industrial

and Commercial Redevelopment Fund loan (VOTING FOR: Sharp, Chavez, Porter, Rubin, Williams; ABSENT: Davenport, Elrich).

**RESOLUTION #1996-50
(Attached)**

WORKSESSION

The Council adjourned for the evening at 11:03 p.m.

Introduced By: Councilmember Williams

Resolution No. 1996-47

**Resolution Recommending Street Standards
for Poplar Mill Preliminary Subdivision Plan (4-96028)**

WHEREAS, Curt Marts and Roland Staana have submitted an application for a preliminary subdivision plan to the Prince George's County Maryland-National Capital Park and Planning Commission for the property known as Poplar Mills at the southwest corner of New Hampshire Avenue (MD Route 650) and Poplar Avenue, Takoma Park; AND

WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, staff of the Prince George's County Maryland-National Capital Park and Planning Commission (M-NCPPC) has requested that the City provide written confirmation of the street standards that the City recommends for this development to the Prince George's County Planning Board; AND

WHEREAS, the application as submitted has been reviewed by City staff and the City Council; AND

WHEREAS, the applicants intend to submit additional application materials to the M-NCPPC by August 5, which materials will require further review and discussion by City and County staff and the City Council; AND

WHEREAS, the City Council is not taking any position on the Preliminary Subdivision Plan at this time, but plans to do so after supplemental materials are submitted on August 5; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on the street issues;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends the following standards for the street that would serve the proposed development:

- 1) a public street with at least a 42 foot right-of-way and a 26 foot pavement width terminating in a cul-de-sac bulb with a 50 foot radius

- 2) no parking permitted within the 26 foot street pavement width or the paved area of the cul-de-sac bulb
- 3) a sidewalk on the townhouse side of the street
- 4) streetlights (number and type to be determined at Detailed Site Plan)
- 5) conformance with all construction requirements as described in Chapter 11, Article 2 of the Takoma Park City Code.

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

ADOPTED THIS 29TH DAY OF JULY, 1996.

poplrmil.res

Introduced by:
Councilmember Porter

Resolution Date: July 29, 1996

Effective Date: July 1, 1996

RESOLUTION NO. 1996-48

Adopting Property Tax Refund Regulations and Refund Claim Form

WHEREAS, the *Annotated Code of Maryland*, Tax-Property Article § 14-905 provides that a person who submits a written refund claim to the appropriate tax collector for municipal corporation property tax erroneously or mistakenly paid is eligible for a refund of the amount paid that exceeds the amount that is properly and legally chargeable to or collectible from the person; and

WHEREAS, *Annotated Code of Maryland*, Tax-Property Article § 14-914 requires that a tax refund claim be made in writing, under oath, and supported by such documents and information as required by regulations adopted by the governing body of the municipal corporation; and

WHEREAS, although Chapter 2, Administration, Article 5, Administrative Regulations, of the *Takoma Park Code* sets forth an administrative procedure for the adoption of City regulations, the *Annotated Code of Maryland*, Tax-Property Article § 14-914(b) requires the governing body of the municipality to adopt regulations setting forth procedures for claims for refunds of municipal corporation property taxes pursuant to Tax-Property Article § 14-905; and

WHEREAS, the Council wishes to adopt property tax refund regulations and a refund claim form.

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

SECTION 1. The following are adopted as the property tax claim refund regulations for the City of Takoma Park.

Property Tax Refund Regulations

1. **Property tax refund criteria.** In accordance with *Annotated Code of Maryland*, Tax-Property Article § 14-905, a person who submits a written refund claim, pursuant to these regulations, for City property tax erroneously or mistakenly paid is eligible for a refund of the amount paid that exceeds the amount that is properly and legally chargeable to or collectible from the person.

2. **Refund claim form.** Property tax refund claims shall be submitted to the City on the "Refund Claim - Real Property Taxes"

form attached hereto as Exhibit "A" and incorporated herein by reference.

3. Refund claim determinations.

a. Consideration by Tax Collector. A property tax refund claim shall be approved or denied by the Treasurer of the City of Takoma Park.

b. Further information. In considering a property tax refund claim, the Treasurer may request supporting documents and further information from the person submitting the claim. No refund claim shall be considered until all supporting documents and information have been provided.

c. Notice of refund claim determination. The Treasurer shall mail notice of the City's approval or denial of a property tax refund claim to the person submitting the claim. If a property tax refund claim is not allowed and is not denied on or before six months from the date the refund claim is submitted to the City, then the person submitting the refund claim may treat the claim as denied.

d. Payment of refund claims. If a property tax refund claim is approved, the Treasurer shall pay the amount of the refund to the person submitting the claim and shall pay interest on the amount of the refund as required by state law.

e. Appeals. A person who submitted a property tax refund claim to the City may appeal the City's final determination of the property tax refund claim to the Maryland Tax Court, in accordance with the applicable appeal and judicial procedures set forth in Title 14, Subtitle 5 of the *Annotated Code of Maryland*, Tax-Property Article, as amended from time to time.

4. Time for filing. To be eligible for a refund of City property tax paid, a person must submit a tax refund claim on or before three years from the date the property tax is paid.

SECTION 2. This Resolution shall be effective July 1, 1996.

Adopted this 29th day of July, 1996, by roll-call vote as follows:

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

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City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR
TELEPHONE (301) 270-1700
FAX (301) 270-8794



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

REFUND CLAIM - REAL PROPERTY TAXES CITY OF TAKOMA PARK, MARYLAND

TO: Treasurer
City of Takoma Park
7500 Maple Ave
Takoma Park, MD 20912

The undersigned applies for a refund of municipal corporation property tax on the property described below and certifies to the following:

I. Full name and address of the property owner(s):

2. a. Address of the subject property: _____

b. County of subject property: _____

3. a. Tax levy year: _____

b. Tax account number: _____

c. Tax amount paid: _____

d. Date paid: _____

4. *Annotated Code of Maryland*, Tax-Property Article § 14-905 provides that a person who submits a written refund claim to the collector for municipal corporation property tax erroneously or mistakenly paid to the collector is eligible for a refund of the amount that exceeds the amount that is properly and legally chargeable to or collectible from the person. Please set out the reason(s) why you believe that the property tax paid to the City of Takoma Park is illegal, erroneous, or mistakenly paid. Continue on additional pages if necessary.

EXHIBIT

1

I DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS CONTAINED HEREIN HAVE BEEN EXAMINED BY ME, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF ARE TRUE, CORRECT, AND COMPLETE.

Signature of Property Owner _____

Date: _____

Name, Mailing Address, and Telephone (please print or type):

State of Maryland :
County of _____ :

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary Public

My commission expires: _____

Introduced By: Councilmember Porter

RESOLUTION NO. 1996 - 49

SETTING FORTH THE CITY COUNCIL'S SUMMER 1996 RECESS

WHEREAS, in order to accommodate vacation schedules of members of the City Council, a summer recess shall be called; **AND**

WHEREAS, this recess shall commence following adjournment of the Worksession on Monday, July 29, 1996; **AND**

WHEREAS, Monday, September 2, 1996, is Labor Day, and City Offices will be closed in observance of the holiday; **AND**

WHEREAS, the Council will reconvene on Tuesday, September 3, 1996, in Worksession.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its summer recess from July 30, 1996, through September 2, 1996.

Dated this 29th day of July 1996.

Introduced by: Mayor Sharp

RESOLUTION No. 1996-50

Resolution Accepting the revised terms of the Maryland Industrial and Commercial Redevelopment Fund loan

WHEREAS, The City of Takoma Park had previously entered into a loan agreement with the State of Maryland through the Maryland Industrial and Commercial Redevelopment Fund (MICRF) loan program to reloan the loan proceeds to Constructive Alternatives, Inc. for the purchase and rehabilitation of the property known as 6 Grant Avenue and contribute to the revitalization of the Takoma Junction area; AND

WHEREAS, The State of Maryland has agreed to the following modifications in the conditions for repayment as long as the City enforces collection of the reloan proceeds due to the City relating to the subject property;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby accepts the following revised conditions for repayment of this loan:

1. The State of Maryland will allow the City of Takoma Park until March 31, 1997 for total repayment of the loan.
2. The City will continue to make interest only payments on the loan until the property at 6 Grant Avenue, Takoma Park, Maryland is sold and the proceeds received; proceeds from a sale of 6 Grant Avenue will be forwarded to the State of Maryland as soon as the City receives them, and will be applied to repayment of the principal of this loan.
3. In the event there is a shortfall between the principal balance due and the net sale proceeds from the sale of 6 Grant Avenue received by the City, then the City will pay interest monthly on the remaining loan balance, until March 31, 1997, when the remaining principal balance is due to the State of Maryland.
4. The City understands that this revised loan terms are subject to the approval of the Maryland Board of Public Works and also on the City's continued diligent efforts to collect the reloaned funds due to the City from Constructive Alternatives, Inc.

BE IT FURTHER RESOLVED THAT the City Administrator or her designee is hereby authorized and directed to execute any documents with the State of Maryland that may be necessary to accomplish this revised loan agreement.

ADOPTED THIS 29th DAY OF JULY, 1996.

Introduced By: Councilmember Porter

1st Reading: 7/22/96

2nd Reading: 7/29/96

ORDINANCE #1996 - 20
LONGBRANCH/SLIGO SPEED HUMP PETITIONS

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

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

That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following locations:

- (a) Central Avenue (between Jackson and Garland Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator; AND
- (b) Flower Avenue (between Garland and [Jackson] Carroll Avenues, including Cherry Avenue), exact number and location of speed humps shall be at the discretion of the City Administrator.
- (c) Garland Avenue (between Jackson and Flower Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator; AND
- (d) Trescott Avenue (between Jackson and Garland Avenues), exact number and location of speed humps shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

ADOPTED this 29th day of July, 1996.

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

[Bracketed] item denotes deletion
Underlined item denotes addition

Introduced By: Council Member: Marc Elrich

1st Reading: 7 - 22 - 96

2nd Reading: 7 - 29 - 96

Effective: 7 - 29 - 96

ORDINANCE NO. 1996 - 21

AN ORDINANCE REGULATING THE INSTALLATION OF SPEED HUMPS

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

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

That speed hump installations, as defined in Section 13 - 2 (a) (14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following location:

(a) Ritchie Avenue (unit block through the 100 block of Ritchie Avenue), exact location and number, not to exceed five, shall be at the discretion of the City Administrator; and

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this 29th day of July, 1996, by roll call vote as follows:

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAINED: None

ABSENT: Davenport, Elrich

Introduced by: Councilmember Rubin

First Reading: 7/22/96
Second Reading: 7/29/96
Effective: 7/1/96

ORDINANCE NO. 1996-22

Short Title: Pay scale for Employees.

AN ORDINANCE TO: Amend the pay scale for employees for FY 97, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended to include a 2% cost-of-living adjustment for FY 1997.

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, 1996 and ending June 30, 1997. This Pay Scale Plan will become effective July 1, 1996, and will remain in effect until amended or repealed by the City Council:

(a) Recreation Attendant (year around part-time). The pay scale for recreation attendants is as follows:

STEP	A	B	C	D	E	F
	6.20/hour	6.42/hour	6.64/hour	6.88/hour	7.12/hour	7.37/hour
	G	H	I	J	K	
	7.62/hour	7.89/hour	8.17/hour	8.45/hour	8.75/hour	

(b) The pay scale for recreation seasonal and part-time hires is as follows:

CIT (Counselor in Training)	\$4.25/hour
Recreation Aide I	5.00/hour
Recreation Aide II	5.62/hour
Camp Aide	5.30/hour
Camp Leader	6.05/hour
Camp Director	8.00/hour

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

STEP:	A	B	C
	\$10.75/hour	\$11.61/hour	\$12.54/hour

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

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

(1) 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.

(2) Employees represented by the collective bargaining agreement between AFSCME, Local 3399 and the City of Takoma Park will be paid according to the terms of the collective bargaining agreement effective July 1, 1996 when it is adopted. Until such adoption, all such employees will continue to be paid according to the pay plan effective July 1, 1995.

(f) 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 29th day of July, 1996 by roll call vote as follows:

AYES: Sharp, Chavez, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich

FY - 97 EMPLOYEE PAY PLAN (2% COLA)

STEP		A	B	C	D	E	F	G	H	I	J	K
GRADE	STARTING	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
	% Increase	4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	\$16,943.24	\$17,663.33	\$18,369.86	\$19,058.73	\$19,725.79	\$20,366.87	\$20,977.88	\$21,554.77	\$22,093.64	\$22,590.75	\$23,065.15
	Weekly	\$325.83	\$339.68	\$353.27	\$366.51	\$379.34	\$391.67	\$403.42	\$414.51	\$424.88	\$434.44	\$443.56
	Hourly	\$8.15	\$8.49	\$8.83	\$9.16	\$9.48	\$9.79	\$10.09	\$10.36	\$10.62	\$10.86	\$11.09
2	Annual	\$18,213.98	\$18,988.08	\$19,747.60	\$20,488.14	\$21,205.22	\$21,894.39	\$22,551.22	\$23,171.38	\$23,750.67	\$24,285.06	\$24,795.04
	Weekly	\$350.27	\$365.16	\$379.76	\$394.00	\$407.79	\$421.05	\$433.68	\$445.60	\$456.74	\$467.02	\$476.83
	Hourly	\$8.76	\$9.13	\$9.49	\$9.85	\$10.19	\$10.53	\$10.84	\$11.14	\$11.42	\$11.68	\$11.92
3	Annual	\$19,580.03	\$20,412.18	\$21,228.67	\$22,024.75	\$22,795.51	\$23,536.47	\$24,242.56	\$24,909.23	\$25,531.97	\$26,106.43	\$26,654.67
	Weekly	\$376.54	\$392.54	\$408.24	\$423.55	\$438.38	\$452.62	\$466.20	\$479.02	\$491.00	\$502.05	\$512.59
	Hourly	\$9.41	\$9.81	\$10.21	\$10.59	\$10.96	\$11.32	\$11.66	\$11.98	\$12.27	\$12.55	\$12.81
4	Annual	\$21,048.53	\$21,943.10	\$22,820.82	\$23,676.60	\$24,505.28	\$25,301.70	\$26,060.76	\$26,777.43	\$27,446.86	\$28,064.42	\$28,653.77
	Weekly	\$404.78	\$421.98	\$438.86	\$455.32	\$471.26	\$486.57	\$501.17	\$514.95	\$527.82	\$539.70	\$551.03
	Hourly	\$10.12	\$10.55	\$10.97	\$11.38	\$11.78	\$12.16	\$12.53	\$12.87	\$13.20	\$13.49	\$13.78
5	Annual	\$22,627.17	\$23,588.83	\$24,532.38	\$25,452.35	\$26,345.14	\$27,199.33	\$28,015.31	\$28,785.73	\$29,505.38	\$30,169.25	\$30,802.80
	Weekly	\$435.14	\$453.63	\$471.78	\$489.47	\$506.60	\$523.06	\$538.76	\$553.57	\$567.41	\$580.18	\$592.36
	Hourly	\$10.88	\$11.34	\$11.79	\$12.24	\$12.66	\$13.08	\$13.47	\$13.84	\$14.19	\$14.50	\$14.81
6	Annual	\$24,324.21	\$25,357.99	\$26,372.31	\$27,361.27	\$28,318.92	\$29,239.28	\$30,116.46	\$30,944.66	\$31,718.28	\$32,431.94	\$33,113.01
	Weekly	\$467.77	\$487.65	\$507.16	\$526.18	\$544.59	\$562.29	\$579.16	\$595.09	\$609.97	\$623.69	\$636.79
	Hourly	\$11.69	\$12.19	\$12.68	\$13.15	\$13.61	\$14.06	\$14.48	\$14.88	\$15.25	\$15.59	\$15.92
7	Annual	\$26,148.53	\$27,259.84	\$28,350.23	\$29,413.37	\$30,442.84	\$31,432.23	\$32,375.20	\$33,265.51	\$34,097.15	\$34,864.34	\$35,596.49
	Weekly	\$502.86	\$524.23	\$545.20	\$565.64	\$585.44	\$604.47	\$622.60	\$639.72	\$655.71	\$670.47	\$684.55
	Hourly	\$12.57	\$13.11	\$13.63	\$14.14	\$14.64	\$15.11	\$15.56	\$15.99	\$16.39	\$16.76	\$17.11
8	Annual	\$28,109.67	\$29,304.33	\$30,476.50	\$31,619.37	\$32,726.05	\$33,789.65	\$34,803.34	\$35,760.43	\$36,654.44	\$37,479.16	\$38,266.22
	Weekly	\$540.57	\$563.54	\$586.09	\$608.06	\$629.35	\$649.80	\$669.29	\$687.70	\$704.89	\$720.75	\$735.89
	Hourly	\$13.51	\$14.09	\$14.65	\$15.20	\$15.73	\$16.25	\$16.73	\$17.19	\$17.62	\$18.02	\$18.40
9	Annual	\$30,217.89	\$31,502.15	\$32,762.24	\$33,990.82	\$35,180.50	\$36,323.87	\$37,413.59	\$38,442.46	\$39,403.52	\$40,290.10	\$41,136.19
	Weekly	\$581.11	\$605.81	\$630.04	\$653.67	\$676.55	\$698.54	\$719.49	\$739.28	\$757.76	\$774.81	\$791.08
	Hourly	\$14.53	\$15.15	\$15.75	\$16.34	\$16.91	\$17.46	\$17.99	\$18.48	\$18.94	\$19.37	\$19.78
10	Annual	\$32,484.24	\$33,864.82	\$35,219.41	\$36,540.14	\$37,819.04	\$39,048.16	\$40,219.60	\$41,325.64	\$42,358.78	\$43,311.86	\$44,221.41
	Weekly	\$624.70	\$651.25	\$677.30	\$702.69	\$727.29	\$750.93	\$773.45	\$794.72	\$814.59	\$832.92	\$850.41
	Hourly	\$15.62	\$16.28	\$16.93	\$17.57	\$18.18	\$18.77	\$19.34	\$19.87	\$20.36	\$20.82	\$21.26
11	Annual	\$34,920.55	\$36,404.68	\$37,860.86	\$39,280.65	\$40,655.47	\$41,976.77	\$43,236.07	\$44,425.07	\$45,535.69	\$46,560.25	\$47,538.01
	Weekly	\$671.55	\$700.09	\$728.09	\$755.40	\$781.84	\$807.25	\$831.46	\$854.33	\$875.69	\$895.39	\$914.19
	Hourly	\$16.79	\$17.50	\$18.20	\$18.88	\$19.55	\$20.18	\$20.79	\$21.36	\$21.89	\$22.38	\$22.85
12	Annual	\$37,539.59	\$39,135.03	\$40,700.43	\$42,226.69	\$43,704.63	\$45,125.03	\$46,478.78	\$47,756.95	\$48,950.87	\$50,052.27	\$51,103.36
	Weekly	\$721.92	\$752.60	\$782.70	\$812.05	\$840.47	\$867.79	\$893.82	\$918.40	\$941.36	\$962.54	\$982.76
	Hourly	\$18.05	\$18.81	\$19.57	\$20.30	\$21.01	\$21.69	\$22.35	\$22.96	\$23.53	\$24.06	\$24.57

Introduced by: Councilmember Williams

First Reading: 7/22/96
Second Reading: 7/29/96
Effective: 7/1/96

ORDINANCE NO. 1996-23
Short Title: Pay Scale for Police.

AN ORDINANCE TO:

Establish a pay scale for police officers for FY 97, 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 incorporates a 2% cost-of-living adjustment for FY 1997;

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, 1996 and ending June 30, 1997. This Pay Scale Plan will become effective July 1, 1996, 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 29th day of July, 1996 by roll call vote as follows:

AYES: Sharp, Chavez, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich

O-97/PYPD

ICE PAY SCALE FY 97
COLA

GRADE	STEP	A	B	C	D	E	F	G	H	I	J	K
	% INCR	ANNUAL STARTING	ANNUAL 4.25%	ANNUAL 4.00%	ANNUAL 3.75%	ANNUAL 3.50%	ANNUAL 3.25%	BIENNIAL 3.00%	BIENNIAL 2.75%	BIENNIAL 2.50%	BIENNIAL 2.25%	BIENNIAL 2.10%
DET	ANNUAL	26,053.42										
	WEEKLY	501.03										
	HOURLY	12.53										
PRIVATE	ANNUAL	28,007.43	29,197.75	30,365.66	31,504.37	32,607.02	33,666.75	34,676.75	35,630.36	36,521.12	37,342.85	38,127.05
	WEEKLY	538.60	561.50	583.95	605.85	627.06	647.44	666.86	685.20	702.33	718.13	733.21
	HOURLY	13.47	14.04	14.60	15.15	15.68	16.19	16.67	17.13	17.56	17.95	18.33
	ANNUAL	30,107.99	31,387.58	32,643.08	33,867.19	35,052.55	36,191.75	37,277.51	38,302.64	39,260.20	40,143.56	40,986.57
	WEEKLY	579.00	603.61	627.75	651.29	674.09	696.00	716.88	736.59	755.00	771.99	788.20
	HOURLY	14.47	15.09	15.69	16.28	16.85	17.40	17.92	18.41	18.88	19.30	19.71
SERGEANT	ANNUAL	32,366.09	33,741.64	35,091.31	36,407.23	37,681.49	38,906.14	40,073.32	41,175.34	42,204.72	43,154.33	44,060.57
	WEEKLY	622.42	648.88	674.83	700.14	724.64	748.19	770.64	791.83	811.63	829.89	847.32
	HOURLY	15.56	16.22	16.87	17.50	18.12	18.70	19.27	19.80	20.29	20.75	21.18
CAPTAIN	ANNUAL	34,793.54	36,272.27	37,723.16	39,137.78	40,507.60	41,824.10	43,078.82	44,263.49	45,370.07	46,390.90	47,365.11
	WEEKLY	669.11	697.54	725.45	752.65	778.99	804.31	828.44	851.22	872.50	892.13	910.87
	HOURLY	16.73	17.44	18.14	18.82	19.47	20.11	20.71	21.28	21.81	22.30	22.77
SERGEANT	ANNUAL	40,208.29	41,917.14	43,593.83	45,228.59	46,811.59	48,332.97	49,782.96	51,151.99	52,430.79	53,610.48	54,736.30
	WEEKLY	773.24	806.10	838.34	869.78	900.22	923.48	957.36	983.69	1008.28	1030.97	1052.62
	HOURLY	19.33	20.15	20.96	21.74	22.51	23.24	23.93	24.59	25.21	25.77	26.32

Introduced by: Councilmember Chavez

1st Reading: 7/22/96
2nd Reading: 7/29/96
Effective: 7/1/96

ORDINANCE NO. 1996-24

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO:

(a) Change the Executive Pay Plan to provide for a 2% adjustment to the Pay Plan for FY 97.

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, 1996:

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 = [36,508 - 40,616]	37,238 - 41,428
	2nd Quartile = [40,617 - 44,723]	41,429 - 45,618
	3rd Quartile = [44,724 - 48,831]	45,619 - 49,807
	4th Quartile = [48,832 - 52,938]	49,808 - 53,997
Executive 2:	1st Quartile = [39,247 - 43,662]	40,032 - 44,536
	2nd Quartile = [43,663 - 48,078]	44,537 - 49,039
	3rd Quartile = [48,079 - 52,493]	49,040 - 53,543
	4th Quartile = [52,494 - 56,908]	53,544 - 58,046
Executive 3:	1st Quartile = [42,191 - 46,938]	43,035 - 47,877
	2nd Quartile = [46,939 - 51,685]	47,878 - 52,719
	3rd Quartile = [51,686 - 56,431]	52,720 - 57,560
	4th Quartile = [56,432 - 61,178]	57,561 - 62,402
Executive 4:	1st Quartile = [45,355 - 50,458]	46,262 - 51,467
	2nd Quartile = [50,459 - 55,560]	51,468 - 56,671
	3rd Quartile = [55,561 - 60,663]	56,672 - 61,876
	4th Quartile = [60,664 - 65,765]	61,876 - 67,080

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).

Adopted this 29th day of July, 1996 to take effect July 1, 1996.

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAINED: None

ABSENT: Davenport, Elrich

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

Introduced by: Mayor Sharp

First Reading: 7/29/96

Second Reading:

ORDINANCE NO. 1996-25

An ordinance amending City Code to allow for a change in the Takoma/Langley Crossroads Development Authority Board of Directors ex officio members.

WHEREAS, with the unification of the City of Takoma Park within Montgomery County, Montgomery County should be represented on The Takoma/Langley Board of Directors as ex officio; AND

WHEREAS, the Prince George's County representative would continue as an ex officio member of the Board of Directors, to serve the best interests of the community regardless of jurisdictional boundaries, AND;

WHEREAS, the Takoma/Langley Crossroads Development Authority met on May 9, 1996 and November 14, 1996, and at both meetings a majority of the voting members present voted approval of this change to the Crossroads Development Authority By-Laws.

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

SECTION 1. THAT Section 4A.1.8(e) be amended to add: "(5) A representative of Montgomery County designated by the County Executive."

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this ____ day of _____ 1996, by Roll Call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

STAFF NOTE: Ordinance will not be considered at second reading until November 18, 1996, following ratification of the amendment to The Takoma/Langley Crossroads Development Authority By-laws by the Board of Directors.

Introduced by: Councilmember Porter

Single Reading: 7/29/96

Ordinance No. 1996-26
PURCHASE OF TWO(2) LEAF VACUUMS
FOR PUBLIC WORKS DEPARTMENT

WHEREAS, the FY97 Capital Budget allotted \$38,000 for the purchase of two (2) replacement Leaf Vacuums for the Public Works Streets Department; AND

WHEREAS, in accordance with City procurement procedures a request for proposals was advertised in the Washington Post on July 21, 1996 and mailed to three (3) interested vendors and manufacturers of this equipment; AND

WHEREAS, bids were received and publicly opened at 10:00 a.m., July 26, 1996 with two (2) proposals being received; AND

WHEREAS, S. M. Christhiff has submitted the lowest bid for the first leaf machine in the amount of \$12,500 for their Leaf Machine Model TARCO TTL-3-16 ; AND

WHEREAS, Old Dominion Brush (O.D.B) has submitted the lowest bid for the second leaf machine in the amount of \$13,595 for their model No. LCT600; AND

WHEREAS, it has been determined that the low bidders are considered to be both responsive and responsible; AND

WHEREAS, sufficient funds are available to award a contract to the lowest bidder.

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

SECTION 1. THAT the low bid being received from S.M. Christhiff for Model No TARCO TTL3- 16 in the amount of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) and the low bid received from Old Dominion Brush (O.D.B) for Model No. LCT600 for THIRTEEN THOUSAND FIVE HUNDRED NINETY FIVE DOLLARS (\$13,595) be accepted; AND

SECTION 2. THAT funds to cover this purchase in the amount of TWENTY SIX THOUSAND NINETY FIVE DOLLARS (\$26,095) be charged to Capital Expenditures Account 9100-8003.

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

Introduced by: Councilmember Williams

Single Reading: 7/29/96

Ordinance No. 1996-27
Authority to Purchase Two (2) 1997
Stake Body Dump Trucks and Two (2) Salt Spreaders

WHEREAS, the FY-97 Budget identified \$54,000 for the purchase two (2) 1997 Stake Body Dump Trucks and \$10,000 for the purchase of two (2) salt spreaders; AND

WHEREAS, in accordance with City procurement procedures a request for bids was advertised on July 14, 1996 in the Washington Post and mailed to nine (9) interested vendors and manufacturers of the equipment; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., July 26, 1996 with two (2) bids being received; AND

WHEREAS, Sheehy Ford of Springfield has submitted the lowest bid in the amount of FORTY TWO THOUSAND ONE HUNDRED FIFTY TWO DOLLARS (\$42,152) for two (2) Stake Body Dump Trucks and THREE THOUSAND FOUR HUNDRED NINETY FIVE (\$3,495) for each salt spreader; AND

WHEREAS, the low bidder is considered to be both responsive and responsible; AND

WHEREAS, sufficient funds are available to award a contract to the lowest bidder.

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

SECTION 1. THAT the bid being received from Sheehy Ford of Springfield in the amount of FORTY TWO THOUSAND ONE HUNDRED FIFTY TWO DOLLARS (\$42,152) for two (2) Stake Body Dump Trucks and SIX THOUSAND NINE HUNDRED AND NINETY (\$6,990) for two (2) Salt Spreader be accepted; AND

SECTION 2. THAT funds to cover this purchase in the amount of \$ 42,152 for two (2) Stake Body Dump Trucks be charged to Capital Expenditures Account 9100-8003, and that funds to cover the purchase of two (2) Bed Mounted Salt Spreaders in the amount of \$6,990 be charged to Capital Expenditure Account #9100-8000.

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

Introduced by: Councilmember Porter

Adopted: July 29, 1996

ORDINANCE NO. 1996-28

RITCHIE AVENUE IMPROVEMENT PROJECT

WHEREAS, Montgomery County has allocated \$37,000 in Program Year 20, \$29,400.00 in Program Year 21, to the City through the Community Development Block Grant Program for street improvements which includes construction of sidewalk, curb and gutter on Ritchie Avenue; AND

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

WHEREAS, eight bids were received and publicly opened at 3:00 pm, July 19, 1996; AND

WHEREAS, based on the unit costs of the lower bidder, NZI Construction, is considered to be responsive and responsible; AND

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

SECTION 1. THAT the bid received from NZI Construction in the amount of FIFTY FIVE THOUSAND EIGHT HUNDRED TWENTY DOLLARS AND SEVENTY FOUR CENTS (\$55,965.74) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of FIFTY FIVE THOUSAND EIGHT HUNDRED TWENTY DOLLARS AND SEVENTY FOUR CENTS (\$55,820.74) be charged to the Special Revenue Fund, Community Development Block Grant as follows:

MONTGOMERY COUNTY	ACCOUNT NO. 0010 6836 (\$37,000.00)
MONTGOMERY COUNTY	ACCOUNT NO. 0010 6141 (\$29,400.00)

ADOPTED THIS 29th DAY OF JULY, 1996

AYES: Sharp, Chavez, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Elrich

Introduced by: Councilmember Chavez

Adopted: July 9, 1996

ORDINANCE NO. 1996-29

ROUTES 410 AND 650 INTERSECTION IMPROVEMENTS
and
TAKOMA/LANGLEY STREETSCAPE IMPROVEMENTS, PHASE III

- WHEREAS, Prince George's County has allocated \$42,662.00 in Program Year 20, and has allocated \$89,128.00 in Program Year 21 funds to the City through the Community Development Block Grant (CDBG) Program for the Takoma/Langley Streetscape Improvement Project Phase III and will reprogram additional CDBG funds from Program Year 19 to cover any shortfall; AND
- WHEREAS, the two projects were bid together since the price for both projects will be considered as a whole due to the similar nature of the work; AND
- WHEREAS, in accordance with City Procurement procedures, a Request for bids was advertised in the Washington Post, Dodge Report, and Blue Reports; AND
- WHEREAS, three bids were received and publicly opened at 4:00 pm, July 19, 1996; AND
- WHEREAS, the apparent low bidder, NZI Construction, is considered to be responsive and responsible; AND
- WHEREAS, based on the unit costs of the low bidder, the allocated CDBG funds along with a contribution of \$14,442 from the Takoma/Langley Crossroads Development Authority are sufficient to accomplish the authorized work on the street improvements.

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

- SECTION 1. THAT the bid received from NZI Construction in the amount of ONE HUNDRED FORTY FOUR THOUSAND SEVEN HUNDRED EIGHTY FIVE DOLLARS AND NINETY CENTS (\$144,785.90) be accepted; AND
- SECTION 2. THAT funds to cover this work in the amount of ONE HUNDRED FORTY FOUR THOUSAND SEVEN HUNDRED EIGHTY FIVE DOLLARS AND NINETY CENTS (\$144,785.90) be charged to the Special Revenue Fund, Community Development Block Grant as follows:

PRINCE GEORGE'S COUNTY	ACCOUNT NO. 0010 6837 (\$37,680)
PRINCE GEORGE'S COUNTY	ACCOUNT NO. 0010 6815 (\$107,106)

ADOPTED THIS 29th DAY OF JULY, 1996

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

Introduced by: Councilmember Williams

Adopted: 7/29/96
(Single Reading)

ORDINANCE 1996-30

Authorization for Payment of Legal Services
(Paul Madden, of Whiteford, Taylor, Preston Law Firm)

WHEREAS, the City retained the legal services of Paul Madden, of Whiteford, Taylor, Preston Law Firm, regarding the City's ability to withdraw from the State Retirement system and regarding our unfunded pension liability; AND

WHEREAS, his services were retained, effective March 25, 1996; AND

WHEREAS, the City Code gives the City Administrator the authority to spend \$5,000 for professional services; AND

WHEREAS, for expenditures over \$5,000, City Council approval is required; AND

WHEREAS, an April 1996 bill reflects \$5,000 in fees for legal services since the agreed on start date of March 25, and a May 1996 bill yet to be received will be an additional \$1,000.

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

SECTION 1. THAT the additional amount paid for legal services shall not exceed \$1,000; AND

SECTION 2. THAT the funds to cover this expenditure shall be charged to Account 1120-6140, Government Administration, Contracts.

Adopted this 29th day of July, 1996.

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSENT: Davenport, Elrich

ABSTAIN: None