

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

**Monday, May 5, 1997**

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Executive Session 4/28/97 - Moved by Porter; seconded by Williams. Council convened in Executive Session by unanimous vote at 10:40 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Chavez, Davenport. STAFF PRESENT: Habada, Sartoph, Silber. (1) Council discussed possible litigation, and declined the opportunity to pursue lawsuit. (NOTE: Habada and Sartoph left the room.) (2) Council continued discussion of a personnel matter, and provided direction to Counsel (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (1)(i)).

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**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Assistant City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Porter	Planning Center Coordinator Ludlow
Councilmember Rubin	Community Planner George
Councilmember Williams	Public Works Team Leader Braithwaite
	Assistant Corporation Counsel Perlman
	Community Development Coordinator Sickie
	Construction Specialist Kowaluk
	Public Works Team Leader Shafer
	Public Works Team Leader McKenzie

The City Council convened at 7:38 p.m. on Monday, May 5, 1997, in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

**ANNOUNCEMENTS**

Mayor Sharp noted the topics of the proposed Executive Sessions -- contract negotiations and land acquisition matters.

**Announcement of Mayoral Proclamations and Other Honors recognizing Police Officers.**

Mr. Sharp announced that Mayoral Proclamations have been issued in recognition of several

police officers, including: Officer Brian Davis, awarded Medal of Honor; Officer Joe Perez, named "Officer of the Year"; Sergeant Clarence "Jake" Jacobs, recipient of the Meritorious Service Medal; Officers Elliott Bellinger, Kevin King and Jeffrey Marble, recipients of Honorable Service Awards; and Lieutenant Cynthia Creamer, recognized as "Supervisor of the Year." He added that numerous officers have been granted Command Recognitions, Community Service Ribbons, and Unit Citations. Mr. Sharp extended congratulations to all of the officers, pointing out that the formal presentation of these awards will be at the Police Banquet and Awards Ceremony next week on May 16. He noted that unfortunately, he will be out of town and unable to attend the ceremony.

## **BUDGET PUBLIC HEARING**

**1. Proposed FY98 Budget (Public Works, Storm Water Management, Non-Departmental & Debt Service, Special Revenue, and FY98 Capital Budget (CIP FY98-02)).** Mr. Sharp said that as in past, the Council will accept comments on any part of budget, but pointed out that this hearing is aimed at receiving comments on several specific areas of the proposed budget. The public hearing was called to order at 7:42 p.m.

Benjamin Onyeneke, Maple Avenue, commented on the good work of landlord-tenant relations program, and suggested a salary increase for members of this staff team. He stated that he looks forward to commenting on the Library and Recreation Department budgets.

Mr. Sharp noted that these budgets are topics of next week's budget public hearing.

Jack Mitton, 501 Philadelphia Avenue, called attention to the budget Revenue page Rev-1 (Taxes - Local, Account 3011, Real Prop - MC). The entry shows that the "FY97 Adopted" amount was \$3,136,837 and that the expected revenue was amended to \$2,308,437, a reduction of \$832,400. This was done despite the fact that the FY96 actual tax collection had actually amounted to \$3,128,304. But most importantly, it also discloses that the "FY97 Est. Actual" amount is now expected to be \$3,130,637. He asked several questions: (1) What was the reason the anticipated revenue, as adopted in the FY97 Budget, was subsequently reduced by 27%?; (2) When it became apparent that it was understated by 36%, why was the estimated revenue not increased by \$800,000?; (3) Regardless of the other questions, now that we have found this unbudgeted windfall of over three quarters of a million dollars, the most important question is how should it be treated in the proposed budget for FY98.

He suggested that since one cent on the tax rate equals \$32,055, the City should use this windfall to adopt a tax rate for the coming year that provides a real decrease of 22.5 cents. The so called decrease shown in the FY98 Budget as currently proposed is nothing but a transfer of the fire tax collection duties to Montgomery County. The taxpayer still has to pay the fire service tax.

Mr. Mitton addressed the Capital Budget. In the current year, the City issued bonds in the amount of \$1,390,000 which were advertised as covering two years of anticipated capital

expenditures. He referred to page CIP-1, which contains "Capital - Account 9100." The FY97 adopted budget provided for capital expenditures of \$890,475. This amount was increased when the bond issue was approved with the result that the "FY97 Est. Actual" amount is now expected to be \$1,814,711 or more than double the original FY97 budget. Thus, using the bond funds, two years of capital expenditures were disbursed this year. Despite this, the proposed FY98 Budget request another \$804,500. With the doubled expenditure in FY97, why should there be anything budgeted for FY98 other than expenditures of existing replacement reserves of \$176,000 (revenue code 3662), prudent transfers to equipment replacement reserves of \$135,000, and perhaps a provision for a small emergency fund? When added together, these would not equal half of the \$805,000 proposed for the FY98 Capital Budget.

City Administrator Habada responded to the revenue question. On the advice of both the auditors and Bond Counsel, several months ago we amended the FY97 budget to reduce the revenues by several amounts. In actuality, the City will collect the revenues. The numbers in the FY98 Budget are not meant to say that we will be short; the FY97 budget was amended to reflect what would happen with the bond issue (revenue of \$1,300,000) and taking into account what would be spent this year in capital expenditures. The figures in the budget recognize that we are borrowing funds to pay for capital items and earning interest on general funds (at a higher interest than we are paying on the bonds).

Deputy City Administrator Grimmer offered to further explain the numbers to Mr. Mitton.

Mr. Mitton stated his concern that the \$800,000 be carried over to next year, since this cash is available for next year's budget.

Mr. Sharp recalled Council discussions at the time of the bond issue, and explained that the Council does not want to actually incur a real debt. The intention is to collect the money for capital expenditures and put it into the bank. The interest earned on this money will pay for the cost of the bond, plus some. If the Council were to reduce the tax rate, the City would actually have to pay interest on the bond debt.

Mr. Mitton said that he would still like to see the \$800,000 show up this or next year's budget. He concluded that if the money is earning interest as described, the "Interest Income" figure should be higher in the budget.

Mr. Sharp noted that the City earns interest on a number of different things, and that he is not sure whether items are singled out. He deferred this question to staff.

Mr. Mitton commented that the FY98 Budget does not reflect the receipt of the bond monies.

The public hearing was closed at 7:56 p.m.

## **EXECUTIVE SESSION**

The Council convened in Executive Session at 7:57 p.m. by unanimous vote (Moved by Williams; seconded by Chavez) to discuss contract negotiations. Following the Executive Session, the Council convened in Special Session at 8:30 p.m.

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Executive Session 5/05/97 - Moved by Williams; seconded by Chavez. Council convened in Executive Session by unanimous vote at 8:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. STAFF PRESENT: Habada, Grimmer, Sartoph, Braithwaite. Council received a briefing from staff on contract issues, and discussed the contract pertaining to the fire station analysis (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(14)).

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## **SPECIAL SESSION**

**2. Single Reading Ordinance re: Fire Station Analysis.** Moved by Rubin; seconded by Davenport.

Mr. Sharp explained the ordinance, noting that the City has some positive indications in regards to the reception the County will give to this analysis

Councilmember Porter noted that reason for doing the analysis at this point, is because there is a concern that if the station cannot be renovated on its current site, the City lot (Zarpas lot) might have to be considered for a new station. Therefore, before the Council agrees to any development on the City site, it needs some assurance that the fire station can be renovated on its current site and not put the ultimate location of a station in Takoma Junction in jeopardy.

Councilmember Rubin remarked that the contract does not call for a comparison of the current and City lot sites. Instead, it is an analysis of the station's current site.

Public Works Team Leader Braithwaite described the competitive bidding process, and commented on how a selection was made. Ten bids were received. A selection committee, comprised of members from five stakeholders (2 county, 1 TCDC, 1 City representative (Ted Kowaluk), 2 Fire and Rescue Commission, and 1 County Department of Public Works), went through the process. She noted that she convened the meetings but did not participate in the proceedings. Ms. Braithwaite commented on the selection process, explaining the selection was based on a combination of fire station experience and historical preservation projects. The recommended contractor is Quinn Evans. She noted for the record that Carl Elefante, a member of the TCDC Board, who has been involved in past discussion of Takoma Junction, is currently employed by Quinn Evans. She stated that Mr. Elefante, however, will not be involved in this project or have a TCDC role, as stakeholder. Ms. Braithwaite also noted that a member of TCDC was on the selection committee.

Councilmember Williams confirmed that Mr. Elefante will not be involved in Quinn Evans or

TCDC work related to this project, and requested a formal document making a statement to this effect.

Ms. Braithwaite stated that she would certainly ask Quinn Evans to provide this certification, and that she would also make public the four sheets used in doing the interviews and the corresponding scores if instructed to do so. She emphasized that the selection was made from five strong firms that came for the interview.

Mr. Sharp remarked that before disclosing the scores and vendor names, he would like to know what is common practice in this regard. The vendor names, associated with scores, may not be public information.

Mr. Williams said that he would like to see as much information, as reasonable, made public.

Mr. Sharp stated that certainly everything regarding the process is public information, and that he is suggesting that just the actual vendors' names and scores not be released.

Councilmember Rubin remarked that some of the losing bidders may have thought that the scores would not be disclosed.

Councilmember Davenport reiterated a desire for written assurance that Mr. Elefante will not participate in any of the work on this project.

Benjamin Onyeneke, Maple Avenue, suggested that other sites for the fire station be explored. The current station needs immediate renovation. He commented on the condition of the municipal gym, and stated that the Council is neglecting fire service in the City. He proposed that the City pass a proposal to effect immediate renovation of the current fire station.

Mr. Davenport asked how soon staff will be able to obtain written confirmation about Mr. Elefante's exclusion from work on this project.

Ms. Braithwaite stated that if the Council adopts the ordinance this evening, representatives from Quinn Evans will come to sign the contract tomorrow.

Mr. Sharp remarked that the Council believes that the City needs a new fire station. The purpose of this analysis is to see if we can do renovation on current site, leaving the City's lot open for commercial development. He noted that renovations and/or a new station will be funded by county resources.

Ms. Porter said that it is also true that by going ahead with this study, the City is getting ahead a little in terms of the county's decision making process about where and what kind of station will be built.

Ms. Braithwaite noted that the county has a biennial CIP schedule, and that this is the year to provide input.

Ordinance #1997-15 was adopted unanimously, awarding a contract to Quinn Evans Architects in the amount of \$29,995, to be charged to Capital Improvements Budget 9100-8000 (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**ORDINANCE #1997-15  
(Attached)**

**WORKSESSION/EXECUTIVE SESSION**

Following the Special Session, the Council convened in Worksession which concluded at 10:00 p.m. The Council convened in Executive Session to discuss several land acquisition items, and later adjourned for the evening.

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Executive Session 5/05/97 - Moved by Williams; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Perlman, Schwartz, Sickle. The Council received staff reports on several land acquisition items, and provided direction for next steps (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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**ORDINANCE NO. 1997-15  
ARCHITECTURAL/ ENGINEERING SERVICES CONTRACT  
FOR THE EVALUATION OF THE TAKOMA PARK FIRE STATION**

WHEREAS, Takoma Park has set aside \$30,000 in the Capital Improvement Budget to evaluate the feasibility of renovating and/or expanding the Takoma Park Fire Station on the existing site at 7201 Carroll Avenue; AND

WHEREAS, the City of Takoma Park desires to obtain Professional Architectural/Engineering Services for the production of the feasibility study; AND

WHEREAS, appropriate solicitation of interest through a formally advertised Request for Proposals resulted in the submission of ten responsive and responsible proposals; AND

WHEREAS, based on the selection criteria and in consideration of other qualifications included in the Request for Proposals, staff recommended award of the contract to Quinn Evans Architects; AND

WHEREAS, based on the cost of the services to be provided, the allocated funds are sufficient to purchase the architectural, engineering and estimating services to evaluate the feasibility of renovating and/or expanding the Fire Station.

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

SECTION 1. THAT the contract is awarded to Quinn Evans Architects in the amount TWENTY NINE THOUSAND NINE HUNDRED AND NINETY FIVE DOLLARS (\$29,995); AND

SECTION 2. THAT the funds to cover this purchase in the amount of TWENTY NINE THOUSAND NINE HUNDRED AND NINETY FIVE DOLLARS shall be charged to the Capital Improvement Budget, 9100-8000.

ADOPTED THIS FIFTH DAY OF MAY, 1997

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

NAY: none

ABSTAINED: none

ABSENT: Elrich

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

**Monday, May 12, 1997**

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Executive Session 5/05/97 - Moved by Williams; seconded by Chavez. Council convened in Executive Session by unanimous vote at 8:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. STAFF PRESENT: Habada, Grimmer, Sartoph, Braithwaite. Council received a briefing from staff on contract issues, and discussed the contract pertaining to the fire station analysis (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(14)).

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Executive Session 5/05/97 - Moved by Williams; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Perlman, Schwartz, Sickle. The Council received staff reports on several land acquisition items, and provided direction for next steps (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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**OFFICIALS PRESENT:**

Councilmember Chavez  
Councilmember Elrich  
Councilmember Porter  
Councilmember Rubin  
Councilmember Williams

City Administrator Habada  
Deputy City Administrator Grimmer  
Asst. City Administrator Hobbs  
City Clerk Sartoph  
Asst. Corporation Counsel Perlman  
Police Chief Anderson  
Deputy Chief Wortman  
Lt. Rosenthal  
Planning Center Coordinator Ludlow  
Senior Planner Schwartz  
Library Director Arnold-Robbins  
Technical Services Coordinator Fontem  
Recreation Director Bluford  
Community Development Coordinator Sickle  
Construction Specialist Kowaluk  
COLTA Executive Director Lee-Bryant  
Housing Services Coordinator Walker

**OFFICIALS ABSENT:**

Mayor Sharp  
Councilmember Davenport



The City Council convened at 7:38 p.m. on Monday, May 12, 1997, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

### **ANNOUNCEMENTS**

Mayor Pro Tempore Elrich announced that Mayor Sharp is out of town on business, and that Councilmember Davenport called to say that he would not be here this evening.

Mr. Elrich noted that there is a problem with the sound system in the Council Chambers. While sound is being broadcast over cable at a normal level, the audio system within the chambers does not appear to be working. Staff is working to resolve the problem.

Councilmember Rubin commended the Library and Recreation Departments on the well received mime presentation that was held in the Council Chambers last week.

### **ADDITIONAL AGENDA ITEMS**

Councilmember Porter requested that a discussion about an additional appointment to the Tree Commission be added to the Worksession.

City Administrator Hahada asked for the Council to convene in Executive Session, later in the evening, to discuss land acquisition matters.

### **ADOPTION OF MINUTES**

(Moved by Porter; seconded by Williams) The Council Meeting Minutes from 4/24 and 4/48 were adopted unanimously (ABSENT: Sharp, Chavez, Davenport).

### **CITIZEN COMMENTS**

Benjamin Onyeneke, Maple Avenue, noted that the Council did not open the meeting with the Pledge of Allegiance. He expressed sympathy for the family of a City resident who recently passed away. Mr. Onyeneke commented on the condition of school athletic fields, and urged the City or County to address the concerns. He questioned how the Montgomery County School Board is preparing to receive the Prince George's County students who will start attending Montgomery County schools after Unification. He remarked about the tragic deaths of two Fairfax County girls, and urged residents to take an active role in protecting young people from crime and exposure to inappropriate materials and situations.

### **BUDGET PUBLIC HEARING**

**1. Proposed FY98 Budget (Housing & Community Development, Police, Library, Recreation, General Government).** (NOTE: Councilmember Chavez arrived at 7:48 p.m.)

Steve Morse, President of Friends of the Library, congratulated the City on the very strong Library and Recreation programs, and commented that the strength, in part, is due to the paid staff and core of volunteers that assist with ensuring that programs are tailored to the desires of residents. He noted that the Friends of the Library grew to over 230 people this past year. As an organization, the Friends are strongly committed to seeing that the City maintains its independent library, and that it continues to receive adequate funding. He said that the group looks forward to working with Council to explore ways to meet the needs of other age groups, and added that the Recreation Department has been very helpful, as with the mime program, in efforts to provide library programs.

Mr. Rubin questioned whether there are any other things planned for the upcoming year.

Mr. Morse explained that the Friends of the Library raises money and works with library staff to identify need programs. The Friends will donate \$1,000 for children's programs and will contribute to at least one adult program this spring and one in the fall. He stated that the group gave a number of sizable gifts to library in past years, in addition to resources for children's programs (i.e., two computers), and has started setting aside for long-term capital needs.

Benjamin Onyeneke, Maple Avenue, said that in regards to Cable, he would like to see at least one permanent staff person with regular hours to work on programming. He supported the Library programs, but suggested that the staffing level should be examined for cost savings that could be put back into more programs for the community. He remarked about his desire to see two more computers in the children's reading room, and suggested a budget cut in the funds used to purchase certain magazines (e.g., Rifle Magazine). In regards to the Recreation Department, he commented on the many positive programs that are made available. He questioned, however, whether there is adequate funding for the department, and said that there are still youth programming needs that are not being addressed. He suggested that several programs could be improved, expanded, or added--i.e., after school programming, parenting class and/or preventing teen pregnancy, and crime prevention. Mr. Onyeneke spoke in support of the community oriented policing initiative for the Police Department. He said, however, that some residents question why officers should interfere in their affairs as they work toward a more personal understanding of the community. He suggested that Chief Anderson be allowed to suggest what community oriented policing should look like three years from now. In the meantime, the money budgeted for this initiative should be put toward other departmental programs (e.g., stress counseling for officers). He suggested more teaming of police officers in recreation programs for youth, and proposed re-routing monies designated for community oriented policing to other areas in the Police Department (e.g., K-9 unit). He noted the number of officers ranked Private, and proposed that the reason officers continue to leave the City is due to the salary gap, as compared to other jurisdictions. Mr. Onyeneke noted the overtime expenses that could have translated into the salary for an additional staff person. One youth officer cannot carry the entire load of youth work

in the community. He supported the criminal investigation division, and in general, called for more emphasis on crime prevention in the budget. He suggested more promotions in the department, concluding that the City does not need more new officers, it needs to provide continuous training to current officers (e.g., how to work well with residents and businesses).

Nellie Moxley, 6411 Eastern Avenue, agreed with the majority of Mr. Onyeneke's comments about police enforcement. She remarked about the good work of the City's police in responding to and mediating a situation that involved some young people who jumped her son. She spoke in favor of more after school programs. Ms. Moxley then referred to agenda item #4, and asked why the boundary line does not extend over to Highland Avenue.

Mr. Elrich noted that the public hearing is on the proposed budget, and asked that Ms. Moxley reserve her comments about agenda item #4 until such time that the Council discusses it.

Dave Lorentz, Takoma Park Cultural Council (in progress of being put together), noted that Councilmember Rubin is one of three persons who are on a planning committee for the Cultural Council. The third member is Randy Cohen, a resident with some expertise in setting up groups of this kind. Mr. Lorentz stated that this three-person team has been working on putting the council together. The Cultural Council would provide a unified voice for arts/cultural organizations in the City. He noted that \$2,000 is included in the proposed budget for this council, and that it would be used as seed/development money to help get the council established as a non-profit incorporation and into a 501-C3 status. Among the functions of the council, it would provide a "unified voice" for the cultural activities in the City, would be a fundraiser and disseminator of funds, and would act as a facilitator to arrange for acquisition of supplies. He said that in the future, it is hoped that the council can accept and make grants, taking part of the burden off of the Takoma Foundation. At the time when the City comes up with a cultural center, one possibility might be that the Cultural Council could manage it. He stated that so far, there is a list of 25 interested Takoma Park organizations which want representation on the council.

Mr. Rubin remarked about Mr. Lorentz's appearance since his recent illness. He clarified that while it is true that he is helping to plan the establishment of the Cultural Council and bring the idea forth to the City Council, he cannot participate as a member on the steering committee since he is a member of the City Council.

The public hearing was closed at 8:18 p.m.

## **REGULAR MEETING**

### **2. (Tentative) 2nd Reading Ordinance re: Westmoreland Avenue Special Assessment.**

Ms. Habada requested that the Council table this item until next the meeting, to provide an opportunity for staff to hold a discussion with the project engineers

The Council reached consensus to consider the ordinance in two weeks.

**3. Resolution re: Special Exception (908 Davis Avenue).** Moved by Porter; seconded by Chavez.

Senior Planner Schwartz noted that Community Planner George cannot be here this evening due to a family emergency. The staff memorandum includes a resolution with the conditions added by Council last week.

Ms. Porter remarked about the two conditions, the same conditions added in the case of a similar situation right around the corner from this property: (1) occupancy of building by adults of driving age is restricted to two per unit, and (2) granting of special exception is restricted to current owner. There are concerns among residents in the neighborhood about multi-family dwellings and overcrowded parking. These two conditions address the concerns.

Russell Shipley, legal counsel for the applicant, stated that he is here to answer any questions, and urged Council to support staff's recommendation. The application is scheduled to go before the Zoning Hearing Examiner on May 21. He restated some facts about the case which were noted during last week's meeting.

Ms. Porter said that she has not received any comments from residents about this case since last week. Prior to that time, there were concerns expressed about multi-family properties, particularly those where the owner is not an occupant. Parking was also an issue. She remarked that the conditions address the concerns raised.

Resolution #1997-28 was adopted unanimously, recommending approval of Special Exception No. 4273 (908 Davis Avenue), subject to conditions (VOTING FOR: Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Sharp, Davenport).

**RESOLUTION #1997-28  
(Attached)**

**4. 1st Reading Ordinance re: Maryland Neighborhood Business Development Program (NBDP) — "Designated Areas.** Mr. Elrich explained the ordinance. Moved by Porter; seconded by Williams.

Mr. Rubin expressed support for the ordinance, but noted the question raised earlier by Ms. Moxley about the boundaries.

Ms. Porter commented that she had similar concerns about boundaries which she raised last week, and that it is her understanding from staff that the boundaries are not set in stone, even after adoption of the ordinance. They could be modified by adopting an amending ordinance.

Community Development Coordinator Sickle stated that an amendment to the boundaries would be effected by the same process used to designate the original boundaries--i.e., adoption of ordinance specifying boundaries.

Ms. Porter questioned whether there would be any negative repercussions to businesses, if the boundaries were later changed

Ms. Sickle responded that the State is aware that there may have to be changes. State officials recognize that the program is new and evolving.

Mr. Rubin pointed out that the exact boundaries are not described in the language of the ordinance. Instead, the ordinance refers to a map which illustrates the boundaries. He asked whether it would then be necessary to amend the ordinance if only the map had to be modified.

Ms. Porter explained if the ordinance includes a reference to a map, then the map becomes a part of the ordinance. The Council cannot simply change the map

Ms. Sickle agreed, adding that the State would review any later changes to ensure that the new boundaries still meet the criteria. She noted that this is currently being proposed for the Gateway area which has been expanded since Council originally took action to define its boundaries.

Mr. Rubin remarked about how language for an amendment ordinance might be phrased.

Ms. Porter questioned whether it would be possible to adopt an ordinance without reference to the maps

Ms. Sickle said that the proposed ordinance follows the model ordinances provided by the State. The State wants very clear delineations so there will be no question about what areas are being designated.

Ms. Porter asked whether the ordinance could include a statement that the City will follow by adopting maps through the regulation process.

Ms. Sickle responded that it is her understanding that the maps have to be part of the formal action taken by the Council.

Councilmember Williams stated that he has no problem adopting the maps as part of the ordinance. He recalled staff's explanation about how the boundaries were drawn to follow the census tract lines of eligible areas. This is part of the reason that the boundaries do not make as much sense as one might like them to.

Ms. Sickle emphasized that the State recognizes this as a new program.

Mr. Elrich commented that he does not think the Council will have a problem being flexible on this issue and possibly reconsidering some boundaries.

Mr. Rubin agreed that there needs to be as much flexibility as possible, especially because of the rationale behind the boundaries (i.e., census tracts). Census tracts are “fluid”. He said that he wants to be assured that there is a quick and easy way to amend the boundaries if necessary.

Nellie Moxley, 6411 Eastern Avenue, noted that most of the members of the Pine Crest Association live on the street that was left out of the 650/410 area. She said that residents are concerned that leaving this little area out does not seem practical, seeing as it has been included in past studies done of the area (e.g., traffic study and basin study). Some people have wondered whether this area was left out because of the concentration of Pine Crest Association members on the street. There are many home-based businesses in this area. She commented that no area within the City should be left out. Ms. Moxley provided a copy of a letter she wrote on this matter.

Ms. Porter said that since this is a two reading ordinance, there is still time for staff to get back to Council about whether the boundary can be changed to accommodate Ms. Moxley’s request for inclusion of this area. If this were possible, the change to the boundary could be considered at second reading of the ordinance.

Ms. Moxley described the District of Columbia border--now only 6-feet from the curb, along Eastern Avenue.

Ordinance #1997-16 was accepted unanimously at first reading, designating certain areas for participation in the Maryland Neighborhood Business development Program (VOTING FOR: Elrich, Porter, Rubin, Williams; ABSENT: Sharp, Chavez, Davenport).

**ORDINANCE #1997-16  
(Attached)**

**5. Single Reading Ordinance re: Contract for Tree Planting.** Mr. Elrich explained the ordinance. Moved by Williams, seconded by Porter.

Ms. Porter noted that the Council has previously discussed this matter with the City Forester who explained how the selection process was conducted. The Council is satisfied with the recommendation.

Mr. Elrich added that the contract amount fits within what was budgeted.

Ordinance #1997-17 was adopted unanimously, awarding a contract for City-wide right-of-way tree planting to POGO Tree Experts in the amount of \$16,450 to be charged to account #3400-6145 (VOTING FOR: Elrich, Porter, Rubin, Williams; ABSENT: Sharp, Chavez, Davenport).

**ORDINANCE #1997-17  
(Attached)**

**6. Resolution re: Personnel Appeal Board.** Mr. Rubin asked a procedural question regarding how the Council can move this resolution with no person listed for appointment.

Ms. Porter said that although she could not be here for all of the interviews, her recollection is that all of the applicants are well qualified.

Mr. Williams agreed that all three candidates are qualified. Mr. Rubin added that all three are excellent candidates.

Mr. Rubin proposed that Mike Mauer be appointed (seconded by Porter).

Mr. Elrich stated that any decision the Council makes on this appointment would be a “right” decision.

Mr. Rubin moved the resolution with Mike Mauer as the person to be appointed (seconded by Porter)

Resolution #1997-29 was adopted unanimously, appointing Mike Mauer to the Personnel Appeal Board (VOTING FOR: Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Sharp, Davenport).

**RESOLUTION #1997-29  
(Attached)**

**7. Resolution re: Free Burma Committee.** Moved by Williams; seconded by Chavez.

Mr. Williams pointed out that there are seven vacancies, and that four persons are being proposed for appointment. He said that he understands, as of today, that there are two more persons who are interested and who will be forwarding their letters of interest/resumes to the City Clerk.

Resolution #1997-30 was adopted unanimously, appointing Phil Robertson, Stacey Heath, Steven Fleishman and Kirk Talbott to the Takoma Park Free Burma Committee (VOTING FOR: Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Sharp, Davenport).

**RESOLUTION #1997-30  
(Attached)**

**WORKSESSION / ADJOURNMENT**

The Council adjourned to Worksession and later convened in Executive Session at 10:20 to discuss land acquisition items. Following the Executive Session, the Council adjourned for the evening.

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Executive Session 5/12/97 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:20 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Sharp, Chavez, Davenport. STAFF PRESENT: Habada, Sartoph, Kowaluk. The Council received staff reports on several land acquisition items, and provided direction for next steps (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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Introduced By: Councilmember Porter

**Resolution No. 1997 - 28**

**Resolution Recommending Approval of  
Special Exception No 4273 - 908 Davis Avenue**

WHEREAS, The applicant has submitted an application for a special exception to the Prince George's County Maryland - National Capital Park and Planning Commission for Part of Lot 23, Block B, Cunningham Subdivision, located at 908 Davis Avenue, Takoma Park, Maryland; AND

WHEREAS, the applicant is seeking a special exception for a conversion of a single family detached dwelling to a three - family dwelling in the R - 35 Zone ; AND

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

WHEREAS, the application has been reviewed by City staff, which has provided its findings to the Council in the pertinent staff report dated May 2, 1997 ; AND

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

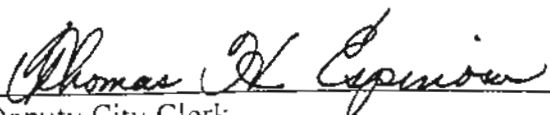
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends APPROVAL of the special exception application, subject to the following conditions:

1. That occupancy of the building by adults of driving age be restricted to two per unit;
2. That granting of the special exception be restricted to the current owner of the property.

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

ADOPTED THIS 12th DAY OF MAY, 1997.

ATTEST

  
Deputy City Clerk

**Introduced by: Councilmember Rubin**

**RESOLUTION #1997-29**

**APPOINTING A MEMBER TO THE TAKOMA PARK  
PERSONNEL APPEAL BOARD**

**WHEREAS,** the Code of the City of Takoma Park provides for the composition of the Personnel Appeal Board for the purpose of hearing employee appeals; **AND**

**WHEREAS,** Section 8B-181 of the Code provides that the Board shall be composed of five (5) members; **AND**

**WHEREAS,** there is currently one (1) expired term and one (1) vacancy on the Board; **AND**

**WHEREAS,** Council has an interview scheduled with the incumbent member of the Board, who has expressed interest in continuing her service on the Board, and has interviewed other City residents who have also expressed interest in serving on the Board.

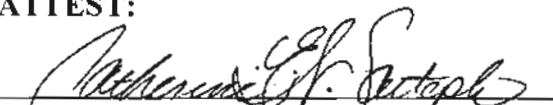
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Takoma Park, Maryland, that the following person is hereby appointed to fill the one (1) vacancy, effective immediately, on the Takoma Park Personnel Appeal Board:

<b>Name/Address</b>	<b>Term Expires</b>
Michael Mauer 509 Margaret Drive Silver Spring, MD 20910	3/31/99

**BE IT FURTHER RESOLVED, THAT** an additional appointment will be effected by Council resolution following upcoming interview(s).

**ADOPTED** this 12 day of May, 1997.

**ATTEST:**

  
Catherine E. W. Sartop, CMC, City Clerk

Introduced by: Councilmember Williams

**RESOLUTION #1997-30**

**EFFECTING APPOINTMENTS TO THE  
TAKOMA PARK FREE BURMA COMMITTEE**

**WHEREAS**, in 1996, the City Council established the Takoma Park Free Burma Committee (Ordinance #1996-33) to oversee implementation of and adherence to the Takoma Park Free Burma Act (City Code, Chapter 3A. Burma, Restricted Relations With); AND

**WHEREAS**, the Code describes the committee as being comprised of seven members, and recommends that at least one member should be of Burmese origin; AND

**WHEREAS**, persons appointed to the committee shall serve two-year terms, except that three of the initial appointees shall serve one-year terms; AND

**WHEREAS**, several residents have expressed interest in appointment to the committee and have been interviewed by the Council.

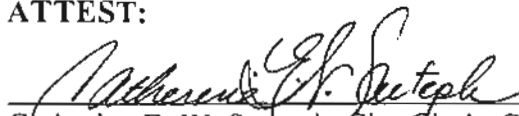
**NOW, THEREFORE, BE IT RESOLVED THAT** the following persons are hereby appointed to serve on the Takoma Park Free Burma Committee:

<b>NAME</b>	<b>ADDRESS</b>	<b>TERM EXPIRES</b>
Phil Robertson	6833-A Eastern Avenue, #34	3/31/99
Stacey Heath	7419 Holly Avenue	3/31/99
Steven Fleishman	7419 Holly Avenue	3/31/99
Kirk Talbott	7501 Jackson Avenue	3/31/99

**BE IT FURTHER RESOLVED THAT** appointments to this Committee shall be effective immediately.

**ADOPTED** this 12 day of May, 1997.

**ATTEST:**

  
Catherine E. W. Sartoph, City Clerk, CMC

Ordinance #1997 - 16

**AN ORDINANCE designating certain areas for participation in the Maryland Neighborhood Business Development Program.**

WHEREAS, the City desires the designation of the following areas as "designated neighborhoods" for participation in the Neighborhood Business Development Program (NBDP) of the State of Maryland Department of Housing and Community Development: Takoma Old Town/Takoma Junction, Flower Avenue, Takoma/Langlely Crossroads, and 650/410 Gateway; and

WHEREAS, COMAR 05.13.01 has established a Neighborhood Business Development Program (the "Program") under the jurisdiction of the Secretary of Housing and Community Development for the purpose of:

- (a) Assisting in the development, redevelopment, or expansion of small business enterprises in designated neighborhoods;
- (b) Stimulating investment by the private sector in designated neighborhoods;
- (c) Investing in small business revitalization projects in designated neighborhoods;
- (d) Stimulating the participation of local jurisdiction in developing and expanding small business enterprises in designated neighborhood; and

WHEREAS, COMAR 05.13.09A requires that "designated neighborhoods" be established by local jurisdictions in accordance with the following factors:

- (a) The availability, cost, and condition of business facilities;
- (b) The age and number of abandoned structures;
- © The age and number of substandard structures;
- (d) The income of resident relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;

- (e) The extent of unemployment and the availability in the area of jobs for residents of the designated neighborhood;
- (f) The need for financing for small businesses in order to upgrade the social and economic condition of the designated neighborhoods;
- (g) The neighborhood development or redevelopment strategy of the local jurisdiction for the designated neighborhood;
- (h) Any plans and financial commitment of the local jurisdiction to undertake improvements in the designated neighborhood;
- (I) Standards established for other relevant State or federal programs;
- (j) Local government participation in revitalization activity including whether the local jurisdiction has been designated as an empowerment zone;
- (k) The presence of a special taxing district or historic district;
- (l) Support from community or business organization; and
- (m) Other revitalization projects undertaken in the designated neighborhood; and

WHEREAS, the City, by this Ordinance, wishes to designate the "areas identified above as "designated neighborhoods" as established by the criteria under COMAR 05.13.09A for participation in the Neighborhood Business Development Program based on information included in Exhibit "A" through Exhibit "D" which are attached.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City of Takoma Park hereby designates those portions of the City of Takoma Park shown on the attachments identified as Maps "A" through "D" as "designated neighborhoods" for participation in the Neighborhood Business Development Program.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

Aye:  
 Nay:  
 Abstain:  
 Absent:

Introduced by: Councilmember Williams

Adopted : 5/12/97  
( Single Reading)

**ORDINANCE NO. 1997 - 17**

To Award A Contract for City-wide Right-of-Way Tree Planting

- WHEREAS,** FY97 Street & Parks budget identified \$17,000 for City-wide Right-of-Way Tree Planting; AND
- WHEREAS,** appropriate advertising was placed in the Washington Post and mailed to interested vendors; AND
- WHEREAS,** bids were publicly opened at 2:00 p.m., May 2, 1997 with two (2) bids being received; AND
- WHEREAS,** Olney Gardens, Inc. T/A POGO Tree Experts submitted the lowest bid of \$16,450; AND
- WHEREAS,** it has been determined that POGO Tree Experts has submitted a responsive and responsible bid; AND
- WHEREAS,** sufficient funds are available for City-wide Right-of-Way Tree Planting Project.

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

**SECTION 1.** THAT the low bid received from POGO Tree Experts in the amount of SIXTEEN THOUSAND FOUR HUNDRED AND FIFTY DOLLARS (\$16,450) be accepted; AND

**SECTION 2.** THAT authority be granted to award a contract to POGO Tree Experts and charge to account #3400-6145 accordingly.

Adopted this 12th day of May, 1997 by Roll Call Vote:

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

**INTERVIEW, SPECIAL SESSION, WORKSESSION, BUDGET WORKSESSION  
AND EXECUTIVE SESSION  
OF THE CITY COUNCIL**

**Monday, May 19, 1997**

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Executive Session 5/12/97 - Moved by Williams; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:20 p.m., in the Conference Room. **OFFICIALS PRESENT:** Chavez, Elrich, Porter, Rubin, Williams. **OFFICIALS ABSENT:** Sharp, Chavez, Davenport. **STAFF PRESENT:** Habada, Sartoph, Kowaluk. The Council received staff reports on several land acquisition items, and provided direction for next steps (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

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**OFFICIALS PRESENT:**

Councilmember Chavez  
Councilmember Davenport  
Councilmember Elrich  
Councilmember Porter  
Councilmember Rubin  
Councilmember Williams

City Administrator Habada  
Deputy City Administrator Grimmer  
Assistant City Administrator Hobbs  
Deputy City Clerk Espinosa  
Community Development Coordinator Sickle  
Forester Busciano  
Community Planner George  
Engineer Monk  
Planning Center Coordinator Ludlow  
Housing Services Coordinator Walker

**OFFICIAL ABSENT:**

Mayor Sharp

The City Council convened at 7:39 p.m. on Monday, May 19, 1997, in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

**INTERVIEW**

**1. Personnel Appeal Board.** The Council interviewed Patricia Miller who expressed interest in reappointment to the Personnel Appeal Board. The Council reached consensus to schedule consideration of a resolution on May 27, reappointing Ms. Miller to the Board.

**SPECIAL SESSION**

**2. 2nd Reading Ordinance re: Maryland Neighborhood Business Development Program (NBDP)--"Designated" Areas.** Community Development Coordinator Sickle noted a revision, since first reading, to the map identifying the designated areas. She referred to the explanation in her memorandum.

Ordinance #1997 - 16

**AN ORDINANCE designating certain areas for participation in the Maryland Neighborhood Business Development Program.**

WHEREAS, the City desires the designation of the following areas as "designated neighborhoods" for participation in the Neighborhood Business Development Program (NBDP) of the State of Maryland Department of Housing and Community Development: Takoma Old Town/Takoma Junction, Flower Avenue, Takoma/Langley Crossroads, and 650/410 Gateway; and

WHEREAS, COMAR 05.13.01 has established a Neighborhood Business Development Program (the "Program") under the jurisdiction of the Secretary of Housing and Community Development for the purpose of:

- (a) Assisting in the development, redevelopment, or expansion of small business enterprises in designated neighborhoods;
- (b) Stimulating investment by the private sector in designated neighborhoods;
- (c) Investing in small business revitalization projects in designated neighborhoods;
- (d) Stimulating the participation of local jurisdiction in developing and expanding small business enterprises in designated neighborhood; and

WHEREAS, COMAR 05.13.09A requires that "designated neighborhoods" be established by local jurisdictions in accordance with the following factors:

- (a) The availability, cost, and condition of business facilities;
- (b) The age and number of abandoned structures;
- (c) The age and number of substandard structures;
- (d) The income of resident relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;



DATA SHEET FOR NEIGHBORHOOD BUSINESS DEVELOPMENT PROGRAM  
TAKOMA OLD TOWN/TAKOMA JUNCTION  
NEIGHBORHOOD REVITALIZATION DISTRICT

1. The availability, cost and condition of business facilities.

Real estate in this area generally reflects market conditions of the Takoma Park area. The Old Town node is somewhat more active in that there is wider diversity in types of space, proximity to the Takoma Metro stop and the attraction of the Sunday Farmers' Market. A primary challenge is the need to attract the types of businesses which generate weekday patrons to use the available goods and services on a more consistent basis.

At one time the Takoma Junction commercial concentration was a strong neighborhood shopping center. The grocery store moved to a new location and the area declined over time. More stores closed or moved and several of the existing businesses are not neighborhood oriented. In the last three to four years, Takoma Junction has become the focus for a revitalization initiative. A combination of federal, state and local funds are being utilized for a range of activities including acquisition by the City of the last vacant commercial parcel, assistance to the Takoma Park-Silver Spring Cooperative for the buildout of a major building in this area and a variety of public improvement projects.

2. The age and number of abandoned structures.

Currently there are no abandoned structures within the proposed area. However, there is one vacant storefront in Takoma Junction and two which are underutilized - one is used for storage. In addition, there is one and possibly two financially troubled commercial properties which have the potential to add to the development problems of this area.

There is a ten-story property located in Old Town which served as the headquarters for the Seventh Day Adventists. Since the headquarters moved out of town, the building has been underutilized. Its central location detracts from the image of a vibrant commercial area.

3. The age and number of substandard structures.

A visual survey of the area shows that there are several commercial structures which are in a state of disrepair. Two of them are auto repair shops and face on Carroll Avenue which is the primary street connecting this area. These do not contribute to the attractiveness of the area as a shopping destination.

Three of the eight residential properties which are currently being monitored by the Vacant Property Action Team are located in this area. The mission of the Team is to develop individual plans to resolve the problems and coordinate implementation.

7. The neighborhood development or redevelopment strategy of the local jurisdiction for the designated neighborhood.

The plan developed for Takoma Junction (a copy of which was submitted to the MD Department of Housing and Community Development) incorporated several recommendations: (1) use of traffic calming strategies to increase pedestrian safety; (2) use of "town center" concept which supports the range of goods and services desired by community residents; and (3) use of public improvements along Carroll Avenue to strengthen the link between Takoma Old Town and Takoma Junction. The Takoma Park-Silver Spring Cooperative was identified by the community as a desired store for the area. This type of food service responds to a community need but will also draw additional patrons for the other shops in the Junction and Takoma Old Town as well.

8. Any plans and financial commitment of the local jurisdiction to undertake improvements in the designated neighborhood.

As noted above, Community Development Block Grant funds have been used for public improvements in both Takoma Junction and Takoma Old Town. Additional funds are scheduled to be used in the Takoma Junction Area both on the City-owned parcel and for general public improvements. The City issued a bond to generate the funds to purchase the vacant parcel in Takoma Junction.

Other funding was obtained through the allocation of state capital funds to be used for the revitalization of Takoma Junction. Primarily these funds will be used in conjunction with the development of the City-owned parcel and to assist in the buildout of the building into which the Takoma Park-Silver Spring Coop will be moving.

9. Standards established for other relevant State or Federal programs.

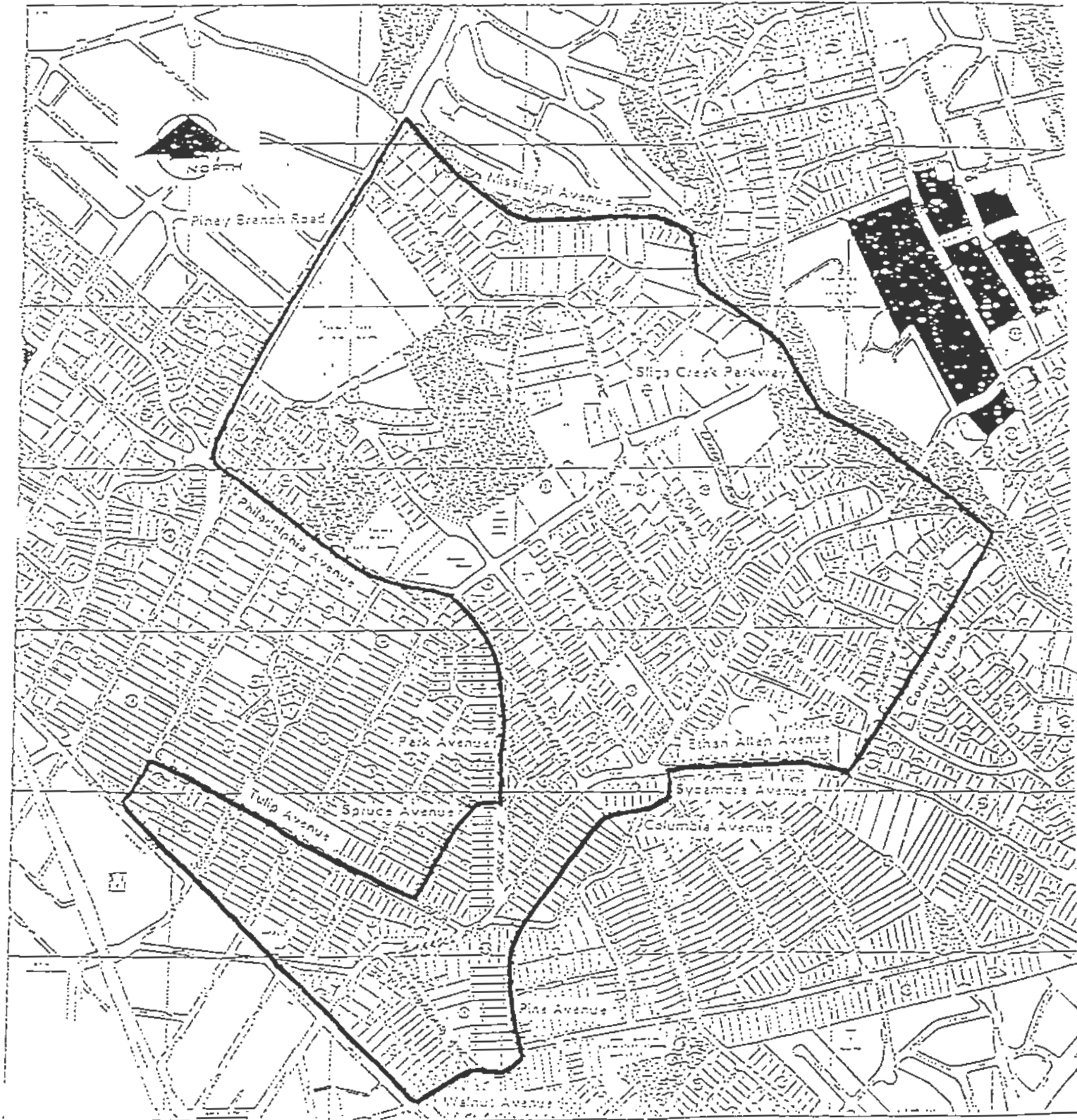
The area qualifies for federal Community Development Block Grant funds. All applicable standards and guidelines are followed during project implementation. State requirements are followed for the use of the state's capital allocation to the City.

10. Local government participation in revitalization activity including whether the local jurisdiction has been designated as an empowerment zone.

Does not apply.

TAKOMA JUNCTION AND TAKOMA OLD TOWN  
NEIGHBORHOOD REVITALIZATION DISTRICT

"MAP A"



KEY

— District Boundary

3. The age and number of substandard structures.

A visual survey of the area revealed that all of the structures are in a general state of disrepair. All of the structures have at least one code deficiency ranging from peeling paint to deteriorated structural elements. There are two vacant commercial structures which are available for lease and both have been vacant for sometime. The vast majority of the multi-family dwellings are also in a state of decline.

4. The income of residents relative to State or regional median income, including the number of persons who are welfare recipients or unemployed.

The City has applied for and received Community Development Grant Funds for the area based on aggregated census data from the surrounding census tracts which constitute the market area. The census tracts immediately surrounding the proposed district had a low/moderate income population average of 39.19%.

Census Tract & Block Group	Percent Low/Moderate Income
7017.02 Block 1	53.24%
7017.02 Block 2	25.13%
AVERAGE:	39.19%

5. The extent of unemployment and availability in the area of jobs for residents of the designated neighborhood.

The unemployment rate for the City of Takoma Park was 4.2% per the 1990 census. There were 10,098 City residents employed as of the last census as well. Employment characteristics show a broad diversity of occupations with concentration in Administrative/Professional, as well as retail trade, sales, and other services occupations. The targeted area contains numerous sales, service, and retail business opportunities.

6. The need for financing for small businesses in order to upgrade the social and economic conditions of the neighborhood.

Due to the lower rents the targeted area attracts a lot of first time small businesses and minority-owner businesses. In most cases the amount of capital these owners bring to their respective businesses is limited. The costs associated with

10. Local government participation in revitalization activity including whether the local jurisdiction has designated an empowerment zone.

The City has participated in the past efforts to revitalize the area. The City also maintains a continual interest in ensuring that rental properties meet basic health and safety codes.

11. The presence of a special taxing district or historic district.

NOT APPLICABLE

12. Support from community or business organizations.

The Between the Creeks Association has been informed of the decision to seek designation of the area and has shown their full support. The area does not presently have a unified business association which encompasses all four quadrants of the intersection and coordination of one is certainly considered a first step in moving forward with the City's revitalization strategy.

13. Other revitalization projects undertaken in the designated neighborhood.

Montgomery County has also undertaken other revitalization efforts in the area on the other three quadrants of the intersection.

Criteria Establishing Takoma/Langley  
Neighborhood Revitalization District

This attachment provides information to support the proposed Takoma/Langley Neighborhood Revitalization District as a "designated neighborhood" under the State of Maryland Department of Housing and Community Development Neighborhood Business Development Program (NBDP). The purpose of the program is to promote commercial development, redevelopment, or expansion of small business enterprises in designated neighborhoods.

1. The availability, cost, and condition of business facilities.

Real estate in the targeted revitalization area reflects general market conditions of the Takoma Park area. The condition of the existing properties varies from block to block within the proposed district. A number of structures require varying degrees of renovation, either architecturally or structurally, for code compliance or general appearance while others are relatively new structures. However, the area in general would benefit tremendously from needed upgrades. The area is predominantly commercial in nature but does contain a number of medium density multi-family rentals and a few single family homes. It is the City's understanding that Prince George's County will be designating the other two quadrants of the intersection of New Hampshire Avenue (MD 650) and University Boulevard (MD 193) and the surrounding area as a designated neighborhood. In order to achieve a unifying theme for the commercial area and a sense of community the City believes that it is crucial that the proposed area be designated.

2. The age and number of abandoned structures.

The large majority of structures were built the early 1960's and many have not had significant upgrades since that time. Although there are only two vacancies at the present time a number of the buildings are underutilized and suffer from a high rate of turnover.

their respective businesses is limited. The costs associated with improvements to equipment, and the structure are generally at the bottom of the list in terms of priority. These improvements are often justifiably overlooked when the goal is to simply survive, and the importance of maintaining a safe, attractive place to shop is often ignored. Financial incentives will help motivate property owners to make appropriate long-term investments and permit small businesses to undertake renovations, facade improvements, and other upgrades which will in turn create a vital business environment.

7. The neighborhood development or redevelopment strategy of the local jurisdiction for the designated neighborhood.

One of the City's strategies has been to use Federal and State funds to help improve the area. To date the City has sponsored over \$650,000 in improvements to make the area an attractive, safe place to shop. By working with the Takoma/Langley Crossroads Development Authority (T/L CDA), area businesses, and Prince George's County staff the City envisions continuing the present commercial revitalization plan which will unify the intersection under a common theme. The City also assists businesses in working together on common initiatives and provides referrals to resources for funding physical improvements as well as training to improve business operations. Another key part of the City's strategy is to assist business owners in moving away from marginal operations and developing greater stability which benefits the surrounding neighborhoods as well.

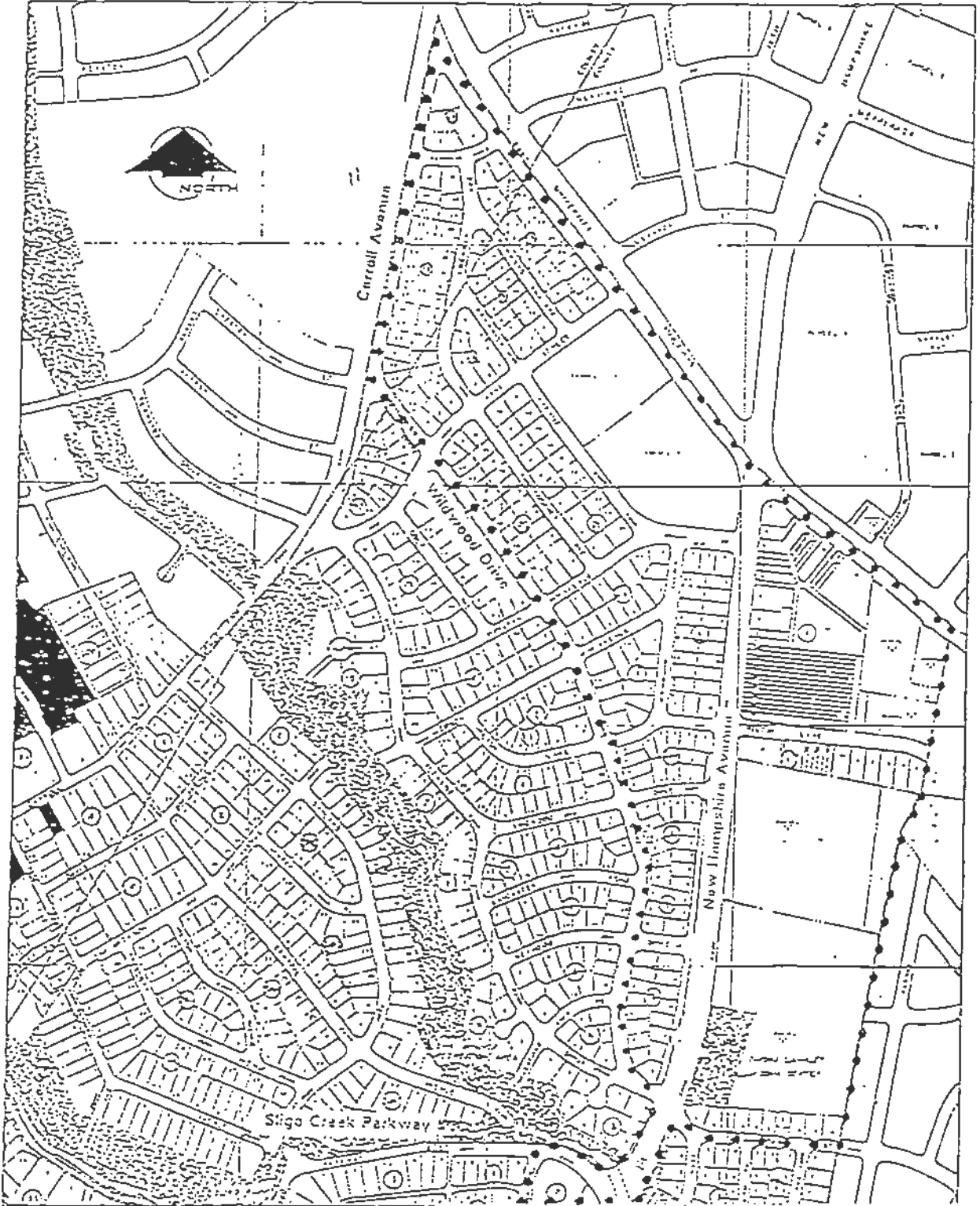
8. Any plans and financial commitment of the local jurisdiction to undertake improvements in the designated neighborhoods.

In the past the City has been involved with streetscape and facade improvement projects funded through HUD's Community Development Block Grant program and the State of Maryland's Main Street Improvement program. The scope of work included such things as replacement of deteriorated curb/gutter and sidewalk, resurfacing of public alleyways and streets, installation of new sidewalks, security lighting, signage, a police substation, trash receptacles, and other street furnishings. The City views designation of this area as the beginning for new plans and a renewed financial commitment to the area.

9. Standards established for other relevant State or Federal programs.

As mentioned earlier, the area qualified for Federal Community Development Block Grants funds. All applicable standards and guidelines are fully implemented and

Takoma/Langley  
Neighborhood Revitalization District  
Map "C"



KEY

• • • • District Boundary



4. The income of residents relative to State or regional median income, including the number of persons who are welfare recipients or unemployed.

The City has applied for and received Community Development Grant Funds for the area based on aggregated census data from the surrounding census tracts which constitute the market area. The census tracts immediately surrounding the proposed district had a low/moderate income population average of 35.98%.

Census Tract & Block Group	Percent Low/Moderate Income
7017.01 Block 1	41.72%
7017.01 Block 2	38.76%
7018 Block 1	41.36%
8052.02 Block 1	80.70%
8052.03 Block 1	11.83%
8052.03 Block 2	30.98%
8053 Block 1	22.73%
8053 Block 2	24.70%
8055 Block 1	52.53%
8055 Block 2	8.81%
8052.01 Block 1&2	38.8%
<b>AVERAGE:</b>	<b>35.98%</b>

5. The extent of unemployment and availability in the area of jobs for residents of the designated neighborhood.

The unemployment rate for the City of Takoma Park was 4.2% per the 1990 census. There were 10,098 City residents employed as of the last census as well. Employment characteristics show a broad diversity of occupations with concentration in Administrative/Professional, as well as retail trade, sales, and other services occupations. The targeted area contains numerous sales, service, and retail business opportunities.

10. Local government participation in revitalization activity including whether the local jurisdiction has designated an empowerment zone.

The City has participated in the Prince George's County's Aid to Municipalities Program in an effort to establish a business association in the area. Although this effort was not completely successful, lines of communication have been open. Prince George's County also developed a streetscape improvement plan for the area on behalf of the City.

11. The presence of a special taxing district or historic district.

NOT APPLICABLE

12. Support from community or business organizations.

The South of Sligo Creek Citizens Association (SOSCA) was instrumental in having the pedestrian signals placed by the Maryland State Highway Administration. The residents felt that their main impediment to patronizing area businesses was the lack of pedestrian access. Foot traffic from the surrounding neighborhoods represents a significant patron potential for the business owners.

13. Other revitalization projects undertaken in the designated neighborhood.

Other revitalization efforts from the private sector have taken place close to the proposed designated area. Trak Auto moved to a location down the street from the Gateway area and expanded their store capacity significantly. Shoppers Food Warehouse which is directly across New Hampshire Avenue from the proposed district is expanding from 37,000 sf to 65,000 sf. Through the NBDP the City hopes to make financial resources available to small business owners so that investment in the area can continue.

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

**Tuesday, May 27, 1997**

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Executive Session 5/19/97 - Moved by Davenport; seconded by Williams. Council convened in Executive Session by unanimous vote at 11:00 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Davenport, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Sharp. STAFF PRESENT: Habada, Silber, Espinosa, Sickle. (1) Staff reported on the possible purchase of property; Council directed staff to proceed with possible purchase. (NOTE: Habada, Espinosa and Sickle left the room.) (2) The Council discussed a personnel matter, and agreed with counsel's recommendation on the issue. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (1)(i)).

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**OFFICIALS PRESENT**

Mayor Sharp

Councilmember Chavez

Councilmember Davenport

Councilmember Porter

Councilmember Rubin

Councilmember Williams

Deputy City Administrator Grimmer

Assistant City Administrator Hobbs

City Clerk Sartoph

Assistant Corporation Counsel Perlman

Corporal Reisling

Officer Perez

Police Chief Anderson

**OFFICIAL ABSENT**

Councilmember Elrich

Community Development Coordinator Sickle

Senior Planner Schwartz

**ANNOUNCEMENTS**

Mayor Pro Tempore Porter announced that Mayor Sharp will not be here for the beginning of the meeting but that he may be arriving later. She explained that since the sound system is not working in the Council Chambers, the meeting will be held in the upstairs meeting room.

Following the Pledge of Allegiance, these remarks were made:

**COUNCIL COMMENTS**

Councilmember Rubin noted that last Monday, the Montgomery College Board of Trustees voted to go with Plan #1 which will expand the Takoma Park campus on its current site. Neighbors are thrilled about this; it is great news for the City. Students will continue to have the opportunity to interact with the neighborhood, and the neighborhood will continue to learn from the students.

The choice of Plan #1 will give all parties an opportunity to continue to contribute to what will be the “crown jewel” of the South Silver Spring community and the Gateway area.

Councilmember Williams remarked about the Azalea awards that were presented a week ago by the Takoma Foundation, jointly with the Takoma Voice. He said that he was excited to learn about different activities going on in the City.

Mr. Rubin pointed out that Eric Bond of the Takoma Voice is in the audience, and that he deserves a lot of credit as one of the prime coordinators of the awards program.

### **ADDITIONAL AGENDA ITEMS**

Mr. Williams requested that two items be added to the agenda: (1) ongoing negotiations with Washington Gas about upgrading of their system (Worksession), and (2) discussion of City Administrator’s evaluation (Executive Session).

**ADOPTION OF MINUTES** (Moved by Williams; seconded by Chavez) The Council Meeting Minutes from 5/5 and 5/12 were adopted unanimously (VOTING FOR: Chavez, Porter, Rubin, Williams; ABSENT: Sharp, Davenport, Elrich).

### **CITIZEN COMMENTS**

William Ruby, Principal of Sligo Adventist School, described the circumstances surrounding the school’s cancellation of the Takoma Park Symphony concert on the evening of May 9. He stated that a letter of apology has been sent to the Mayor, which will also be printed in the *Newsletter* and the *Takoma Voice*. Mr. Ruby expressed his sincere apology, on behalf of the school, and emphasized that school officials are continuing to work through the situation, trying to make amends.

Benjamin Onyeneke, Maple Avenue, commented on the “weak” Mayor-Council structure of the City government, which he described as being run very much like a business. He referred to an article in the Metro section of the *Washington Post* about sexually abusive teachers in schools, and applauded the students who are coming forth with allegations of abuse by a coach. He remarked about the characteristics for which teachers should strive. Mr. Onyeneke urged the Montgomery County Court to prosecute the accused athletic coach. He went on to comment in opposition to military intervention in countries struggling to find democracy, and urged the U.S. government to condemn military activities in South Africa.

Monte Agro, Carroll Avenue, expressed concern about Item #7 on the evening’s agenda, noting that his primary concern is one of due process. The proposed resolution speaks to two specific properties which are not currently in the Open Space Plan. This is putting the “cart before the horse.” The public has not had an opportunity to comment on the acquisition of these properties. He asked that Council to postpone consideration of the resolution until after the June 9 public

hearing.

Ms. Porter explained that the resolution will serve to put a place holder in the Program Open Space (POS) plan. Adoption of the resolution is not a commitment to purchase these properties; putting them in the annual program does not commit the City to do anything. She noted that there is three times as much money needed to purchase the properties identified in the Open Space Plan as there are available funds.

Ken Reichert, Local 400, stated that he is here to speak about the proposed budget and urge the Council to fund merit increases for police officers.

Ms. Porter asked Mr. Reichert to hold his comments until the item on the budget comes up on the agenda.

## **REGULAR MEETING**

### **1. Resolution of Appreciation -- Nancy M. Grimmer.**

Ms. Porter said that she is sorry to be taking up this item because it means saying “goodbye” to Nancy Grimmer, a longstanding and much appreciated member of City staff. Ms. Porter remarked that she knows that the Mayor would like to be here to make this presentation, but explained that he is unavoidably detained this evening. She read the resolution for the record.

Moved by Porter; seconded by Williams.

Resolution #1997-31 was adopted unanimously, expressing appreciation to Nancy Grimmer for her many years of dedicated to the Takoma Park community (VOTING FOR: Chavez, Porter, Rubin, Williams; ABSENT: Sharp, Davenport, Elrich).

### **RESOLUTION #1997-31 (Attached)**

Ms. Porter presented the resolution to Ms. Grimmer.

Deputy City Administrator Grimmer commented that she has loved working for the City, and has enjoyed the energy of the Council and that which the Councilmembers devote to the community.

Ms. Porter said that she believes Ms. Grimmer came to the City just prior to her coming on the Council, and remarked that she was very helpful and has continued to be so over the years. She stated that Nancy is the type of person who when asked to have something done, does not give reasons why it cannot be done, but instead finds a way to get it done. Ms. Porter remarked that this has been helpful in many situations, because Ms. Grimmer has often taken it upon herself to get things done.

Mr. Williams seconded Ms. Porter's comments. He recalled that Ms. Grimmer was introduced to the Council at the first meeting he attended some years ago to get involved in the community over a problem property. He stated that since that time, prior to being a Councilmember and after having come on the Council, he has been able to rely on Nancy for advice and consultation, which he has highly valued.

Mr. Rubin echoed the previous comments. He described his lasting image of Ms. Grimmer as the last person, still working at her computer after the conclusion of late night Council meetings. He said that anytime the Council has wanted help on anything, big or small, she has been willing to assist. Mr. Rubin concluded that Ms. Grimmer will be missed.

Councilmember Chavez thanked Mr. Grimmer for her assistance to him, especially as a new member of the Council. He conveyed best wishes, and said that he hopes and prays that her professional career will be the best wherever she goes.

Ms. Porter noted that since Mayor Sharp is not here, Ms. Grimmer will have to get the resolution signed later.

**2. 1st Reading Ordinance re: FY98 City Budget and FY98-02 CIP.** Moved by Porter; seconded by Williams.

Ken Reichert, Local 400, said that he is here this evening to represent the Takoma Park police officers, and thanked the Assistant City Administrator Hobbs for a copy of the proposed budget. He invited a couple of officers to present their comments before providing his own.

Corporal Reisling, Union Chapter Steward, expressed concern that the proposed budget does not include merit increases for employees. She remarked about morale problems in the police department and efforts being made to keep employees for more than a few years. The way the merit system is set up, it does not encourage longevity. She noted the large turn-out of officers this evening to demonstrate the level of displeasure with no merits being proposed again this year. Ms. Reisling remarked that she believes that citizens are happy with the services being provided by police officers, but that it seems the satisfaction ends with the residents. Management is not offering compensation for the excellent jobs being done. She invited the Councilmembers, at anytime, to go out with officers into the community, and encouraged the Council to find a way to fund merits in the proposed budget. Takoma Park officers are above average, yet they are leaving the City to other jurisdictions where they do less work, and still receive higher compensation and better benefits.

Officer Perez, Union Chapter Steward, commented on the low morale in the police department. As a new officer to the City, he said that he was attracted by what he had heard about the good opportunities to get involved in the community. Takoma Park officers interact with the community a lot better than what is reported of officers in other jurisdictions. Officers work with residents to solve problems and provide truly personalized service. He stated that it is time for the

City to show the officers that it cares for them and their families. Mr. Perez commented that while it is not currently the case, he would venture to say that lack of attention to compensation and benefit issues will eventually affect the service being provided by the officers to the community. This will be compounded by a continuous drop in morale. There needs to be better incentives (e.g., retirement plan, take-home vehicles, etc.). He remarked that there are many officers willing to help the City in whatever way necessary to help the Council help its officers (e.g., examination of revenue options). He suggested that the City consider allowing bigger companies to locate and do business in the City. This would generate more revenue. He concluded that the officers need to know that they are considered important, and that everyone here tonight is interested in finding out what is going to happen to address the concerns that have been raised.

Mr. Reichert referred to the budget, saying that he understands there is \$30,000 allocated in the budget for a pay for performance study. He noted that Montgomery County has spent several thousand dollars on a consultant to do the same type of study, and suggested that the City ask the county for a copy of the study to use in structuring a program for the City. This would alleviate using the \$30,000 to hire someone to do the same consulting work. Mr. Reichert added that the City might also consider using volunteers to do the work and explore revenue generating ideas. The City might want to consider user fees for some functions. He suggested that monies through the Open Space Program could possibly go toward merits, noting that officers only got ½ year merits last year. Mr. Reichert remarked about the 6% tax cut, suggesting that the Council reconsider tax cuts, and urged the Council to reconsider not funding the increases for the officers.

(NOTE: Councilmember Davenport arrived at 8:15 p.m.)

Mr. Rubin assured the audience that every police officer in the City is appreciated by the citizens, Council and staff. Residents appreciate their work--i.e., the protection and interpersonal service given. Sometimes the Council may not say this enough, but the citizens believe this. He explained that the study to be done by the consultant (\$30,000 allocation) will affect all City employees, not just the Local 400 members. Mr. Rubin said that as he expressed the other day, he is generally against hiring consultants, but considering that pay for performance has been discussed over the past year, there is a sense of urgency to get on with this project. He said that he would like to see staff team involvement in the process, as much as possible. Mr. Rubin clarified that the question of merit pay is appropriately addressed in the course of negotiations between staff and management. The Council does not approve merits.

Mr. Reichert questioned whether the City has considered using the study already conducted by the county. He noted that the Union contract has a clause that allows merits to be denied for financial hardship.

Corporal Reisling stated that the City Administrator announced at an all-hands meeting that merits are just not in the budget. No further explanation was given.

Assistant City Administrator Hobbs explained that there is an opener in the contract this year on pay issues, and that negotiations are in progress. The City Administrator said that there is no funding available in the budget for merits, but also said that as revenues become more firm by the end of the summer, she would recommend to the Council that any additional revenues be used to help fund merits.

Corporal Reisling remarked that there is an opener in the contract for pay for performance because it was in last year's contract and has not moved forward over the past year. She said that it was her understanding that if nothing was decided on pay for performance, merits would be awarded.

Mr. Hobbs clarified the opener in the contract. He noted that he has had numerous conversations and exchanged correspondence with Mr. Lowthers and Mr. Wise (Union representatives) about the issue of no merits. Negotiations are ongoing. Mr. Hobbs stated that management does not see an impasse at this time, and recommended that negotiations be continued.

Officer Perez stated that the officers are here tonight because they do not want to wait until the last minute to hear that they are not getting merits this year.

Mr. Rubin acknowledged the concern, but restated that the Council does not discuss whether the employees get merits.

Mr. Reichert concluded that he is here to bring attention to this issue prior to the adoption of the budget as proposed.

Mr. Williams remarked that this is largely a continuation of the discussion last week with AFSCME representatives. At that time, the Council went on record as always wanting to provide COLAs. He said that Councilmembers have been talking over the past couple of years about their dissatisfaction with the current merit system. He commented that he does not see it as a merit system at all. It is just payment to "warm bodies". Mr. Williams emphasized that he wants to see a better merit system--a true merit system. The Council has been hearing all along from employees that they are not happy with the current system; yet now, employees want to turn the \$30,000 allocation into merits and live with the current system. He said that personally, he would not be in favor of merits under the current system.

Mr. Rubin commented that he is saying the same things expressed by Mr. Williams. Council only gives direction to staff regarding negotiations with the unions.

Ms. Porter stated that the longer-term issue (i.e., turn-over in police department personnel) is not an easy issue to deal with. Anything that the Council and staff can think of to address this issue will be long-term and probably involve substantial funds. She said, however, that if money were to become available later in the year, she would be willing to consider merits.



Officer Perez noted that merits in FY97 were only for a half year (received in January). He said that in general, officers are against pay for performance and would like to see a system that provides for increases across the board, and then possibly a bonus program to be awarded on top of the even distribution.

Mr. Reichert asked whether the City is looking at the county's study.

Ms. Porter said that staff could be asked to obtain information about the study, but added that she is not willing to say that it would be sufficient to meet the needs of the City. Every organization is unique.

Corporal Reisling commented that the idea of pay for performance contributes to falling morale among officers. She said that while the union representatives have been playing-up the possibilities of a new system, there has been no progress with the study, and now employees are being told that the City cannot even afford to fund the merit increases that were provided before the idea of moving to pay for performance was introduced. She questioned why employees should stay with the City, and why they should work toward a vision and goals. Morale has seriously declined since the news of no merits again this year was announced. She proposed that a staff committee be formed to explore ideas for the pay system, but cautioned that unfortunately, no one can see past the merit issue at this time.

Ms. Porter remarked that part of the problem is that this process has taken so long. She agreed with Councilmember Williams that pay for performance is a good idea. Ms. Porter said that when a similar system was put into place in the government agency for which she worked some years ago, employees raised the same kinds of issues and concerns that City staff have presented. However, it can be implemented successfully. She stated that Councilmembers are open to how the process is conducted and encouraged staff participation.

Corporal Reisling remarked that she knows there are many officers willing to participate on a committee.

Councilmember Davenport stated that the Council and residents appreciate the work of the officers, and that they are committed to seeing that the officers are paid what they deserve. He commented that it is not cost effective to bring officers on board, train them, and then have them leave the City. He said, however, that he does want to see that the City has a pay plan that is well thought-out and one that achieves the goals of all parties. All parties need to be actively involved in the discussions.

Officer Perez said that a lot of citizens, the Council, and "City-side" staff remark about the great jobs being done by officers. He stated that it is time for the Council to "show him the money."

Ms. Porter explained to the audience, that police and public works staff do not provide services to private parties other than groups that put on community events like the Folk Festival. Assistance

to these groups is the City's contribution to the events. She clarified that the tax rate is not going down, and that it is actually going up this year. What appears to be a tax cut is a shift in the fire service tax to the Montgomery County. She stated that Open Space monies can only be spent on open space.

Benjamin Onyeneke, Maple Avenue, supported the requests of the police officers, and remarked favorably about some mediation work that has been done by Officer Perez. He urged the Police Chief and City Administrator not to penalize the officers for speaking out this evening, and suggested that the City needs to offer positive benefits to encourage officers to protect citizens from crime. He suggested that funds be appropriated for a police barracks facility where officers could possibly reside, exercise, and have support services (e.g., stress relief, counseling, etc.). He proposed that the Public Works budget could be tightened to provide more funding for the Police Department. Mr. Onyeneke stated that he would like to see a strong Mayor-Council government, and spoke in favor of a "full-time" Council. He remarked about security issues with the Library's storage space, and supported funding for a computer in the children's section of the Library and an upgrade of reading material in the adult reading area. Mr. Onyeneke encouraged the Recreation Department to use resources to repair the Ed-Wilhelm field and to establish safe parks in the City.

Ms. Porter noted that this is the first reading of the budget ordinance, and that the second reading will come up in two weeks. In the ordinance there are total revenues of \$10.95 million, expenditures of \$10.85 million, and a capital expenditure plan for the next five years. Capital expenditures for FY98 are \$673,500.

In response to Councilmember Williams' query, Deputy City Administrator Grimmer described the liquid chemical spreader on page 1 of the Capital Improvements Program (CIP) for Streets and Parks.

Ms. Porter recalled that this item was discussed in the context of the salt dome, and that she recalls staff indicating that they would prefer the salt dome.

Ordinance #1997-18 was accepted unanimously at first reading, approving and adopting a budget for the fiscal year 1998, beginning July 1, 1997 and ending June 30, 1998 (VOTING FOR: Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich, Sharp).

**ORDINANCE 1997-18**  
**(Attached)**

Moved by Ms. Porter and with no objection, the Council convened as the Storm Water Board at 8:50 p.m.

**3. 1st Reading Ordinance re: FY98 Storm Water Utility Rate.** Moved by Rubin; seconded as Chavez.

Mr. Rubin stated that the Storm Water Utility Fee System is a newly adopted program, and that so far it has proven to be a much more fair system than the previous storm water tax. Now, all institutions, including tax exempt institutions, are paying a fair share of storm water costs. He said that at a \$24 rate for single-family homeowners, the rate under the fee system is lower for most people.

Ms. Porter summarized that the FY98 proposal is to keep the rate the same as last year.

Mr. Williams proposed an amendment to the second Whereas Clause to replace “but” with “other than.”

Ordinance 1997-19 was accepted unanimously, as amended, at first reading, establishing the fiscal year 1998 base rate for the Stormwater Management Fee (VOTING FOR: Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich, Sharp).

**ORDINANCE #1997-19**  
**(Attached)**

**4. 1st Reading Ordinance re: FY98 Storm Water Budget.** Ms. Porter explained the ordinance. Moved by Williams; seconded by Davenport.

Ms. Porter noted that the total budget is \$204,000.

Nellie Moxley, 6411 Eastern Avenue, questioned the structure of the fee system.

Ms. Porter responded that for residential properties it is a standard fee of \$24.

Mr. Williams added that a single-family home with an accessory apartment is treated as residential with a \$24 fee.

Ms. Moxley remarked that more people would have come out this evening except that they are frightened after learning of the special assessment charted to the residents of the Westmoreland Avenue area.

Mr. Rubin clarified that the residents in the Westmoreland Avenue area approached the Council and asked for their storm water problems to be fixed. It was agreed that there would be a special assessment associated with the project.

Ms. Porter suggested that this discussion is not about the agenda item this evening, and added that Council and staff would be happy to discuss the issue of storm water concerns in the annexation area at another time. She directed staff to provide Council with a plan for how the FY98 storm water monies will be spent, including a schedule for storm drain cleaning.

Ms. Moxley said that the residents of the annexation area need to know how the City is going to address their concerns, since the area is in a creek bed.

Paul Roat, President of Pine Crest Citizens Association, stated that residents in this area have had nothing but trouble for years with storm water. He described the course of the storm water that flows off of Eastern Avenue. The City now has the responsibility to remedy the problems. He remarked that the townhouse developments will only add to the run-off problems. Mr. Roat noted that the annexation area is not mentioned in the budget. He described problems people are having with water damage to carpets in their homes. When the residents file damage claims with their insurance companies, their premiums are raised. He emphasized that these residents deserve a specific plan to address these problems, and that he hopes staff will provide information specific to the annexation area.

Ms. Porter noted that the final vote on the ordinance will be considered in two weeks.

Ordinance #1997-20 was accepted unanimously, adopting a storm water management budget for fiscal year 1998 beginning July 1, 1997 and ending June 30, 1998 (VOTING FOR: Chavez, Davenport, Porter, Rubin; ABSENT: Elrich, Sharp, Williams).

**ORDINANCE #1997-20  
(Attached)**

**5. 1st Reading Ordinance re: FY98 Tax Rate.**

Ms. Porter stated that the tax rate for general City services is \$1.535 / \$100 of assessed property value. It is an increase over last year.

Nellie Moxley, Eastern Avenue, referred to the *Gazette* article regarding county tax rates. She asked whether these taxes will be in addition to the City's rate.

Ms. Porter responded in the affirmative, noting that next year residents of the City will pay taxes to the City and Montgomery County. She noted that the Montgomery County tax rate is lower than the Prince George's County tax rate.

(NOTE: Mayor Sharp arrived at 9:05.)

Ms. Moxley noted that Montgomery County will not be offering a tax credit next year, and that many residents will be hurt by this.

Ms. Porter described the State's tax credit program and how the City's rebate program works. She noted that the second reading of the ordinance will be considered in two weeks.

Moved by Davenport; seconded by Chavez.

Ordinance #1997-21 was accepted unanimously, establishing the tax rate for the fiscal year 1998 beginning July 1, 1997 and ending June 30, 1998 (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**ORDINANCE #1997-21**  
**(Attached)**

**6. Resolution re: Agreement -- State Capital Allocation.** Mr. Sharp explained the resolution.

Community Development Coordinator Sickle noted that the agreement was prepared by Legal Counsel Ellis Koch in consultation with the representatives from the State's Department of General Services. However, the agreement is between the City and the Co-op; the State is not a party in the agreement.

Moved by Davenport; seconded by Rubin.

Mr. Sharp said that the resolution proposes that \$125,000 of State money be granted to the TPSSC to be used in their efforts to relocate to Takoma Junction. In return, there is an expectation, understanding, and agreement that in the future there will be a "return" to the City. He remarked about the issue of not tying the term "loan" to the use of the monies. The "return" on the money will be in some form, as yet undetermined.

Larry Bassett, coordinator for TPSSC, thanked the City for its long and positive support for the relocation effort. This is the last final bit of the financing. The Co-op is working with Mr. Turner to have him move out of 201 Ethan Allen, and is still anticipating a grand opening in the fall. He noted that the City has been helpful in many other ways.

Resolution #1997-32 was adopted unanimously, authorizing the execution of an agreement between the City of Takoma Park and the Takoma Park-Silver Spring Cooperative for a grant in the amount of \$125,000 for renovation of the Turner Electric property located in the Takoma Junction commercial area--assistance to be made available from the Capital Project Grant received by the City from the State of Maryland (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**RESOLUTION #1997-32**  
**(Attached)**

**7. Resolution re: Program Open Space (POS) Annual Program.** Senior Planner Schwartz stated that the FY98 program is due to Montgomery County on June 20. The point has come up about timing of this resolution in relation to the consideration of the Open Space Plan. There is no particular deadline for the FY97 amendment; however, July 1 is quickly approaching. She referred to the explanation contained in the staff report, and noted that the addition of the Takoma Park Community Center is an amendment to the FY97 program.

Mr. Williams questioned whether the resolution could be considered only for the FY97 amendment, separating out the FY98 program for consideration following the upcoming public hearing.

Ms. Schwartz listed the language changes that would be needed: (1) eliminate the first whereas clause; (2) strike "also" in the second whereas clause, add "State Program Open Space" after "1997, and add "and development of the Takoma Park Community Center" to the end of the clause; (3) eliminate the fifth whereas clause; (4) eliminate the first therefore clause; (5) change the introduction language of the second resolved clause to "Now, therefore, be it resolved by the City Council of Takoma Park, Maryland, that"; (6) add "City" before "Council", strike "also", and add "Development: Takoma Park Community Center, \$20,325" in the resolved clause; and (7) strike "the Fiscal Year 1998 and" in the last resolved clause.

Ms. Porter noted that the dollar amounts in the resolution exceed the actual amount of funding the City has available. The adoption of this resolution does not commit the City to purchase the properties in the plan; it is more a way of tying up the open space monies so we can maintain the allocation from the State.

Mr. Williams moved the resolution with the amendments stated by Ms. Schwartz (seconded by Porter).

Monte Agro, 7813 Carroll Avenue, said that despite the changes to the resolution this evening, he still thinks his prepared comments are appropriate. The resolution sets a dangerous precedent. The Council is ready to start the process for purchasing property--property that is not in the Open Space Plan. Citizens have the right to express their views before the Council takes action. He questioned why bother having a public hearing on June 9, if the Council is going to take action on this resolution tonight. He urged the Council to delay consideration of the resolution until after the June 9 hearing. If it has to be adopted this evening, the resolution should not include any language about acquisition of properties which are not currently in the Open Space Plan.

Leslie Agro, asked why the Council could specifically cite a property that is not in the Open Space Plan. She remarked that this action makes her wonder why the City has a plan if the Council is not going to follow it. She emphasized that the public hearing ought to mean something, explaining that action on this resolution should not come until after the hearing.

Todd Agro, questioned whether there is a reason that a certain property must be identified in the resolution.

Ms. Schwartz responded that the State will not commit funds unless there is a specific project identified.

Mr. Rubin explained his understanding that the Council is taking this action in an attempt to obtain available funds. In no way is the City taking property, nor is this the first step in the taking

of property. It may be a step toward talking about the acquisition of property in the future with money available to pursue the purchase. He commented that one of the properties named in the resolution was mentioned in the Open Space Plan.

Councilmembers recalled that there were two property owners who had their properties removed from the proposed Open Space Plan. Ms. Porter added that Ms. Agro's properties were removed at her request.

Ms. Agro suggested that the City should make it clear to the State or County, whichever the source of the money, that the City is asking for money for properties which are not currently in the Open Space Plan. This is a very important principle. She said that she is disappointed that the Council would consider this resolution in advance of a public hearing.

Ms. Porter commented that staff and Council has explained why there is a need to proceed in this way, and restated that adoption of the resolution does not begin any acquisition process.

Mr. Williams explained the purpose of the resolution. The City is eligible for \$27,000 of POS monies that come through Prince George's County. The only way to secure that money before July 1 (Unification) is to do something fast. The City may not get the money anyway. We may lose it all together, but if not, once we get the money, we do not have to spend it in Prince George's County. It could be used toward open space anywhere in the City.

Monte Agro said that he understands what the Council is doing, but that he remains concerned about the procedure. Property which is not in the Open Space Plan is being specified in the resolution.

Ms. Agro remarked that the appearance of this action is highly suspect.

Mr. Sharp stated that he will be abstaining from the vote on this resolution. He remarked that he has been concerned about the sequencing of things related to this action.

Mr. Davenport said that he is not comfortable with the way the process is working, but that he understands why it is going this way. Adoption of the resolution in no way implies that the Council is committing to the purchase of any specific property.

Ms. Porter added that the issue is how the City gets the money.

Nellie Moxley, Eastern Avenue asked if there is a way to get more money by asking for funds for development of open spaces in areas where the City has not concentrated efforts in the past. She suggested more focus in the annexation area.

Ms. Porter clarified that the City is asking for more money than we know we will get. Where the decision gets made as to what gets bought, is when the Council will decide on funding for specific

properties.

Resolution #1997-33, as amended, was adopted, amending the FY97 Program Open Space Annual Program to substitute projects (i.e., Acquisition: Jackson/Garland Property, \$100,000, and Pringle Property, \$210,000; and Development: Takoma Park Community Center, \$20,325) for the Unspecified Acquisition project (VOTING FOR: Chavez, Davenport, Porter, Rubin, Williams; ABSTAIN: Sharp; ABSENT: Elrich)

**RESOLUTION #1997-33**  
**(Attached)**

Ms. Porter stated that a request has been made by the owner of the Jackson/Garland property. He said that he had wanted to approach the County about whether it would be interested in purchasing one of his lots. Ms. Porter stated that a County staff person explained that the City would need to send a letter to the County recommending that the County buy the property. She explained that since the property owner raised the issue with her, she would like to request that the Council send a letter to the County requesting their consideration.

Monte Agro questioned whether a letter should be postponed until after the open space hearing.

Ms. Porter remarked that this is not an issue of open space. It is an issue between the property owner and the County. She said that she does not think that the County has the money to purchase the property.

Ms. Schwartz added that the County would have to add it to their capital improvements program.

Ms. Agro said that she is not sure how to feel about this, and that she remains concerned about the process that is being followed.

The Council reached a consensus to forward a letter to the County.

**8. 2nd Reading Ordinance re: Right-of-Way Disturbance -- Public Utilities.** Moved by Davenport; seconded by Rubin.

Mr. Williams stated that somewhere there needs to be language about a moratorium on the disturbance of rights-of-way which have been resurfaced within the last 5 years.

Assistant Corporation Counsel Perlman remarked that this is the first time she has heard of a moratorium, and asked whether Mr. Williams is suggesting that the Code be amended to this effect.

Mr. Williams questioned where the current authority comes from, wondering whether it is part of an Administrative Regulation.



Ms. Perlman stated that she is a little hesitant to try to add language to the ordinance being considered this evening.

Mr. Williams clarified that he just wants to be sure that this provision does not get lost, especially since it is his understanding from staff that the moratorium is in practice.

Ms. Perlman suggested that City Administrator Habada or Public Works Team Leader Shafer might better speak to this matter.

Ordinance #1997-14 was adopted unanimously, amending Chapter 11, Streets, Article 3, Permits and Improvements, of the *Takoma Park Code* to increase the permit fees for construction work within a public right-of-way and to establish a design and inspection fee (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**ORDINANCE #1997-14  
(Attached)**

**9. 1st Reading Ordinance re: Tree Trimming and Cutting -- Public Utilities.** Ms. Porter remarked that she does not quite understand the change regarding supervision of tree cutting.

Ms. Perlman explained that Forester Busciano thought it would be overly burdensome for the actual person cutting the tree to be certified by the International Society of Arboriculture (ISA), and thought it would be sufficient to have a "certified" person available for contact.

Ms. Porter questioned why this person should be the "principal owner or chief officer" of the business performing the work. Suppose the owner is just an investor.

Ms. Perlman said that she would think, even under this scenario, that the ordinance would serve the same purpose.

Ms. Porter stated that she understands Mr. Busciano's concern. Certification is probably hard to obtain, so as long as one person has the certification it would be acceptable. She emphasized that she would like the certified person to be someone closer to the work (i.e., chief supervisor), someone in a supervisory capacity in charge of the crew who could be reached if there were a problem.

Ms. Perlman responded that language could be added to this effect. She noted that Mr. Busciano had a discussion with the PEPCO forester who was not happy with the City's standards because PEPCO already has its own standards. She explained the reasoning behind Mr. Busciano's recommendation about a certified contact. Utility companies often contract trimming and cutting work to smaller companies. A company whose owner is ISA certified would help keep out the less qualified companies.

Ordinance #1997-22 was accepted, as amended, at first reading, requiring advance notification to the City of roadside tree trimming and cutting by utility companies, adopting standards for roadside tree work, and authorizing the City Administrator to issue stop-work orders (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**ORDINANCE #1997-22**  
**(Attached)**

**10. Resolution re: Tree Commission.** Ms. Porter said that because of the way that the Commission considers cases, if a new person is not appointed now, the outgoing member may still be on board as new cases come up. The overlap of the “inactive” member and the newly appointed “active” member will alleviate this potential problem. She noted for the record that the individual being considered for appointment this evening, Pat Howell, was involved in one of the previous cases, but that as a new member, she will not have any involvement as a Tree Commissioner in that case.

Moved by Porter; seconded by Williams.

Resolution #1997-34 was adopted unanimously, appointing Pat Howell to the Takoma Park Tree Commission (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**RESOLUTION #1997-34**  
**(Attached)**

**11. Single Reading Ordinance re: Public Works Fence and Gates.** Mr. Sharp explained the ordinance. Two bids were received. Funds for this project were budgeted.

Moved by Williams; seconded by Davenport.

Ordinance #1997-23 was adopted unanimously, authorizing the award of a contract to Hercules Fence in the amount of \$18,145, to be charged to Capital Budget Account #9100-8000 (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**ORDINANCE #1997-23**  
**(Attached)**

**12. Resolution re: Personnel Appeal Board.** Mr. Sharp explained that the resolution would effect the reappointment of Patricia Miller.

Moved by Williams; seconded by Davenport.

Resolution #1997-35 was adopted unanimously, reappointing Patricia Miller to the Personnel Appeal Board (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT:

Elrich).

**RESOLUTION #1997-35  
(Attached)**

**13. Single Reading Ordinance re: Additional Lobbyist Expenses.** Mr. Sharp explained the additional amount of money to be allocated for payment to Rifkin, Livingston, Levitan & Silver, for lobbying services during the 1997 General Assembly session.

Ms. Porter commented that the City Administrator did notify the Council that the expenditures were going to exceed the budget, and that the Council informally authorized the extra funds. She remarked that it has been very useful having a lobbyist in Annapolis to keep an eye on things during the General Assembly session.

Mr. Sharp added that Delegate Franchot has praised the work of Laurence Levitan, and the successes they have had together working on things for the City. He questioned whether the ordinance should be considered at two readings, since it is a budget amendment.

Ms. Porter asked whether the Council can go ahead and accept the ordinance at first reading tonight with the understanding that there will be a second reading.

Mr. Sharp questioned where the money for the additional expenses is coming from out of the budget. It needs to be stated in the ordinance.

The Council reached consensus to treat the ordinance as a two-reading ordinance.

Ordinance #1997-24 was accepted unanimously at first reading, authorizing the City Administrator to pay the final billing received from Rifkin, Livingston, Levitan and Silver, not to exceed a total of \$5,952.80 for FY97 expenditures for lobbying services. Funds to cover this expenditure shall be charged to Account 1120-6140 Government Administration, Contracts (VOTING FOR: Sharp, Chavez, Davenport, Porter, Rubin, Williams; ABSENT: Elrich).

**ORDINANCE #1997-24  
(Attached)**

**WORKSESSION**

The Council moved into Worksession at 9:54 p.m.

**ADJOURNMENT / EXECUTIVE SESSION**

The Council adjourned at 10:15 p.m. and immediately convened in Executive Session to discuss (1) litigation, (2) Union Contracts, and (3) the City Administrator's contract. The Council later adjourned for the evening.

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Executive Session 5/27/97 - Moved by Chavez; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIAL ABSENT: Elrich. STAFF PRESENT: Grimmer, Hobbs, Perlman, Sartoph. (1) Staff reported on Union negotiations; Council reached consensus to proceed with staff's recommendation. (2) Staff reported about on-going litigation; Council provided direction for next steps. (NOTE: Staff members left the conference room.) (3) Council discussed the City Administrator's contract. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9), (8) and (1)(i)).

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**RESOLUTION NO. 1997 - 31**  
**IN APPRECIATION OF NANCY M. GRIMMER**

WHEREAS, Nancy M. Grimmer began her employment with the City of Takoma Park, Maryland, in 1990; AND

WHEREAS, Ms. Grimmer served with distinction as Director of the Department of Housing and Community Development from 1990 until 1992; AND

WHEREAS, as Deputy City Administrator from 1992 to 1997, Ms. Grimmer superbly fulfilled her responsibilities in managing the preparation of annual City budgets, and was a leader in innovation in the City Library, Recreation Department, and Department of Housing and Community Development; AND

WHEREAS, She is leaving City employment for pursuit of greater challenges which, no doubt, she will meet with equal distinction; AND

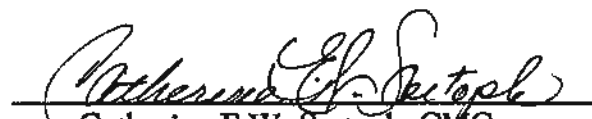
WHEREAS, Nancy M. Grimmer will be greatly missed by her many friends and colleagues in the Takoma Park Community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that appreciation is hereby extended to Nancy M. Grimmer for her many years of dedicated service to the Takoma Park Community; AND

BE IT FURTHER RESOLVED, THAT best wishes are tendered to Nancy M. Grimmer for all her future endeavors.

ADOPTED THIS 27<sup>TH</sup> DAY OF MAY, 1997.

ATTEST:

  
Catherine E.W. Sartoph, CMC  
City Clerk

Introduced by: Councilmember Davenport

RESOLUTION 1997 - 32

A resolution authorizing the execution of an agreement between the City of Takoma Park and the Takoma Park-Silver Spring Cooperative for a grant in the amount of \$125,000 for renovation of the Turner Electric property located in the Takoma Junction commercial area. Assistance to be made available from the Capital Project Grant received by the City from the State of Maryland.

WHEREAS, the City received a Capital Appropriation in the amount of \$500,000 from the State of Maryland to support the development goals for the Takoma Junction commercial area; and

WHEREAS, the City has determined that having the Co-op move into Takoma Junction will be a major step in the revitalization of the area; and

WHEREAS, the Co-op has obtained funding for the planned improvements from several sources; and

WHEREAS, the Co-op has demonstrated the need for financial assistance from the City to complete the renovation of the Turner Electric property.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park that the City Administrator is authorized to execute the attached agreement which provides the terms and conditions for the use of the grant funds in the renovation of the Turner Electric property in accordance with the Capital Project Grant guidelines.

Adopted this 27<sup>th</sup> day of May, 1997.

Introduced By: Councilmember Williams

**Resolution No. 1997-33**

**Resolution Concerning FY 97 Program Open Space Annual Program**

- WHEREAS, the Council has directed that the City's Fiscal Year 1997 State Program Open Space Annual Program be amended to include acquisition of the Jackson/Garland and Pringle properties and development of the Takoma Park Community Center; AND
- WHEREAS, the Annual Program does not bind the City to pursue any particular project, but must include any projects the City undertakes during a given fiscal year; AND
- WHEREAS, acquisition projects are fully funded by Maryland's Program Open Space, while development projects require a 25 percent local match; AND
- WHEREAS, the local match for the Takoma Park Community Center development project will be supplied by Montgomery County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the Council amends the City's Fiscal Year 1997 Program Open Space Annual Program to substitute the following projects for the Unspecified Acquisition project and to include the following development project:

Acquisition: Jackson/Garland Property, \$100,000; Pringle Property, \$210,000.

Development: Takoma Park Community Center, \$20,325.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit the amended Fiscal Year 1997 Program Open Space Annual Programs to the Maryland-National Capital Park and Planning Commission.

**ADOPTED THIS 27th DAY OF MAY, 1997.**

**Introduced by: Councilmember Porter**

**RESOLUTION #1997 - 34**

**APPOINTING MEMBER TO 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,** the Commission is composed of five citizens appointed by the Council; **AND**

**WHEREAS,** the City has received notice from a current member of the Commission, Karyn Molines, that she will be moving from the City on May, 24, 1997; **AND**

**WHEREAS,** Sec. 2-125 of the Takoma Park Code provides that a commission member who ceases to reside in Takoma Park, at the discretion of the commission chairperson, may continue as an inactive member of the commission to complete work on matters in which he/she participated as an active member of the commission; **AND**

**WHEREAS,** the Tree Commission is currently involved in two cases, and the Chairperson has requested that Ms. Molines continue to serve on the commission as an inactive member until the conclusion of the original proceedings in cases "Kurt Kershow (7100 Central Avenue)" and "Poplar Mill Townes"; **AND**

**WHEREAS,** the Council recently interviewed several applicants to fill vacancies on the commission--more applicants than there were vacancies at that time; **AND**

**WHEREAS,** the Council desires to appoint one of the remaining applicants to the remainder of Ms. Molines' term.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following individual is hereby appointed, effective immediately, to serve on the Takoma Park Tree Commission:

**Name/Address**

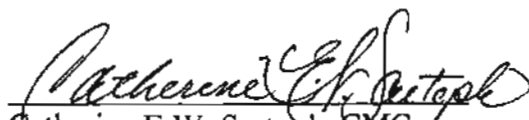
**Term Expires**

Pat Howell  
7410 Aspen Avenue

9/30/99

**ADOPTED** this 27 day of May, 1997.

**ATTEST:**

  
Catherine E. W. Sartoph, EMC  
City Clerk



**Introduced by: Councilmember Porter**

**RESOLUTION #1997 - 35**

**REAPPOINTING A MEMBER TO THE TAKOMA PARK  
PERSONNEL APPEAL BOARD**

**WHEREAS,** the Code of the City of Takoma Park provides for the composition of the Personnel Appeal Board for the purpose of hearing employee appeals; **AND**

**WHEREAS,** Section 8B-181 of the Code provides that the Board shall be composed of five (5) members; **AND**

**WHEREAS,** there is currently one (1) expired term on the Board; **AND**

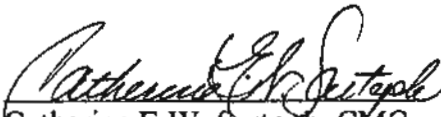
**WHEREAS,** Council has interviewed the incumbent member of the Board, who has expressed interest in continuing her service on the Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Takoma Park, Maryland, that the following person is hereby reappointed, effective immediately, to the Takoma Park Personnel Appeal Board:

<b>Name/Address</b>	<b>Term Expires</b>
Patricia Miller	March 31, 2000

**ADOPTED** this 27 day of May, 1997.

**ATTEST:**

  
Catherine E.W. Sartoph, CMC  
City Clerk

Introduced by: Councilmember Porter

1<sup>st</sup> Reading: 5/27/97

2<sup>nd</sup> Reading:

Ordinance No. 1997 - 18

**AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 1998, BEGINNING JULY 1, 1997 AND ENDING JUNE 30, 1998.**

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1997 and ending June 30, 1998 (FY98);

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

SECTION 1. That from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 1998 there shall be, and hereby are appropriated General Fund revenues of TEN MILLION NINE HUNDRED FIFTY THOUSAND TWO HUNDRED DOLLARS (\$10,950,200) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY98 budget as follows:

Taxes-Local	\$ 5,035,087
Taxes-State Shared	1,426,820
Licence & Permits	35,100
Revenue from other Agencies	2,351,725
Service Charges	647,000
Fines & Forfeitures	130,000
Miscellaneous	<u>554,454</u>
	SUBTOTAL \$10,180,186
Prior year surplus/Unappropriated Reserve	565,092
Equipment Replacement Reserve	135,000
Stormwater Fund - Debt Service Transfer	23,842
Equipment Replace Reserve - Debt Service Transfer	41,080
Tree Fund	<u>5,000</u>
	TOTAL \$10,950,200

SECTION 2: THAT the City Administrator is hereby authorized to transfer funds to the FY98 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$565,092.

SECTION 3: THAT there shall be, and here are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1997-98 Fiscal Year:

Public Works	\$2,820,011
Police Department	\$2,913,193
Non-Departmental	\$ 673,500
Capital Expenditures (General Fund)	\$ 673,500
Capital Expenditures (Equipment Reserves)	\$ 135,000
General Government	\$1,109,999
Housing & Community Development	\$ 747,682
Recreation	\$ 607,983
Library	\$ 522,306
Media	\$ 114,000
Debt Service	\$ 275,654
Equipment Reserves-appropriation to fund balance	\$ 94,506
General Fund Transfer to Special Revenue Fund	\$ 64,297
FY97 Carryover bond projects	<u>\$ 330,222</u>

**AUTHORIZED FY98 EXPENDITURES** \$10,850,200

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the Non-Departmental Budget, a General Contingency Account appropriation of THIRTY EIGHT THOUSAND DOLLARS;

SECTION 5. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects, with Revenues of [EIGHT HUNDRED] ONE MILLION, THREE HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED EIGHTY EIGHT DOLLARS [(\$859,988)] (\$1,359,988) inclusive of a General Fund Transfer of SIXTY FOUR THOUSAND TWO HUNDRED NINETY SEVEN DOLLARS (\$64,297), and an Expenditure appropriation of [EIGHT HUNDRED] ONE MILLION, THREE HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED EIGHTY EIGHT DOLLARS [(\$859,988)] (\$1,359,988).

SECTION 6. THAT a five year Capital Improvements Program, intend to plan for large capital expenditures and their impact on the annual property tax rate, is adopted in the following amounts:

FY98	\$673,500
FY99	\$614,700
FY00	\$773,000

FY01	\$694,500
FY02	\$644,250

- SECTION 7. THAT the Council hereby ratifies the stormwater management budget for FY98 adopted by the Stormwater Board by Ordinance #1997-20.
- SECTION 8. THAT the approved FY98 Budget Document and the FY98-02 Capital Improvements Program are to be made a part of this Ordinance by reference.
- SECTION 9. THAT stormwater management projects that are declared to be emergencies as defined by the City Council, in accordance with the City Charter, may be funded through the Emergency Reserve or as otherwise directed by the City Council.
- SECTION 10. THAT should any section of this Ordinance can be determined to be invalid, such invalidity shall not affect any other sections.
- SECTION 11. THAT this Ordinance shall become effective July 1, 1997.

Adopted this \_\_\_\_\_ day of June, 1997, by Roll Call Vote:

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

Introduced by: Councilmember Rubin

First Reading: 5/27/97

Second Reading:

Ordinance No. 1997-19

**(Establishing the Fiscal Year 1998 Base Rate for the Stormwater Management Fee)**

WHEREAS, on June 10, 1996, the Council passed Ordinance No. 1996-15 adding a new Chapter 10D, Stormwater Management Fee System, to the *Takoma Park Code* and providing for a stormwater management utility fee system based on the amount of runoff from each property to fund the costs of stormwater management in the City; and

WHEREAS, all developed property in the City, including property owned by non-governmental tax-exempt entities, contributes to runoff and either uses or benefits from the stormwater system; and

WHEREAS, a stormwater management fee, which is a utility charge for services and not an *ad valorem* tax, will provide for a fair and equitable contribution from the owners of developed property to the City's stormwater management program and to the costs of operating, maintaining, and improving the City's stormwater system and will inure to the benefit of all citizens of the City; and

WHEREAS, state law provides that the City may not impose a stormwater management fee on government-owned property which is used for public purposes; and

WHEREAS, the stormwater management fee will be calculated using a base unit (which is sometimes referred to as an "equivalent residential unit" or "ERU") which represents the median impervious surface area of a typical single family residence in the City; and

WHEREAS, in preparation for establishing a stormwater utility, the City entered into a contract with CH2M Hill, Inc., an engineering firm with extensive experience in assisting jurisdictions with implementation of stormwater utility fee systems and with rate structure development; and

WHEREAS, CH2M Hill has estimated a base unit, *i.e.*, the median impervious area of single family residential properties in the City, at 1,226 square feet; and

WHEREAS, the base rate for the stormwater management fee is the annual (fiscal year) charge for one base unit; and

WHEREAS, the stormwater management fee for single family residential properties in the City will be a fixed yearly fee equal to the base rate; and

WHEREAS, the stormwater management fee for other developed property in the City will be calculated by multiplying the number of base units of impervious area of the property by the base rate; and

WHEREAS, "other developed property" is all property [but] other than single family residential property in the City which has more than 409 square feet (one-third of the base unit) of impervious surface area, except property that is used for public purposes and is owned by the State of Maryland or an agency or unit of the State, by a County, by the City, or by a volunteer fire department; and

WHEREAS, the final estimates from CH2M Hill of the total number of ERUs in the City and revenue needs of the City's stormwater management program have been considered in establishing the fiscal year 1998 base rate for the stormwater management fee.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, SITTING AS THE STORMWATER MANAGEMENT BOARD FOR TAKOMA PARK.

SECTION 1. The base rate for the stormwater management fee for fiscal year 1998 (July 1, 1997 to June 30, 1998, both inclusive) is \$24.00. The base rate shall be used to calculate the stormwater management fee for other developed property in the City as provided by Ordinance No. 1996-15, as amended (Chapter 10D, Stormwater Management Fee System, of the *Takoma Park Code*). The stormwater management fee for fiscal year 1998 shall be billed to the owners of single-family residential property and other developed property in the City as provided in Ordinance No. 1996-15, as amended (Chapter 10D, Stormwater Management Fee System, of the *Takoma Park Code*).

SECTION 2. This Ordinance shall be effective immediately.

Adopted this \_\_\_\_ day of June, 1997, by roll-call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

additions are underlined; deletions are [bracketed]

Introduced by: Councilmember Williams

1st Reading: 5/27/97  
2nd Reading:

Ordinance No. 1997-20

**AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 98 BEGINNING JULY 1, 1997 AND ENDING JUNE 30, 1998.**

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

WHEREAS, Section 4-204(d), Environment Article of the Annotated Code of Maryland authorizes the adoption of a system of charges for storm water management programs by the City; AND

WHEREAS, Article XII, Section 1205 of the Takoma Park City Charter (as amended by Charter Resolution 1996-21) states that the Storm Water Board is empowered to charge and collect storm water utility fees or user charges in order to raise sufficient annual revenue to pay for storm water management activities in the City; AND

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

**NOW, THEREFORE, BE IT ORDAINED BY THE STORM WATER MANAGEMENT BOARD OF THE CITY OF TAKOMA PARK**

SECTION 1. THAT for the fiscal year, a Storm Water Management Fee shall be imposed on real property in the City in an amount sufficient to fund the Storm Water Management Expenditures established by Section 4 of this Ordinance. The base rate for the Storm Water Management Fee shall be established by separate Ordinance.

SECTION 2. THAT a Storm Water Management Fund shall be maintained into which shall be deposited:

- (a) All the receipts and revenues from user charges, and utility fees imposed by the City to pay for storm water management; AND
- (b) All charges, fees, fees-in-lieu, grants, and other contributions received from any person or governmental entity in connection with storm water management activities or programs.

SECTION 3. THAT from and out of the monies known to be received from the utility fees set by the Storm Water Management Board, and from all monies to come into all funds during the twelve (12) month period ending June 30, 1998, there shall be, and hereby are appropriated Storm Water Management Fund revenues, as follows:

Utility Fees:	\$195,000
Stormwater permit fees:	5,000
Appropriated Surplus	<u>4,000</u>
TOTAL	\$204,000

SECTION 4. THAT there shall be, and here are appropriated the following sums for use for the support of storm water management activities during the 1997-98 Fiscal Year:

Storm Water Management Expenditures: \$204,000

SECTION 5. THAT stormwater management project that are declared to be emergencies as defined by the City Council in accordance with the City Charter, may be funded through the Emergency Reserve or other reserves as may be designated by the City Council.

SECTION 6. THAT the approved FY98 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

SECTION 7. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION 8. THAT this Ordinance shall become effective July 1, 1997.

Adopted this \_\_ day of \_\_\_\_\_, 1997 by Roll Call Vote of the Storm Water Management Board for the City of Takoma Park.

AYES:

NAYS:

ABSTAIN:

ABSENT:



STORM WATER MANAGEMENT FUND 0030										
DEPT: REVENUES										
DIV: TAXES-LOCAL - ACCOUNT 3000										
CODE	DESCRIPTION	FY 94 ACTUAL	FY 95 ACTUAL	FY 96 ACTUAL	FY 97 ADOPTED	FY 97 AMENDED	FY 97 EST ACTUAL	FY 98 REQUEST	% change, 98 vs 97 adopted	FY99 PROJ
3011	Real Prop - MC	34,244	70,466	52,418	0	0	0	0	0.00%	0
3012	Real Prop. - PG	18,360	40,310	29,648	0	0	0	0	0.00%	0
3020	Personal Property	2,478	4,000	4,056	0	0	0	0	0.00%	0
3030	RR & Public Utilities	1,989	3,915	2,978	0	0	0	0	0.00%	0
3060	Additions & Abatements	(2)	0	227	0	0	0	0	0.00%	0
3385	General Fund Transfer	0	0	0	0	0	0	0	0.00%	0
3480	Stormwater Permit fees	0	0	16,598	5,000	0	9,000	5,000	0.00%	5,000
3481	Stormwater Utility fees			0	195,000	0	195,000	195,000	0.00%	195,000
3360	Appropriated Surplus	148,628	44,000	68,000	0	0	0	4,000	0.00%	0
3605	Bond Proceeds						200,000			
3680	Misc - Other	375	0	56,000	0	0	0	0	0.00%	0
	EPA Grant		15,532		40,074	0	40,074	0	-100.00%	0
	Cheapeake Bay Fund				1000	0	1000	0	-100.00%	0
<b>TOTAL</b>		<b>206,072</b>	<b>176,223</b>	<b>229,926</b>	<b>241,074</b>	<b>0</b>	<b>445,074</b>	<b>204,000</b>	<b>-15.58%</b>	<b>200,000</b>

STORM WATER MANAGEMENT FUND 0030										
DEPT: EXPENDITURES										
DIV: STORM WATER MANAGEMENT - ACCOUNT 3700										
CODE	DESCRIPTION	FY 94 ACTUAL	FY 95 ACTUAL	FY 96 ACTUAL	FY 97 ADOPTED	FY 97 AMENDED	FY 97 EST ACTUAL	FY 98 REQUEST	% change, 98 vs 97 adopted	FY99 PROJ
4010	Salaries	0	10,268	0				0		0
4020	Fringe Benefits	0	0	0				0		0
5305	Repair Materials	10	0	0				0		0
6105	Engineering Services	26,675	33,132	46,263	82,873	82,873	82,873	15,000	-81.90%	15,000
6145	Subcontract Work	25,339	30,476	82,115	52,201	52,201	46,901	60,158	28.27%	57,377
5100	Office Supplies	0	5,856	4,912	6,000	6,000	6,000	5,000	-16.67%	4,000
6915	Equipment Rental	0	0	0						
7300	Bonded indebtedness						6,300	23,842	349.85%	23,623
8001	Capital Improvements	133,518	75,705	103,802	100,000	100,000	200,000	0	-100.00%	100,000
8200	Unappropriated Funds	0	13,876							
8300	Designated for capital conang						100,000	100,000		
<b>TOTAL</b>		<b>185,542</b>	<b>169,313</b>	<b>237,892</b>	<b>241,074</b>	<b>241,074</b>	<b>441,074</b>	<b>204,000</b>	<b>-53.75%</b>	<b>200,000</b>
STORMBUD		10:30 AM 29-May-97								

Introduced by: Councilmember Davenport

1st Reading: 5/27/97  
2nd Reading:

ORDINANCE NO. 1997-21

**AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1998 BEGINNING JULY 1, 1997 AND ENDING JUNE 30, 1998.**

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

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

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

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

(a) Effective July 1, 1997, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of:

General City services: \$1.535

Per \$100.00 of assessed valuation.

SECTION 2. THAT this Ordinance shall be effective July 1, 1997.

ADOPTED THIS \_\_th DAY OF JUNE, 1997.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced By:  
Councilmember Williams

First Reading: 4/28/97  
Second Reading: 5/27/97  
Effective Date: 5/27/97

**ORDINANCE NO. 1997-14**

(Amending Chapter 11, Streets, Article 3, Permits and Improvements, of the *Takoma Park Code* to increase the permit fees for construction work within a public right-of-way and to establish a design and inspection fee.)

**WHEREAS**, a City permit is required for excavation in the public right-of-way such as installing, repairing, or replacing any type of underground utility; and

**WHEREAS**, the City's present permit fee for work performed in the public right-of-way does not cover the City's costs; and

**WHEREAS**, the City's costs include permit processing and issuance, and review and inspection of right-of-way construction plans and work in order to minimize disturbances of the public right-of-way and to ensure the proper restoration of public property; and

**WHEREAS**, the City also is responsible for street paving and maintenance of public rights-of-way; and

**WHEREAS**, street cuts, excavations, and other disturbances within the right-of-way reduce the useful life of street paving and can cause other damage to public property; and

**WHEREAS**, the Council wishes to increase the construction permit fees to a level that more accurately reflects the costs related to infrastructure repair and improvement.

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

**SECTION 1.** Chapter 11, Streets, Article 3, Permits and Improvements, of the *Takoma Park Code*, is amended as follows:

**CHAPTER 11. STREETS.**

**ARTICLE 3. PERMITS AND IMPROVEMENTS.**

**Sec. 11-15.** Permit required for grading or construction.

(a) No person shall grade, construct, cut or excavate any street, road, highway, alley, driveway apron, sidewalk, right-of-way, curb or gutter or begin any of the work of such grading or construction, without first having obtained a permit from the City Clerk. ~~To obtain a permit, the applicant must submit plans to the Clerk bearing the approval from the Director of Public Works or the Director's representative.~~

(b) No person, including any utility company, shall cut any road or public right-of-way for the purpose of installing or connecting underground power, communication lines, water or sewer lines, cable television wires, or for any other purpose without first obtaining a permit from the City.

(c) In the event of an unexpected repair or emergency, a utility company may commence such repair and emergency response work as required under the circumstances, provided that the utility company shall notify the City as promptly as possible of such repair or emergency work and shall obtain a permit from the City for such work as soon as possible.

(d) A violation of this section Article and any regulations adopted to implement or enforce this Article is a Class B offense.

(e) In addition to all other means of enforcement provided for by law and in this Article, the City Administrator, City Code Enforcement Officers or police officers may issue a stop-work order to any utility company or person who violates any provision of this Article or any regulations adopted to implement or enforce this Article. Any utility company or person who receives such a stop-work order shall immediately cease the work which constitutes the violation. The utility company or person shall comply with all terms and conditions imposed by the stop-work order before the work may resume.

\* \* \* \*

**Sec. 11-21. Permit and inspection fees.**

(a) Before any street, sidewalk, gutter, curb or drainage project (~~except a project which is entirely a grading project~~) may be begun on a road or street or within the boundaries of a dedication to the public use, the applicant for a permit to undertake the project shall pay to the Treasurer ~~four percent (4%) of the estimated cost of the project as determined by the Director, as an inspection and engineering fee.~~ a fee for road construction, right-of-way openings, pavement cuts, excavations, and other disturbance work within a public right-of-way of the greater of \$25.00 or the following:

(1) For disturbance activities within the roadbed: \$.60 per linear foot.

(2) For disturbance activities outside of the roadbed: \$.30 per linear foot.

(b) In addition to the permit fee, a permittee shall reimburse the City, on an hourly basis, for reasonable engineering and staff expenses related to the review and inspection of construction within a public right-of-way. The hourly rates for such engineering and staff time shall be established by regulations promulgated in accordance with the provisions of Chapter 2, Article 5, Administrative Regulations, of the *Takoma Park Code* ("Administrative Regulations Ordinance").

~~(b) — Where any project is entirely a grading project, the applicant shall pay ten percent (10%) of the estimated cost of the project as determined by the Director to the Treasurer as an inspection and engineering fee if the office of the Director does the engineering work on the project and two percent (2%) if the applicant for the permit furnishes the engineering work.~~

~~(c) — In other projects involving street cuts excavation, curb cuts or driveway aprons, the Director may require that an inspection and engineering fee of ten dollars (\$10.) be paid by the applicant to the Treasurer before work is begun.~~

~~(d) In all cases in this Article, the Director of Public Works City Administrator or his/her designee may require that an escrow deposit or a bond to cover costs of possible damage or related problems to public property be paid to the Treasurer. The amount of the escrow deposit or bond shall be determined by the Director City Administrator or his/her designee based on the project and shall be refunded after completion of the project with the approval of the Director City Administrator or his/her designee.~~

**SECTION 2.** This Ordinance shall be effective immediately.

Adopted this 27th day of May, 1997 by roll-call vote as follows:

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

**EXPLANATION:**

1. **Additions** to the current language of the *Takoma Park Code* are shown by **shading**.
2. **Deletions** to the current language of the *Takoma Park Code* are shown by **strikeouts**.
3. \* \* \* \* denotes language of the *Takoma Park Code* which is not changed by this Ordinance and is not set forth in this Ordinance.

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Introduced By:  
Councilmember Porter

First Reading: 5/27/97  
Second Reading:  
Effective Date:

Drafted by: Linda Perlman  
Asst. Corporation Counsel  
Draft Date: June 6, 1997

ORDINANCE NO. 1997-22

(Requiring Advance Notification to the City of  
Roadside Tree Trimming and Cutting by Utility Companies,  
Adopting Standards for Roadside Tree Work, and  
Authorizing the City Administrator to Issue Stop-Work Orders)

WHEREAS, the preservation and proper care of roadside trees enhances the level of public benefits they produce; and

WHEREAS, utility companies such as Bell Atlantic and PEPCO regularly need to trim trees in order to prevent tree branches or roots from obstructing or interfering with utility lines and wires; and

WHEREAS, all roadside tree work in the City should be performed by, or at the direct supervision of licensed and certified persons and in accordance with national standards for tree care operations; and

WHEREAS, a requirement of advance notification to the City of roadside tree trimming and cutting by utility companies will allow the City to monitor the utility's activities in order to ensure that the work is being done properly and that roadside trees are protected; and

WHEREAS, in the event that the roadside tree work is not being performed properly or is causing damage to trees, the Council wants the City to be able to stop the work until the proper tree protection measures are taken.

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

SECTION 1. Chapter 12, Trees and Vegetation, Article 1, General Provisions, of the *Takoma Park Code*, is amended by adding a new Section 12-12 as follows:

**CHAPTER 12. TREES AND VEGETATION.**

**ARTICLE 1. GENERAL PROVISIONS.**

Sec. 12-12. Roadside Tree Trimming and Cutting by Utility Companies.

(a) "Roadside tree" means any tree or shrub growing within the right-of-way of any public road or on City property, and includes any branches, limbs, or other free parts which overhang onto the right of way of any public road or on City property.

(b) Before any utility company may trim, cut down or remove any roadside tree or trees, the utility company shall give written notice to the City ADMINISTRATOR INDICATING ~~at least two weeks in advance of the date(s), time(s), AND location(s), and extent to which the utility company plans to trim, cut down or remove any roadside tree or trees in the City.~~ OF THE WORK AS FOLLOWS:

(1) FOR EMERGENCY WORK: NOTICE SHALL BE GIVEN AS SOON AS POSSIBLE AFTER THE PROBLEM IS CORRECTED.

(2) FOR CUSTOMER REQUESTS/COMPLAINTS: NOTICE SHALL BE GIVEN BY FAX BEFORE THE WORK IS TO BE PERFORMED.

(3) FOR REGULAR MAINTENANCE: NOTICE SHALL BE GIVEN AT LEAST TWO WEEKS BEFORE THE WORK BEGINS. IN ADDITION, THE UTILITY COMPANY SHALL NOTIFY THE RESIDENTS OF THE AREA WHERE THE TREE(S) ARE LOCATED THAT TREE WORK WILL BE PERFORMED.

~~(c) If the roadside tree trimming, cutting or removal is an emergency, the utility company may proceed with such emergency response work as required under the circumstances and shall notify the City as soon as practical after the work.~~

(Cd) All roadside tree trimming, cutting or removal work shall comply with the following:

(1) ~~The principal owner, [or] chief officer or a supervisor of any business which performs roadside tree work shall be conducted by or under the supervision of a person who is in the City shall be certified by the International Society of Arboriculture (ISA) and by the Maryland Department of Natural Resources/Forest Service. ("LICENSED TREE EXPERT" OR "LTE" DESIGNATION). ALL SITE WORK SHALL BE CONDUCTED BY, OR UNDER THE DIRECT SUPERVISION OF, A MARYLAND-CERTIFIED LTE. THE PERSON(S) DOING THE SITE WORK SHALL BE ABLE TO PROVIDE THEIR LICENSE(S) UPON THE REQUEST OF ANY CITY OF TAKOMA PARK OFFICIAL. If such person is not on site, work crews should have the ability to contact the ISA certified person at all times by mobile phone, pager, radio or similar device.~~

(2) Roadside tree work shall be performed in accordance with the latest edition of ANSI Z133.1 (American National Standard for Tree Care Operations - Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements) ~~and~~ ~~or~~ ANSI A300 (American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices).

(3) Spikes shall not be used to ascend a tree unless in the event of an aerial rescue or if the tree is dead and will be topped or felled.

(4) When pruning, cuts shall be made in a manner which maintains the tree's natural form and an aesthetically pleasing shape. TOPPING OF LIVE TREES IS NOT A PERMITTED PRACTICE UNLESS PRIOR WRITTEN APPROVAL IS OBTAINED FROM THE CITY ADMINISTRATOR.

(De) Stop-Work Orders.

(1) A stop-work order may be issued to any utility company or person when, in the opinion of the City Administrator, the performance of any roadside tree trimming, cutting or removal:

- (i) violates any provision of this subsection (d) above;
- (ii) requires different or additional tree protection devices;
- (iii) impairs the health, welfare, and safety of the public; or
- (iv) unreasonably interferes with vehicular or pedestrian traffic or access to property.

(2) Any utility company or person who receives such a stop-work order shall immediately cease the roadside tree work which constitutes the violation. The utility company or person shall comply with all terms and conditions imposed by the City Administrator before the roadside tree work may resume.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1997 by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:



EXPLANATION:

1. Additions to the Ordinance made after the Council's worksession discussion on May 12, 1997 are shown by shading.
2. Deletions to the Ordinance made after the Council's worksession discussion on May 12, 1997 are shown by strikeout.
3. Additions to the Ordinance made after First Reading on May 27, 1997, are shown by double underlining.
4. **[Deletions]** to the Ordinance made after First Reading on May 27, 1997 are shown in **[bold and bracketed]**.
5. ADDITIONS to the Ordinance made after the Council's worksession discussion on June 2, 1997, are shown in ALL CAPITAL LETTERS.
6. Deletions to the Ordinance made after the Council's worksession discussion on June 2, 1997, are shown by both underlining and strikeout.

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Introduced by: Councilmember Williams

Adopted :05/27/97  
( Single Reading)

**ORDINANCE NO. 1997 - 23**

Installation of Fence and Gates at Public Works

**WHEREAS,** The FY97 CIP budget identified \$21,000 for the replacement of Fence and Gates at Public Works; AND

**WHEREAS,** appropriate advertising was placed in the Washington Post on May 4, 1997 and RFPs were mailed to five interested vendors; AND

**WHEREAS,** bids were publicly opened at 2:00 p.m., May 16, 1997 with two (2) bids being received; AND

**WHEREAS,** Hercules Fence submitted the lowest bid of \$18,145; AND

**WHEREAS,** it has been determined that Hercules Fence has submitted a responsive and responsible bid; AND

**WHEREAS,** sufficient funds are available for the Installation of Fence and Gates at Public Works.

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

**SECTION 1.** THAT the low bid received from Hercules Fence in the amount of EIGHTEEN THOUSAND ONE HUNDRED AND FORTY FIVE DOLLARS (\$18,145) be accepted; AND

**SECTION 2.** THAT authority be granted to award a contract to Hercules Fence and be charged to Capital Budget Account #9100-8000 accordingly.

Adopted this 27th day of May, 1997 by Roll Call Vote:

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

**NAY:** None

**ABSTAINED:** None

**ABSENT:** Elrich

Introduced by: Mayor Sharp

1st Reading: 5/27/97

2<sup>nd</sup> Reading:

ORDINANCE 1997-24

Authorization for Payment of Lobbying services  
(Rifkin, Livingston, Levitan & Silver)

WHEREAS, the City retained the services of Laurence Levitan, of Rifkin, Livingston and Silver, to represent the City's interest during the 1997 General Ass session; 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, current billing received in April brings the total to \$4,741.55 in fees for lobbying services, with a final billing received in May for an additional \$1,211.25; for a total of \$5,952.80.

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

SECTION 1. THAT the City Administrator is authorized to pay the final billing received, not to exceed a total of \$5,952.80 for FY 97 expenditures for lobbying services.

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