

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

Monday, May 4, 1998

Executive Session 4/27/98 - Moved by Chavez; seconded by Stewart. Council convened in Executive Session by unanimous vote at 10:10 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Stewart, Williams. OFFICIALS ABSENT: Elrich, Hawkins, Rubin. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) Staff provided update on Union negotiations. Council gave direction on negotiations. (NOTE: Staff left the room.) (2) The Council discussed City Administrator contract negotiations and the Council's position on the negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (1)(i)).

Executive Session 5/3/98 - Moved by Stewart; seconded by Williams (vote taken on 4/30/98). Council voted unanimously to convene in Executive Session on May 3, 1998, at 6:00 p.m. at the residence of Councilmember Stewart, 7211 Central Avenue. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Stewart, Williams. OFFICIAL ABSENT: Rubin. STAFF PRESENT: Habada. The Council discussed issues involving the City Administrator's contract renewal, and agreed to meet again to continue the discussion. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

OFFICIALS PRESENT:

| | |
|------------------------|--|
| Mayor Porter | City Administrator Habada |
| Councilmember Chavez | Assistant City Administrator Hobbs |
| Councilmember Elrich | City Clerk Sartoph |
| Councilmember Hawkins | Planning Center Coordinator Ludlow |
| Councilmember Rubin | Library Director Arnold-Robbins |
| Councilmember Stewart | Police Chief Anderson |
| Councilmember Williams | Acting Code Enforcement Supervisor Sanford |
| | Community Development Coordinator Sickle |
| | Housing Services Coordinator Walker |
| | Recreation Director Bluford |
| | Treasurer McKenzie |
| | Public Works Team Leader Braithwaite |
| | Executive Director, COLTA, Lee-Bryant |
| | Newsletter Editor Gross |

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

The following remarks were made:

COUNCIL COMMENTS

Mayor Porter commented on the very successful celebration of Ride-on Route 16, an extension of the bus route into the Unification area, and noted that Montgomery County Executive Duncan, Senator Ida Ruben, and a number of other legislative representatives attended the event Monday morning. The whole event was very well pulled together by Community Planner Venita George. Route 16 runs from Takoma/Langley down New Hampshire Avenue, down Ethan Allen, and to the Metro station, during rush hours on week days. If we want to extend the service to weekend hours, we need to increase the "ridership" hours. It will be important for residents to ride the bus.

Councilmember Rubin related a recent incident during which the Volunteer Fire Department provided excellent service in getting his mother to the hospital. He commented on the first rate job of the volunteers, and expressed his gratitude for the services they perform.

PUBLIC HEARING

1. Proposed FY99 Budget. The public hearing was called to order at 7:43 p.m.

Pamela Megna, 317 Lincoln Avenue, said that she has lived in the City for four years and had lived in Silver Spring for four years just prior to moving into the City. She expressed curiosity about the increase in City expenditures over the last couple of years and the current proposal to increase the tax rate. She questioned how the City is doing in comparison to other municipalities (e.g., Gaithersburg, College Park, Greenbelt). How is the City faring in terms of its tax rate, expenditures, services, etc.? Since 1994, there has been a significant increase in expenditures; yet, it seems that tax rates have been declining elsewhere in the county.

Luis Cabrejo, 113 N. Washington Street, Rockville (Hispanic United of Montgomery County), remarked about last year's Latino festival and the large number of Latinos from Takoma Park who attended. He said that they hope to have over 3,500 persons attending the event this year. Montgomery County has agreed to provide some grant funds to help support this year's event. He requested that the City also provide a small donation, noting that last year, the organizers were short of money. This year, they need additional funds to help with restrooms, lighting of the stage, etc. He questioned what would the time table be for the Council to make a decision about some kind of funding.

Ms. Porter confirmed that the City has provided in-kind assistance in the past. Mr. Cabrejo agreed. The City did not provide any funds towards the event last year. He said, however, that the organizers are trying to get more support from municipalities this year.

Councilmember Rubin asked about the date of the festival. Mr. Cabrejo responded that it is scheduled for September 13, the opening of the Heritage Month in Montgomery County.

Ms. Porter commented that it would be hard for the Council to say this evening whether we can provide funding, but assured Mr. Cabrejo that staff will contact him.

Mr. Cabrejo restated the concern about funds to needed to cover costs of things like restrooms, the sound system for stages, bleachers, etc. The event was under budgeted by \$4,000 last year. He noted that he is scheduled to talk to Gaithersburg officials tomorrow, and noted that in addition to Montgomery County's grant, the Board of Education has expressed willingness to help with some things.

Ms. Porter said that the City has helped in the past with in-kind support, and that she thinks we can do something similar this year.

Mr. Rubin noted that the City has a mobile stage. Mr. Cabrejo remarked that last year they used a mobile and a permanent stage, but that the mobile stage turned out to be too small. This year there will be two permanent stages.

Staff is to contact Mr. Cabrejo.

Benjamin Onyeneke, Maple Avenue, expressed support for increased funding for the Media budget, and noted proposed changes in staffing. He extended gratitude to members of the budget team who worked on the budget, and said that he looks forward to next year's budget including a focus programs designed around different languages and cultures. He offered his phone number as a contact for "Generation X." Mr. Onyeneke concluded by commenting on fond memories and the inspiration he received from a role model in his childhood.

The public hearing was closed at 7:53 p.m.

Ms. Porter explained that the City has had a slight decrease in its assessable base this year. This year is the first of a three-year cycle, and there will be a downward adjustment this year. In order to keep revenues the same, we will need to increase the tax rate. The City is not really comparable to other municipalities in the area, in that we do far more things in the City than most municipalities. Takoma Park is the only municipality in Montgomery County that has its own, independent police force, housing code enforcement, an extensive Recreation program, and a full-service Library. Our tax rate supports many more things than most municipal tax rates. Our situation is a bit unusual in this regard.

Mr. Rubin questioned the tax rate adjustment in the previous two years, when it appeared that taxes went down.

Ms. Porter explained that this was not a net adjustment since part of what was the municipal tax

rate was moved into the County tax rate (Fire Service tax). Otherwise, the tax rate has been up-and-down over the past few years.

Ms. Megna commented that Gaithersburg has a police department.

Ms. Porter responded that both Gaithersburg and Rockville have police forces that supplement the Montgomery County police services. We have a police force in-lieu of the county's police services.

Mr. Williams noted that Gaithersburg and Rockville have been expanding on their residential bases and both have a much larger commercial base. A lot of their taxes are built on the commercial property tax base. The City of Takoma Park has a limited commercial base, and most of the tax burden is borne by the residents.

SPECIAL SESSION

2. 2nd Reading Ordinance re: CDA Business License Requirements. Ms. Porter explained the ordinance.

Ordinance #1998-13 was adopted unanimously, for the purpose of making the failure to obtain an annual license issued by the Takoma/Langley Crossroads Development Authority, Inc. a municipal infraction, increasing the late payment fee, and providing for businesses to be charged a license fee for each license category in which the business falls (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSTAIN: Hawkins).

ORDINANCE #1998-13 (Attached)

BUDGET WORKSESSION / EXECUTIVE SESSION / ADJOURNMENT

The Council convened in Executive Session and later, adjourned for the evening.

Executive Session 5/4/98 - Moved by Williams; seconded by Stewart. Council voted unanimously to convene in Executive Session at 9:15 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council discussed purchase of the Pringle Property, and gave the City Administrator directions on final negotiations. (2) The Council received a briefing on union negotiations with Local 400. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (9)).

Introduced by:
Councilmember Chavez

First Reading: April 27, 1998
Second Reading: May 4, 1998

Effective Date: May 4, 1998

ORDINANCE NO. 1998-13

(For the purpose of making the failure to obtain an annual license issued by the Takoma/Langley Crossroads Development Authority, Inc. a municipal infraction, increasing the late payment fee, and providing for businesses to be charged a license fee for each license category in which the business falls.)

WHEREAS, by Ordinance No. 1987-54, which is codified as Chapter 4A.1 of the *Takoma Park Code*, the Council of the City of Takoma Park established the Takoma/Langley Crossroads Development Authority ("CDA") as a commercial district management authority; and

WHEREAS, the purposes of the CDA are to promote and market the portion of the Langley Park commercial district which is within the City, and to provide security, maintenance, and amenities within this district; and

WHEREAS, every business within the district is required to obtain an annual license from the CDA; and

WHEREAS, the annual license fee is based on the nature of the business and the number of square feet used by the business; and

WHEREAS, some businesses within the district have failed to pay the annual license fee to the CDA; and

WHEREAS, license fee collections have been time-consuming and burdensome to the CDA, leaving less time and money available for the CDA to work towards improvements within the district; and

WHEREAS, the Council wishes to make failure to obtain an annual license from the CDA a municipal infraction in order to aid enforcement of, and to encourage compliance with, the CDA license requirement.

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

SECTION 1. Chapter 4A.1, Commercial Management Districts and Authorities, Sec. 4A.1-10, Licenses, of the *Takoma Park Code*, is amended as follows:

**CHAPTER 4A.1. COMMERCIAL MANAGEMENT DISTRICTS
AND AUTHORITIES.**

Sec. 4A.1-10. Licenses.

Every business in the district must obtain an annual license issued by the Authority. Failure to obtain an annual license, and to pay the annual license fee, shall be a Class C municipal infraction.

Sec. 4A.1-11. License fees.

(a) The annual license fee shall be based on the nature of the business and the number of square feet used in the business.

(b) Exempt businesses do not pay any fees.

(c) *Enumeration of fees.*

(1) The fees shall be as follows:

| Category | Fee per Square Foot | Maximum Fee |
|---------------------|---------------------|-------------|
| Retail | \$0.20 | \$3,500.00 |
| Professional | 0.10 | 3,500.00 |
| Hotel/motel/theater | 0.0667 | 3,500.00 |
| Property owner | 0.05 | 3,500.00 |
| Warehouse | 0.00 | 0.00 |

(2) If a business falls in more than one (1) license fee category, it shall be charged a license fee for each category in which the business falls, ~~only for the category with the highest fee.~~

(d) At the request of the Board, the city shall collect license fees on behalf of the Authority, as its agent. Unpaid license fees shall be assessed an additional late payment fee of ~~2%~~ 1% of the fee per month or any portion of a month. The city may charge the Authority for the expenses incurred in collecting fees and for the costs and attorney's fees incurred by the city in connection with enforcement of the license requirement through the issuance and prosecution of municipal infraction citations. The Authority, by vote of its Board, is empowered to institute suit to collect unpaid fees, plus all reasonable legal fees incurred in this collection of unpaid fees.

(e) The Board shall appoint an appeals panel as provided in the bylaws. The appeals panel shall hear all objections to the license fee set for each business. The only issues that may come before the appeals panel are whether:

(1) The nature of the business has been accurately determined;

and
(2) The number of square feet of space used by the business is correct;
(3) The fee has been correctly calculated based on the rate and the square footage.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this 4th day of May, 1998, by roll-call vote as follows:

| | |
|----------|--|
| Aye: | Porter, Chavez, Elrich, Rubin, Stewart, Williams |
| Nay: | None |
| Absent: | None |
| Abstain: | Hawkins |

EXPLANATORY NOTE

Additions to the existing language of the *Takoma Park Code* are shown by **shading**.

Deletions to the existing language of the *Takoma Park Code* are shown by **strikeout**.

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SPECIAL SESSION & BUDGET WORKSESSION

Monday, May 18, 1998

Executive Session 5/4/98 - Moved by Williams; seconded by Stewart. Council voted unanimously to convene in Executive Session at 9:15 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council discussed purchase of the Pringle Property, and gave the City Administrator directions on final negotiations. (2) The Council received a briefing on union negotiations with Local 400. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (9)).

Executive Session 5/11/98 - Moved by Rubin; seconded by Stewart. Council voted unanimously to convene in Executive Session, following the Budget Worksession, in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Habada. The Council discussed final areas of difference in Pringle Property negotiations, and gave the City Administrator directions on final negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Executive Session 5/17/98 - Moved by Rubin; seconded by Stewart (vote taken on 5/11/98). Council voted unanimously to convene in Executive Session on May 17, 1998, at 6:00 p.m. at the residence of Councilmember Williams, 326 Lincoln Avenue. OFFICIALS PRESENT: Porter, Hawkins, Rubin, Stewart, Williams. OFFICIALS ABSENT: Chavez, Elrich. STAFF PRESENT: Habada. The Council discussed issues involving the City Administrator's contract renewal, and agreed to meet again to continue the discussion. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

Treasurer McKenzie

Volunteer Coordinator Moffet

Recreation Director Bluford

Public Works Team Leader Braithwaite

Planning Center Coordinator Ludlow

OFFICIAL ABSENT:

Councilmember Chavez

The City Council convened at 7:30 p.m. on Monday, May 18, 1998 in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, MD 20912.

The following remarks were made:

ANNOUNCEMENTS

Councilmember Rubin recognized that many people from Philadelphia and Crescent Avenues are present in the audience, and requested that they be given an opportunity to speak on the matter of ball playing in streets.

Mayor Porter added an opportunity for citizen comments to the beginning of the Worksession agenda.

SPECIAL SESSION

1. Mayoral Proclamation re: Liz Lerman Dance Exchange "Home is Where the Art Is" program. Ms. Porter read the proclamation for the record.

2. 2nd Reading Ordinance re: Cable Television Franchise Agreement. Ms. Porter explained the ordinance. Moved by Rubin; seconded by Williams.

Councilmember Williams asked whether the agreement with the county regarding the percentage split has been resolved.

Volunteer Coordinator Moffet explained that the recommendation is a 70/30 split, and that the County Council will be considering this proposal on Wednesday morning. A final decision has not been made, and the City reserves the right to terminate the agreement.

Mr. Rubin stated that there has been a lobbying effort regarding the agreement.

Ms. Porter questioned where we stand with the County Council at this point.

Ms. Moffet remarked that the hardest part about the negotiations has been the relationship with the county. However, the agreement that is being voted on is one between the City and the cable company. The company has been very cooperative. She concluded that we have a good franchise agreement.

Ordinance #1998-14 was adopted unanimously, authorizing renewal of the cable communications franchise by SBC Media Ventures, L.P. within the corporate limits of the City pursuant to several conditions (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

ORDINANCE #1998-14

(Attached)

3. 2nd Reading Ordinance re: Transfer of Cable Television Franchise. Ms. Porter explained the ordinance. Moved by Williams; seconded by Rubin.

Ordinance #1998-15 was adopted unanimously, authorizing the transfer of the cable communications franchise from SBC Media Ventures, L.P. to Prime Communications-Potomac, L.L.C. within the corporate limits of the City pursuant to several conditions (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

ORDINANCE #1998-15

(Attached)

Mr. Williams thanked Ms. Moffet for her enormous efforts on the City's behalf in this regard, adding that he has heard numerous comments from people of other jurisdictions who were involved in the process, praising Ms. Moffet's efforts.

WORKSESSION / BUDGET WORKSESSION / ADJOURNMENT

The Council moved into Worksession and later into Budget Worksession. Following discussions, the Council adjourned for the evening.

MAYORAL PROCLAMATION


WHEREAS, the City Council of Takoma Park recognizes the importance of art in the life of its citizens; AND

WHEREAS, the City is pleased to welcome the Liz Lerman Dance Exchange which is making a real contribution to the growth of artistic life in the community; AND


WHEREAS, the Dance Exchange will be presenting "Home Is Where the Art Is" on May 17 in Takoma Park, Maryland and Takoma D.C.

NOW, THEREFORE, I, KATHRYN H. PORTER, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, do hereby proclaim the week of May 17-23 as Liz Lerman Dance Exchange Week, and encourage business owners and citizens to join with the Dance Exchange in celebration of this week. For its part, the City will permit use of its public spaces for performances by the Dance Exchange on Sunday, May 17.

DATED this 11th day of May, 1998.


Kathryn H. Porter
Mayor

ATTEST:


Beverly K. Habada
City Administrator



Introduced by: Councilmember Elrich

First Reading: 4/27/98

Second Reading: 5/18/98

Effective Date: 5/18/98

Ordinance 1998-14

WHEREAS, the City of Takoma Park, has granted to SBC Media Ventures, L.P., a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; and

WHEREAS, SBC Media Ventures, L.P. has applied to renew the aforesaid franchise for an additional fifteen (15) years; and

WHEREAS, Montgomery County and the municipal co-franchisors, including the City of Takoma Park, conducted a public hearing on the proposed renewal on March 2, 1998; and

WHEREAS, a second public hearing was conducted by the City of Takoma Park and other municipal co-franchisors on April 13, 1998; and

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

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Takoma Park, Maryland,

SECTION 1. The renewal of the cable communications franchise by SBC Media Ventures, L.P. within the corporate limits of the City of Takoma Park is hereby approved upon the following conditions:

- (a) SBC Media Ventures, L.P. shall enter into an agreement with the City of Takoma Park for the renewal of the franchise containing the substantive terms and conditions set forth in the form attached hereto.
- (b) SBC Media Ventures, L.P. and Montgomery County shall enter into a Franchise Agreement, containing substantially the same terms and conditions as set forth in the form attached hereto, renewing the franchise in the unincorporated areas of Montgomery County.
- (d) The effective date of the renewal shall be the same date as the renewal is effective in the unincorporated areas of Montgomery County.

SECTION 2. The City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purposed of this Ordinance. This

Ordinance shall be effective immediately.

Adopted this 18th day of May, 1998 by roll-call vote as follows:

Aye: Porter, Elrich, Hawkins, Rubin, Stewart, Williams

Nay: None

Absent: Chavez

Abstain: None

ATTEST:

Catherine E. W. Sartoph, CMC/AAE
City Clerk

Introduced by: Councilmember Williams

First Reading: 4/27/98

Second Reading: 5/18/98

Effective Date: 5/18/98

Ordinance 1998-15

WHEREAS, the City of Takoma Park, has granted to SBC Media Ventures, L.P., a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; and

WHEREAS, SBC Media Ventures, L.P. and Prime Communications-Potomac, L.L.C. have applied to the City of Takoma Park for approval to transfer the franchise from SBC Media Ventures, L.P. to Prime Communications-Potomac, L.L.C.; and

WHEREAS, Montgomery County and the municipal co-franchisors, including the City of Takoma Park, conducted a public hearing on the proposed transfer on March 2, 1998; and

WHEREAS, a second public hearing was conducted by the City of Takoma Park and other municipal co-franchisors on April 13, 1998; and

WHEREAS, based upon the application and supporting materials supplied by SBC Media Ventures L.P. and Prime Communications-Potomac, L.L.C., and the record of the hearings, the Council of the City of Takoma Park finds that the proposed transfer will serve the best interests of the City and its residents, provided that the transfer is upon the terms and conditions set forth herein.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Takoma Park, Maryland,

SECTION 1. The transfer of the cable communications franchise from SBC Media Ventures, L.P. to Prime Communications-Potomac, L.L.C. within the corporate limits of the City of Takoma Park is hereby approved upon the following conditions:

- (a) SBC Media Ventures, L.P. shall enter into an agreement with the City of Takoma Park for the renewal of the franchise containing the substantive terms and conditions set forth in the form attached hereto.
- (b) SBC Media Ventures, L.P. and Prime Communications-Potomac, L.L.C. shall execute an agreement whereby Prime Communications-Potomac, L.L.C. assumes all of the obligations of SBC Media Ventures, L.P. under the renewed franchise agreement.
- (c) Prime Communications-Potomac, L.L.C. and Montgomery County shall enter into a Franchise Transfer Agreement or Settlement Agreement, containing substantially the same terms and conditions as set forth in the form attached hereto, transferring the franchise in the unincorporated areas of Montgomery

County.

- (d) The effective date of the transfer shall be the same date as the transfer is effective in the unincorporated areas of Montgomery County.

SECTION 2. The City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purposed of this Ordinance. This Ordinance shall be effective immediately.

Adopted this 18th day of May, 1998 by roll-call vote as follows:

Aye: Porter, Elrich, Hawkins, Rubin, Stewart, Williams

Nay: None

Absent: Chavez

Abstain: None

ATTEST:

Catherine E. W. Sartoph, CMC/AAE
City Clerk

REGULAR MEETING & EXECUTIVE SESSION
OF THE CITY COUNCIL

Tuesday, May 26, 1998

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Equipment Maintenance Supervisor Allen

OFFICIAL ABSENT:

Councilmember Rubin (arrived during Executive Session)

The Council convened at 7:47 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

COUNCIL COMMENTS

Councilmember Hawkins noted that a couple of weeks ago, a Lee Avenue coordination effort hosted a charrette event which was very successful. In the course of leaving the event, she said that she stumbled across the citizens police academy. Ms. Hawkins commented on a fascinating demonstration with the police dog, and encouraged the audience to take advantage of the opportunity to enroll in future offerings of the academy.

Mayor Porter remarked that she is not sure when the course will be offered again, but that she looks forward to its announcement.

ADDITIONAL AGENDA ITEMS

Ms. Porter added an item regarding the purchase of a computer plotter to the agenda.

CITIZEN COMMENTS

Victoria Wood, 109 Elm Avenue, brought to the Council's attention, a matter of great concern to Elm Avenue and the 6700-6800 blocks of Allegheny. It has come to the neighborhood's attention that the John Nevins Andrews School has purchased adjacent properties on Elm Avenue. Rumor is that the school intends to expand its playground area across the backs of two property sites, possibly subdividing the sites and selling the front halves for residential development. She referred to a petition (15 names) signed by all of the people who would be directly effected by the new level of noise that will be created if the playground expands. If the noise moves any closer to neighboring residences, it will be a great distraction. She asked whether the lots are zoned for a playground, and whether there will be a public hearing on the matter.

Ms. Porter noted that zoning issues are a province of Montgomery County (Planning Commission) and not that of the City. She stated, however, that staff could check with the County to find out if they have knowledge of the proposed expansion. Depending on the type of request being made by JNA, the City Council might take a position. If the properties are not very large, they probably cannot be subdivided.

Ms. Wood described the properties.

Ms. Porter remarked that the problem would be more with the subdivision than the intended use. The Council can express an opinion and sometimes, the Council's opinion carries some weight. She referred the matter to staff, directing further investigation, and encouraged Ms. Wood to pursue the issue with the Planning Commission.

Ms. Wood noted that JNA was observed spraying pesticides on sidewalks around the school and that no signs were erected to warn pedestrians of the contaminant. She questioned whether JNA has the authority to spray pesticides in a City right-of-way.

Ms. Porter referred the matter to staff for a response. Mr. Williams further questioned what the City does in terms of spraying and posting in our public rights-of-way.

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about the work of Montgomery County Councilmember Derick Berlage in support of education. Mr. Onyeneke said that he would like the county to upgrade the ballfield at the new Blair school, and suggested that this would be a good time to institute a student uniform policy in schools. He referred to the Oklahoma case (Ramsey-Bonnet case) and the apparent involvement of the parents in the death of the child. He closed with remarks about a TWA plane tragedy.

Richard Gross, 511 Ethan Allen Avenue, stated that he has appealed to the Council on several occasions to address the traffic problems on Ethan Allen Avenue. Traffic has increased since 1987, especially, the truck traffic. He urged the Council to make the State aware of the difficulties faced by persons living along this corridor. He recognized the limitations on City

efforts in this regard, since Ethan Allen is a State road. However, he concluded that it is a small street with houses standing shoulder-to-shoulder and one that needs to be addressed.

Ms. Porter noted the extension of Ride-on Bus Route 16, and said that it should make some difference in the traffic volume. She expressed hope that the route hours will be extended.

REGULAR MEETING

1. Resolution of Appreciation - Silver Spring Auto Body. Moved by Williams; seconded by Elrich.

Resolution #1998-21 was adopted unanimously, expressing appreciation to Bob Phillips & Son Silver Spring Auto Body (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

RESOLUTION #1998-21 (Attached)

Ms. Porter invited representatives from Bob Phillips & Son Silver Spring Auto Body to the stage. Equipment Maintenance Supervisor Robert Allen was also in attendance. Ms. Porter read the resolution for the record.

Mr. Phillips expressed appreciation for the City's business, especially that of the Mechanics Shop and Robert Allen.

Ms. Porter commented that a presentation copy of the resolution will be forwarded to the auto body shop, adding that it is very nice to have such a good business relationship and to have the opportunity to publically recognize their work with the City.

2. Mayoral Proclamation -- Patricia Murphy, Recreation Committee, Recognizing Years of Service. The item was removed from the agenda, and postponed to a later date.

3. 1st Reading Ordinance re: FY99 City Budget. Ms. Porter noted the total revenues and expenditures of the budget.

Mr. Williams suggested convening, simultaneously, as the Storm Water Management Board (seconded by Chavez; accepted unanimously).

The ordinance was moved by Mr. Williams; seconded by Mr. Elrich.

Ms. Porter noted that there are a couple of sections in the ordinance that have "zero" figures, and

that since the Council did not talk about a final 5-year CIP, the spaces for numbers in the CIP section have been left blank. She said that the Council can either come to a conclusion about numbers to be inserted or remove the section entirely from the ordinance.

Mr. Williams said that he would not have a problem with inserting the CIP numbers which were discussed by the Council in the blanks in Section 6 (seconded by Elrich).

Ms. Porter clarified Mr. Williams' suggestion to put in the five-year numbers that have been used as working numbers. (Proposal was accepted unanimously.)

Mr. Williams confirmed that the blank Ordinance number in Section 7 is the same ordinance that the Council will be considering later this evening.

Mr. Chavez referred to the revenue spreadsheets, and asked what is the cost of a Passport application.

Assistant City Administrator Hobbs stated that he would get the answer.

Ordinance #1998-16 was accepted unanimously, as amended, approving and adopting a budget for the Fiscal Year 1999, beginning July 1, 1998 and ending June 30, 1999 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

ORDINANCE #1998-16
(Attached)

4. 1st Reading Ordinance re: FY99 Base Rate for Storm Water Management Fee. Ms. Porter explained the ordinance, noting that the rate is the same as it was last year. Moved by Chavez; seconded by Williams.

Ordinance #1998-17 was accepted unanimously, establishing the Fiscal Year 1999 base rate for the Storm Water Management Fee (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

ORDINANCE #1998-17
(Attached)

5. 1st Reading Ordinance re: FY99 Storm Water Budget. Ms. Porter explained the ordinance, and noted that the second page of the ordinance is printed on the back of single-page, agenda item #6. Moved by Stewart; seconded by Williams.

Ms. Hawkins referred to Section 3 of the ordinance, and asked whether the City has ever contributed to the Chesapeake Bay Fund.

Ms. Porter responded that she does not recall having done so.

Mr. Williams noted that Section 3 of the ordinance refers to revenues.

Ms. Porter explained that the City has received some EPA grant monies which may have included funds from the Chesapeake Bay Fund and may be why this category is listed in the ordinance.

Ms. Hawkins asked why we do not strike the line-items that do not exist (in terms of funds).

Ms. Porter stated that it could be removed, but remarked that the benefit to leaving it in would be to show that we are not receiving funds from this previous source.

Ordinance #1998-18 was accepted unanimously, adopting a Storm Water Management Budget for Fiscal Year 1999, beginning July 1, 1998 and ending June 30, 1999 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

ORDINANCE #1998-18
(Attached)

6. 1st Reading Ordinance re: FY99 Tax Rate. Ms. Porter explained the ordinance, noting that the tax rate is proposed higher than it has been in the last couple of years. In part, this is due to this year's shrinking taxable base. She offered an explanation of the constant yield tax rate. Moved by Chavez; seconded by Williams.

Ordinance #1998-19 was accepted unanimously, establishing the tax rate for the Fiscal Year 1999, beginning July 1, 1998 and ending June 30, 1999 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

ORDINANCE #1998-19
(Attached)

7. 1st Reading Ordinance re: FY99 Pay Plan. Ms. Porter explained each ordinance, individually.

Pay Scale for Police. Moved by Williams; seconded by Chavez.

Ordinance #1998-20 was accepted unanimously, amending the pay scale for police officers for FY99, tied to the position classification schedule as adopted by Ordinance #1986-53, as amended, to include a 8% adjustment for FY99 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

ORDINANCE #1998-20
(Attached)

Pay Scale for Employees. Moved by Chavez; seconded by Stewart.

Ordinance #1998-21 was accepted unanimously, amending the pay scale for employees for FY99, tied to the position classification schedule as adopted by Ordinance #1986-53, as amended, to include a 4.5% adjustment for FY99 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

**ORDINANCE #1998-21
(Attached)**

Pay Scale for Executive Pay Plan. Moved by Hawkins; seconded by Chavez.

Ordinance #1998-22 was accepted unanimously, changing the Executive Pay Plan to provide for a 4.5% adjustment to the Pay Plan for FY99 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Stewart, Williams; ABSENT: Rubin).

**ORDINANCE #1998-22
(Attached)**

8. Single Reading Ordinance authorizing Purchase of Computer Plotter. Police Chief Anderson explained that the computer plotter is considered a part in the overall automation planned improvement. The source of funding is through a federal law enforcement block grant application--funding that expires in August. This particular item will permit the City to produce maps from a "police perspective" once the department gets the new dispatch and record system. He described what some of the maps might illustrate. The computer would enable the Police Department to share more real-time information with neighborhood associations, others who are interested, and neighboring jurisdictions. It will also help from a management perspective in terms of reviewing manpower and resource allocations for target areas in the City. Chief Anderson noted that Lt. Rosenthal has looked at this equipment, along with Abel Castillo, and that they have considered different systems following discussions with other City departments. The idea is that this piece of equipment will benefit other departments. For example, Engineer Monk can plot storm water, and Planning Center Coordinator Ludlow is very interested in the possibilities this piece of equipment presents. This item would be compatible with the equipment that Ms. Ludlow is already using. Also, the plotter could more readily produce City Ward maps.

Chief Anderson explained that staff is asking for a sole source purchase authorization. He remarked that Lt. Rosenthal got a verbal quote from Hewlett Packard for a comparable piece of equipment which was within \$200 of the proposed OCE' Model. However, the Hewlett Packard price does not include an extended warranty. The funds that are going to be used for this purchase are from the Law Enforcement Block Grant--funds that come to local law enforcement

agencies based on crime experience and populations. Another grant is being looked at as a source of about \$36,000 for other technology enhancements.

Mr. Williams questioned how big will the maps be. Mr. Castillo responded that they will be 48 inches.

Chief Anderson noted that one consideration related to the computer is that of space. It needs to be placed where it is accessible to all departments at all times.

Mr. Williams commented that he is glad to hear that the NFZ Ordinance did not force the City to a higher priced competitor for this piece of equipment.

Ms. Porter said that there have been discussions of various issues in the past where it would have been nice to have had a map produced. This will be a useful piece of equipment and will help staff to provide better services to residents.

Councilmember Chavez asked for more information about the equipment. Ms. Porter directed Chief Anderson to provide more information to the Council.

Moved by Hawkins; seconded by Chavez.

Chief Anderson noted that it is a 42 inch plotter, rather than a 48 inch plotter as previously stated.

Ordinance #1998-23 was adopted unanimously, authorizing a sole source purchase of an OCE' Model 5350 42" Color Plotter (including supplies, delivery, installation, training and 3-year extended warranty) from OCE' for \$17,983 (VOTING FOR: Porter, Chavez, Hawkins, Stewart, Williams; ABSENT: Elrich, Rubin).

**ORDINANCE #1998-23
(Attached)**

EXECUTIVE SESSION / ADJOURNMENT

The Council convened in Executive Session at 8:17 p.m. Ms. Habada requested that a briefing on the purchase of the Pringle Property, and a discussion of a personnel matter be added to the agenda.

Introduced by: Councilmember Williams

8
RESOLUTION #1997-21

**EXPRESSING APPRECIATION TO BOB PHILLIPS & SON
SILVER SPRING AUTO BODY**

WHEREAS, the City of Takoma Park Public Works Department has been conducting business with Bob Phillips & Son Silver Spring Auto Body, located at 8225 Georgia Avenue, Silver Spring, Maryland 20910, for approximately five (5) years; **AND**

WHEREAS, over the years, Public Works and Silver Spring Auto Body have developed a mutually beneficial working relationship; **AND**

WHEREAS, Silver Spring Auto Body has been very responsive to our needs; **AND**

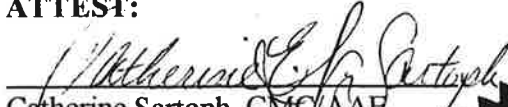
WHEREAS, they have performed our requests in a timely manner and often with little notice and sometimes, at no charge.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Council, on behalf of the Public Works Department, wishes to extend its sincere appreciation to Bob Phillips & Son Silver Spring Auto Body for the dedicated and professional service it has demonstrated and provided: **AND**

BE IT FURTHER RESOLVED THAT the City looks forward to many more years of continued service with Silver Spring Auto Body.

ADOPTED this 26th day of May, 1998.

ATTEST:


Catherine Sartoph, CMC/AAE
City Clerk


Kathryn H. Porter
Mayor



Introduced by: Councilmember Williams

1st Reading: 5/26/98

2nd Reading:

Ordinance No. 1998-16

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 1999, BEGINNING JULY 1, 1998 AND ENDING JUNE 30, 1999.

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, 1998 and ending June 30, 1999 (FY99).

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, 1999 there shall be, and hereby are appropriated General Fund revenues of TEN MILLION SEVEN HUNDRED FORTY ONE THOUSAND ONE HUNDRED NINETY THREE DOLLARS (\$10,741,193) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY99 budget as follows:

| | |
|---|---------------------|
| Taxes-Local | \$ 5,065,585 |
| Taxes-State Shared | 1,551,431 |
| Licence & Permits | 47,100 |
| Revenue from other Agencies | 3,154,110 |
| Service Charges | 526,650 |
| Fines & Forfeitures | 100,000 |
| Miscellaneous | 296,317 |
| SUBTOTAL | \$10,741,193 |
| Prior year surplus/Unappropriated Reserve | 365,000 |
| Equipment Replacement Reserve | 156,500 |
| Stormwater Fund - Debt Service Transfer | 0 |
| Equipment Replace Reserve - Debt Service Transfer | 0 |
| Tree Fund | 1,700 |
| TOTAL | \$11,264,393 |

SECTION 2: THAT the City Administrator is hereby authorized to transfer funds to the FY99 budget from the prior year surplus and/or Undesignated Fund Balance in the amount of \$365,000.

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 1998-99 Fiscal Year:

| | |
|---|-------------|
| Police Department | \$3,107,236 |
| Public Works | 2,957,365 |
| General Government | 1,070,361 |
| Housing & Community Development | 820,341 |
| Recreation | 789,873 |
| Non-Departmental | 698,311 |
| Library | 552,080 |
| Capital Expenditures (General Fund) | 303,050 |
| Debt Service | 265,214 |
| Capital Expenditures (Equipment Reserves) | 156,500 |
| Media | 151,405 |
| General Fund Transfer to Special Revenue Fund | 102,422 |
| FY98 Carryover bond projects | 55,000 |

AUTHORIZED FY99 EXPENDITURES **\$10,999,158**

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 FIFTY THREE THOUSAND DOLLARS (\$53,000);

SECTION 5. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects, with Revenues of ONE MILLION FIVE HUNDRED SIXTY EIGHT THOUSAND ONE HUNDRED NINETY SEVEN DOLLARS (\$1,568,197) inclusive of a General Fund Transfer of ONE HUNDRED TWO THOUSAND FOUR HUNDRED TWENTY TWO DOLLARS (\$102,422), and an Expenditure appropriation ONE MILLION FIVE HUNDRED SIXTY EIGHT THOUSAND ONE HUNDRED NINETY SEVEN DOLLARS (\$1,568,197).

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

| | |
|------|-----------|
| FY99 | \$303,050 |
| FY00 | \$754,800 |
| FY01 | \$694,500 |
| FY02 | \$637,500 |
| FY03 | \$607,800 |

SECTION 7. THAT the Council hereby ratifies the storm water management budget for FY99 adopted by the Stormwater Board by Ordinance #1998-18.

SECTION 8. THAT the approved FY99 Budget Document and the Proposed FY99-03 Capital Improvements Program are to be made a part of this Ordinance by reference.

SECTION 9. THAT storm water 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, 1998.

Adopted this _____ day of June, 1998, by Roll Call Vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Brackets [] indicate deletions and underlining indicates additions.

Introduced by: Councilmember Chavez

First Reading: 5/26/98

Second Reading:

Ordinance No. 1998-17

Establishing the Fiscal Year 1999 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 storm water management utility fee system based on the amount of runoff from each property to fund the costs of storm water 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 storm water system; **AND**
- WHEREAS,** a storm water 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 storm water management program and to the costs of operating, maintaining, and improving the City's storm water 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 storm water management fee on government-owned property which is used for public purposes; **AND**
- WHEREAS,** the storm water management fee is 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,** the base unit, *i.e.*, the median impervious area of single family residential properties in the City, has been established at 1,226 square feet; **AND**
- WHEREAS,** the base rate for the storm water management fee is the annual (fiscal year) charge for one base unit; **AND**
- WHEREAS,** the storm water management fee for single family residential properties in the City will be a fixed yearly fee equal to the base rate; **AND**

WHEREAS, the storm water 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 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.

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 storm water management fee for fiscal year 1999 (July 1, 1998 to June 30, 1999, both inclusive) is \$24.00. The base rate shall remain constant at \$24.00 for future fiscal years or until such time as the Stormwater Management Board effects a change in the level of the base rate. The base rate shall be used to calculate the storm water 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 storm water management fee for fiscal year 1999 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 upon adoption.

Adopted this day of June, 1998 by roll-call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Stewart

1st Reading: 5/26/98

2nd Reading:

Ordinance No. 1998-18

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 99 BEGINNING JULY 1, 1998 AND ENDING JUNE 30, 1999.

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 1999, 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: | \$183,000 |
| Stormwater permit fees: | 1,000 |
| EPA Grant: | 0 |
| Chesapeake Bay Fund: | <u>0</u> |
| TOTAL | \$184,000 |

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 1998-99 Fiscal Year:

Storm Water Management Expenditures: \$184,000

SECTION 5: THAT storm water 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 FY 99 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, 1998.

Adopted this _____ day of June, 1998 by Roll Call Vote of the Storm Water Management Board for the City of Takoma Park.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Chavez

1st Reading: 5/26/98
2nd Reading:

ORDINANCE NO. 1998-19

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1999 BEGINNING JULY 1, 1998 AND ENDING JUNE 30, 1999.

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.

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, 1998, 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: \$1.58

Per \$100.00 of assessed valuation.

SECTION 2. THAT this Ordinance shall be effective July 1, 1998.

Adopted this _____ day of June, _____.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Williams

First Reading: 5/26/98
Second Reading:
Effective:

ORDINANCE NO. 1998- 20
Short Title: Pay Scale for Police.

AN ORDINANCE TO: Amend the pay scale for police officers for FY 99, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended to include a 8% adjustment for FY 1999.

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1991-14 is hereby amended and the following pay scale (see next page) is adopted as the new Pay Scale Plan for the City's Police Officers for the Fiscal Year beginning July 1, 1998 and ending June 30, 1999. This Pay Scale Plan will become effective July 1, 1998, and will remain in effect until amended or repealed by the City Council:

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

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

(2) Employees represented by the collective bargaining agreement between Local 400, United Food & Commercial Workers Union, and the City of Takoma Park will be paid according to the terms of the collective bargaining agreement effective July 1, 1998, as amended and when it is adopted. Until such adoption all such employees will continue to be paid according to the pay plan effective July 1, 1997.

(b) Merit Step Increases will not be awarded during FY 99 in as much as all officers will receive an 8% increase in pay effective July 1, 1998, provided their performance evaluation rating is "Effective" or higher.

Adopted this day of June, 1998 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

O-99/PAYPD

FY 99 POLICE PAY SCALE (8% Adjustment)

| GRADE | STEP | A | B | C | D | E | F | G | H | I | J | K |
|------------|--------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | % INCR | STARTING | 4.25% | 4.00% | 3.75% | 3.50% | 3.25% | 3.00% | 2.75% | 2.50% | 2.25% | 2.10% |
| CADET | ANNUAL | 28,700.45 | | | | | | | | | | |
| | WEEKLY | 551.93 | | | | | | | | | | |
| | HOURLY | 13.80 | | | | | | | | | | |
| PRIVATE | ANNUAL | 30,852.99 | 32,164.24 | 33,450.81 | 34,705.21 | 35,919.90 | 37,087.29 | 38,199.91 | 39,250.41 | 40,231.67 | 41,136.88 | 42,000.76 |
| | WEEKLY | 593.33 | 618.54 | 643.28 | 667.41 | 690.77 | 713.22 | 734.61 | 754.82 | 773.69 | 791.09 | 807.71 |
| | HOURLY | 14.83 | 15.46 | 16.08 | 16.69 | 17.27 | 17.83 | 18.37 | 18.87 | 19.34 | 19.78 | 20.19 |
| PFC | ANNUAL | 33,166.96 | 34,576.56 | 35,959.62 | 37,308.10 | 38,613.89 | 39,868.84 | 41,064.90 | 42,194.19 | 43,249.04 | 44,222.15 | 45,150.81 |
| | WEEKLY | 637.83 | 664.93 | 691.53 | 717.46 | 742.57 | 766.71 | 789.71 | 811.43 | 831.71 | 850.43 | 868.28 |
| | HOURLY | 15.95 | 16.62 | 17.29 | 17.94 | 18.56 | 19.17 | 19.74 | 20.29 | 20.79 | 21.26 | 21.71 |
| CORPORAL | ANNUAL | 35,654.48 | 37,169.80 | 38,656.59 | 40,106.21 | 41,509.93 | 42,859.00 | 44,144.77 | 45,358.75 | 46,492.72 | 47,538.81 | 48,537.12 |
| | WEEKLY | 685.66 | 714.80 | 743.40 | 771.27 | 798.27 | 824.21 | 848.94 | 872.28 | 894.09 | 914.21 | 933.41 |
| | HOURLY | 17.14 | 17.87 | 18.58 | 19.28 | 19.96 | 20.61 | 21.22 | 21.81 | 22.35 | 22.86 | 23.34 |
| SERGEANT | ANNUAL | 38,328.57 | 39,957.53 | 41,555.83 | 43,114.18 | 44,623.17 | 46,073.43 | 47,455.63 | 48,760.66 | 49,979.68 | 51,104.22 | 52,177.41 |
| | WEEKLY | 737.09 | 768.41 | 799.15 | 829.12 | 858.14 | 886.03 | 912.61 | 937.70 | 961.15 | 982.77 | 1003.41 |
| | HOURLY | 18.43 | 19.21 | 19.98 | 20.73 | 21.45 | 22.15 | 22.82 | 23.44 | 24.03 | 24.57 | 25.09 |
| LIEUTENANT | ANNUAL | 44,293.45 | 46,175.92 | 48,022.96 | 49,823.82 | 51,567.66 | 53,243.60 | 54,840.91 | 56,349.04 | 57,757.76 | 59,057.31 | 60,297.52 |
| | WEEKLY | 851.80 | 888.00 | 923.52 | 958.15 | 991.69 | 1023.92 | 1054.63 | 1083.64 | 1110.73 | 1135.72 | 1159.57 |
| | HOURLY | 21.29 | 22.20 | 23.09 | 23.95 | 24.79 | 25.60 | 26.37 | 27.09 | 27.77 | 28.39 | 28.99 |

Introduced by: Councilmember Stewart

First Reading: 5/26/98
Second Reading:
Effective:

ORDINANCE NO. 1998-21
Short Title: Pay scale for Employees.

AN ORDINANCE TO: Amend the pay scale for employees for FY 98, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended to include a 4.5% adjustment for FY 1999.

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1991-14 is hereby amended and the following pay scale is adopted as the new Pay Scale Plan for the City for the Fiscal Year beginning July 1, 1998 and ending June 30, 1999. This Pay Scale Plan will become effective July 1, 1998, and will remain in effect until amended or repealed by the City Council:

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

| | | | | | | |
|------|-----------|-----------|-----------|-----------|-----------|-----------|
| STEP | A | B | C | D | E | F |
| | 6.50/hour | 6.71/hour | 6.94/hour | 7.19/hour | 7.44/hour | 7.70/hour |
| | G | H | I | J | K | |
| | 7.96/hour | 8.25/hour | 8.54/hour | 8.83/hour | 9.14/hour | |

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

| | |
|-----------------------------------|--------------|
| Recreation Aide I | \$ 5.15/hour |
| Recreation Aide II | \$ 5.62/hour |
| Camp Aide | \$ 5.50/hour |
| Camp Leader | \$ 6.75/hour |
| Camp Specialist | \$10.00/hour |
| Camp Director/Playground Director | \$10.00/hour |
| Super Camp Director | \$15.00/hour |

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

| | | | |
|-------|--------------|--------------|--------------|
| STEP: | A | B | C |
| | \$11.46/hour | \$12.37/hour | \$13.37/hour |

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

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

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

(2) Employees represented by the collective bargaining agreement between AFSCME, Local 3399 and the City of Takoma Park will be paid according to the terms of the collective bargaining agreement effective July 1, 1996, as amended and when it is adopted. Until such adoption, all such employees will continue to be paid according to the pay plan effective July 1, 1997.

(f) Merit Step Increases will not be awarded during FY 99 in as much as all staff will receive a 4.5% increase in pay effective July 1, 1998, provided their performance evaluation rating is "Effective" or higher.

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

Adopted this day of June, 1998 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

FY - 99 EMPLOYMENT PLAN (4.5% Adjustment)

| GRADE | STEP | A | B | C | D | E | F | G | H | I | J | K |
|-------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | | STARTING | ANNUAL | ANNUAL | ANNUAL | ANNUAL | ANNUAL | BIENNIAL | BIENNIAL | BIENNIAL | BIENNIAL | BIENNIAL |
| | % Increase | | 4.25% | 4% | 3.75% | 3.5% | 3.25% | 3% | 2.75% | 2.5% | 2.25% | 2.10% |
| 1 | Annual | \$18,059.79 | \$18,827.34 | \$19,580.43 | \$20,314.70 | \$21,025.71 | \$21,709.05 | \$22,360.32 | \$22,975.23 | \$23,549.61 | \$24,079.47 | \$24,585.14 |
| | Weekly | \$347.30 | \$362.06 | \$376.55 | \$390.67 | \$404.34 | \$417.48 | \$430.01 | \$441.83 | \$452.88 | \$463.07 | \$472.79 |
| | Hourly | \$8.68 | \$9.05 | \$9.41 | \$9.77 | \$10.11 | \$10.44 | \$10.75 | \$11.05 | \$11.32 | \$11.58 | \$11.82 |
| 2 | Annual | \$19,414.28 | \$20,239.39 | \$21,048.96 | \$21,838.30 | \$22,602.64 | \$23,337.22 | \$24,037.34 | \$24,698.37 | \$25,315.83 | \$25,885.43 | \$26,429.03 |
| | Weekly | \$373.35 | \$389.22 | \$404.79 | \$419.97 | \$434.67 | \$448.79 | \$462.26 | \$474.97 | \$486.84 | \$497.80 | \$508.25 |
| | Hourly | \$9.33 | \$9.73 | \$10.12 | \$10.50 | \$10.87 | \$11.22 | \$11.56 | \$11.87 | \$12.17 | \$12.44 | \$12.71 |
| 3 | Annual | \$20,870.35 | \$21,757.34 | \$22,627.63 | \$23,476.17 | \$24,297.84 | \$25,087.52 | \$25,840.14 | \$26,550.74 | \$27,214.51 | \$27,826.84 | \$28,411.20 |
| | Weekly | \$401.35 | \$418.41 | \$435.15 | \$451.46 | \$467.27 | \$482.45 | \$496.93 | \$510.59 | \$523.36 | \$535.13 | \$546.37 |
| | Hourly | \$10.03 | \$10.46 | \$10.88 | \$11.29 | \$11.68 | \$12.06 | \$12.42 | \$12.76 | \$13.08 | \$13.38 | \$13.66 |
| 4 | Annual | \$22,435.63 | \$23,389.14 | \$24,324.71 | \$25,236.88 | \$26,120.17 | \$26,969.08 | \$27,778.15 | \$28,542.05 | \$29,255.60 | \$29,913.85 | \$30,542.04 |
| | Weekly | \$431.45 | \$449.79 | \$467.78 | \$485.32 | \$502.31 | \$518.64 | \$534.20 | \$548.89 | \$562.61 | \$575.27 | \$587.35 |
| | Hourly | \$10.79 | \$11.24 | \$11.69 | \$12.13 | \$12.56 | \$12.97 | \$13.35 | \$13.72 | \$14.07 | \$14.38 | \$14.68 |
| 5 | Annual | \$24,118.30 | \$25,143.33 | \$26,149.06 | \$27,129.65 | \$28,079.19 | \$28,991.76 | \$29,861.51 | \$30,682.70 | \$31,449.77 | \$32,157.39 | \$32,832.70 |
| | Weekly | \$463.81 | \$483.53 | \$502.87 | \$521.72 | \$539.98 | \$557.53 | \$574.26 | \$590.05 | \$604.80 | \$618.41 | \$631.40 |
| | Hourly | \$11.60 | \$12.09 | \$12.57 | \$13.04 | \$13.50 | \$13.94 | \$14.36 | \$14.75 | \$15.12 | \$15.46 | \$15.78 |
| 6 | Annual | \$25,927.17 | \$27,029.08 | \$28,110.24 | \$29,164.37 | \$30,185.13 | \$31,166.14 | \$32,101.13 | \$32,983.91 | \$33,808.50 | \$34,569.20 | \$35,295.15 |
| | Weekly | \$498.60 | \$519.79 | \$540.58 | \$560.85 | \$580.48 | \$599.35 | \$617.33 | \$634.31 | \$650.16 | \$664.79 | \$678.75 |
| | Hourly | \$12.46 | \$12.99 | \$13.51 | \$14.02 | \$14.51 | \$14.98 | \$15.43 | \$15.86 | \$16.25 | \$16.62 | \$16.97 |
| 7 | Annual | \$27,871.71 | \$29,056.26 | \$30,218.51 | \$31,351.70 | \$32,449.01 | \$33,503.60 | \$34,508.71 | \$35,457.70 | \$36,344.14 | \$37,161.89 | \$37,942.29 |
| | Weekly | \$535.99 | \$558.77 | \$581.13 | \$602.92 | \$624.02 | \$644.30 | \$663.63 | \$681.88 | \$698.93 | \$714.65 | \$729.66 |
| | Hourly | \$13.40 | \$13.97 | \$14.53 | \$15.07 | \$15.60 | \$16.11 | \$16.59 | \$17.05 | \$17.47 | \$17.87 | \$18.24 |
| 8 | Annual | \$29,962.09 | \$31,235.48 | \$32,484.89 | \$33,703.08 | \$34,882.69 | \$36,016.37 | \$37,096.86 | \$38,117.03 | \$39,069.95 | \$39,949.03 | \$40,787.96 |
| | Weekly | \$576.19 | \$600.68 | \$624.71 | \$648.14 | \$670.82 | \$692.62 | \$713.40 | \$733.02 | \$751.35 | \$768.25 | \$784.38 |
| | Hourly | \$14.40 | \$15.02 | \$15.62 | \$16.20 | \$16.77 | \$17.32 | \$17.84 | \$18.33 | \$18.78 | \$19.21 | \$19.61 |
| 9 | Annual | \$32,209.24 | \$33,578.14 | \$34,921.26 | \$36,230.81 | \$37,498.89 | \$38,717.60 | \$39,879.13 | \$40,975.80 | \$42,000.20 | \$42,945.20 | \$43,847.05 |
| | Weekly | \$619.41 | \$645.73 | \$671.56 | \$696.75 | \$721.13 | \$744.57 | \$766.91 | \$788.00 | \$807.70 | \$825.87 | \$843.21 |
| | Hourly | \$15.49 | \$16.14 | \$16.79 | \$17.42 | \$18.03 | \$18.61 | \$19.17 | \$19.70 | \$20.19 | \$20.65 | \$21.08 |
| 10 | Annual | \$34,624.94 | \$36,096.50 | \$37,540.36 | \$38,948.12 | \$40,311.30 | \$41,621.42 | \$42,870.06 | \$44,048.99 | \$45,150.21 | \$46,166.09 | \$47,135.58 |
| | Weekly | \$665.86 | \$694.16 | \$721.93 | \$749.00 | \$775.22 | \$800.41 | \$824.42 | \$847.10 | \$868.27 | \$887.81 | \$906.45 |
| | Hourly | \$16.65 | \$17.35 | \$18.05 | \$18.73 | \$19.38 | \$20.01 | \$20.61 | \$21.18 | \$21.71 | \$22.20 | \$22.66 |
| 11 | Annual | \$37,221.81 | \$38,803.73 | \$40,355.88 | \$41,869.23 | \$43,334.65 | \$44,743.03 | \$46,085.32 | \$47,352.66 | \$48,536.48 | \$49,628.55 | \$50,670.75 |
| | Weekly | \$715.80 | \$746.23 | \$776.07 | \$805.18 | \$833.36 | \$860.44 | \$886.26 | \$910.63 | \$933.39 | \$954.40 | \$974.44 |
| | Hourly | \$17.90 | \$18.66 | \$19.40 | \$20.13 | \$20.83 | \$21.51 | \$22.16 | \$22.77 | \$23.33 | \$23.86 | \$24.36 |
| 12 | Annual | \$40,013.44 | \$41,714.01 | \$43,382.57 | \$45,009.42 | \$46,584.75 | \$48,098.75 | \$49,541.72 | \$50,904.11 | \$52,176.72 | \$53,350.69 | \$54,471.06 |
| | Weekly | \$769.49 | \$802.19 | \$834.28 | \$865.57 | \$895.86 | \$924.98 | \$952.73 | \$978.93 | \$1,003.40 | \$1,025.97 | \$1,047.52 |
| | Hourly | \$19.24 | \$20.05 | \$20.86 | \$21.64 | \$22.40 | \$23.12 | \$23.82 | \$24.47 | \$25.08 | \$25.65 | \$26.19 |

Introduced by: Councilmember Hawkins

1st Reading: 5/26/98

2nd Reading:

Effective:

ORDINANCE NO. 1998- 22

Short Title: An Ordinance to Amend the Executive Pay Plan

AN ORDINANCE TO: Change the Executive Pay Plan to provide for a 4.5% adjustment to the Pay Plan for FY 99.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE amends the Executive Pay Plan as adopted by Ordinance 1990-28; this ordinance is to be effective July 1, 1998:

SECTION 1. PAY SCALE PLAN

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

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

Effective July 1, 1987, Senior Management staff in Grades Executive 1 through Executive 4 will be paid in accordance with the pay scale for:

(1) the grades that their job classification has been allocated;

(2) with the exact amount to be determined by the City Administrator with the provision that none of the executives will receive a salary decrease as a result of the initial implementation of this pay plan.

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

(a) 1st Quartile - Hiring Bracket: Individuals are generally hired within this quartile with the exact place to be determined by the City Administrator based on the experience and subject matter knowledge of the appointee. Subsequent merit increases should continue within the quartile with the amount depending upon the results of performance evaluation(s). Further guidance to the City Administrator for differentiating between amounts will be given in the Personnel Regulations.

(b) 2nd Quartile - Performance Step: Individuals are granted raises into this area for average and above average performance after they have learned to perform their functions thoroughly and have proven their ability to manage their units.

(c) 3rd Quartile - Performance and Longevity Step: Individuals are placed in this step normally after they have acquired many years of experience in managing their units and have received ratings of average and above consistently. Most executives will not ever be awarded pay greater than the maximum allowed for this quartile.

(d) 4th Quartile - Superior Performance Individuals normally are awarded pay in this quartile only if they perform clearly in a superior manner and/or if they have been recognized by a national professional organization as one of the leaders in the field.

SECTION 4. EXECUTIVE PAY SCALE

| | | |
|--------------|----------------------------------|-----------------|
| Executive 1: | 1st Quartile = [37,983 - 42,257] | 39,692 - 44,159 |
| | 2nd Quartile = [42,258 - 46,530] | 44,160 - 48,624 |
| | 3rd Quartile = [46,531 - 50,803] | 48,625 - 53,089 |
| | 4th Quartile = [50,804 - 55,077] | 53,090 - 57,555 |
| Executive 2: | 1st Quartile = [40,833 - 45,427] | 42,670 - 47,471 |
| | 2nd Quartile = [45,428 - 50,020] | 47,472 - 52,271 |
| | 3rd Quartile = [50,021 - 54,614] | 52,272 - 57,072 |
| | 4th Quartile = [54,615 - 59,207] | 57,073 - 61,871 |
| Executive 3: | 1st Quartile = [43,896 - 48,835] | 45,871 - 51,033 |
| | 2nd Quartile = [48,836 - 53,773] | 51,034 - 56,193 |
| | 3rd Quartile = [53,774 - 58,711] | 56,194 - 61,353 |
| | 4th Quartile = [58,712 - 63,650] | 61,354 - 66,514 |
| Executive 4: | 1st Quartile = [47,187 - 52,496] | 49,310 - 54,858 |
| | 2nd Quartile = [52,497 - 57,804] | 54,859 - 60,405 |
| | 3rd Quartile = [57,805 - 63,114] | 60,406 - 65,954 |
| | 4th Quartile = [63,115 - 68,422] | 65,955 - 71,501 |

SECTION 5. COST OF LIVING ADJUSTMENTS

(a) A cost of living adjustment is a percentage applied to Executive quartiles.

(b) The City Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.

(c) A cost of living adjustment shall be effective on the first day of a new fiscal year.

SECTION 6. DATE OF PAY INCREASES

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

Adopted this day of June, 1998 to take effect July 1, 1998.

AYE:

NAY:

ABSTAINED:

ABSENT:

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

Brackets [] indicates language to be deleted.

Introduced by: Councilmember Hawkins

Single Reading : 5/26/98

ORDINANCE NO. 1998 - 23

AN ORDINANCE TO PURCHASE A COMPUTER PLOTTER FROM OCE'

WHEREAS, the City submitted a federal law enforcement block grant application which has been approved by the U. S. Department of Justice in the amount of \$34,528. Of that amount, \$18,000 is designated for technology; AND

WHEREAS, the approved grant would be for the purchase of a computer plotter; AND

WHEREAS, the plotter is to be part of the City's local area network and can be used by every department; AND

WHEREAS, prices were obtained from two vendors who sell plotters; AND

WHEREAS, it has been determined that there is only one vendor who makes computer plotters who complies with the City's Nuclear Free Zone Act.

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

SECTION 1. THAT the quotation from OCE' for \$17,983 including supplies, delivery, installation, training and an extended warranty (total 3 years) for an OCE' Model 5350 42" Color Plotter is hereby accepted as a sole source purchase.

Adopted this 26th day of May, 1998, by Roll Call Vote as follows:

AYES: Porter, Chavez, Hawkins, Stewart, Williams

NAYS: None

ABSTENTIONS: None

ABSENT: Elrich, Rubin