

REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION  
OF THE CITY COUNCIL

Monday, June 8, 1998

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Executive Session 5/26/98 - Moved by Williams; seconded by Stewart. Council voted unanimously to convene in Executive Session at 8:20 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Elrich. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council received a briefing on a personnel matter. (2) The Council discussed purchase of the Pringle Property, and agreed to the terms. (3) The Council discussed the land license agreement with TPSS Food Co-op, and gave the City Administrator direction on further negotiations. (NOTE: Hobbs and Sartoph left the session.) (4) The Council discussed the City Administrator's contract. Discussions will be continued. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i), (3) and (4)).

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Executive Session 6/1/98 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Executive Session at 9:40 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Habada, Hobbs, Sartoph, Sanford, Sickle. (1) The Council discussed possible acquisition of tax sale properties, and offered suggestions on handling new tax sale guidelines. (NOTE: Sanford left the session.) (2) The Council discussed the TPSS Food Co-op land lease agreement, and gave staff direction on negotiations. (NOTE: Sickle left the session.) (3) The Council received a briefing on union negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3), (7) and (9)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

The City Council convened at 7:37 p.m. in the Council Chambers of the Municipal Building, 7500

Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

### COUNCIL COMMENTS

Councilmember Williams stated that he enjoyed having the opportunity to be one of the Grand Marshals of the Capitol Pride Parade which was well attended. There were also other elected officials present. Mr. Williams commented that he was happy to represent the City.

Mayor Porter noted that there had been a fairly nice write-up about the event in the *Washington Post*.

### ADDITIONAL AGENDA ITEMS

Mayor Porter noted that she is pulling the first item from the Regular Meeting agenda, at the request of Public Works staff, and that she is adding, to the end of the agenda, a resolution regarding the use of a restaurant on University Boulevard that the Council has been asked to take position on.

**ADOPTION OF MINUTES - 4/27, 5/4, 5/18 and 5/26.** Moved by Rubin; seconded by Williams.

The Council Meeting Minutes from 4/27, 5/4, 5/18 and 5/26 were adopted unanimously (VOTING FOR: Porter, Chavez, Rubin, Stewart, Williams; ABSENT: Elrich, Hawkins).

### CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about events in Pakistan, and commented in support of religious freedom. He described an incident involving a child being suspended from school for saying the Pledge of Allegiance and for publicly praying. He spoke about corrupt political leaders in Nigeria, and concluded by encouraging the media and governments to focus more on Generation X'ers.

Patti Murphy, said that it is with a great sense of nostalgia that she stands before the Council, but that after 21 years living in the City, she is planning to move. She commented that she moved here in the mid 70's when the City was known as "Tacky Park." It evolved to the "Peoples Republic of Takoma Park", and has since evolved into its current state. She urged the Council to bear some things in mind about the vast majority of residents in the City, adding that having grown up in this town, she feels a strong attachment to the community. What makes the City attractive is the sense that the City provides a refuge for persons who do not fit into the main stream of society. The Council should not lose sight of what makes the City special. Part of the refuge is the open space and parks. She noted that a couple of weeks ago, she asked for help in

mediating a dispute about woods surrounding Forest Park. Ms. Murphy recognized that this area is private property, but noted that residents have respected and enjoyed the land over the years. Now, the space stands posted as "private property" and "no trespassing." Apparently, no one thinks this is an issue worthy of the City Council. It may seem a mute question to some about whether the issue should be pursued. But it saddens her to know that this open space, which has become important to her and other residents, has been yanked from the access of residents. Hopefully, the council can mediate some access for residents to the property. Ms. Murphy commented that the City is a special place, a place she is happy to have made her hometown.

Mr. Williams recalled that when this issue was brought forward, he was certainly sympathetic to the concerns, and that since there had been a settlement negotiated some years ago, he thought it would be workable again. However, in talking to some of the property owners, it became apparent that there were new concerns. The owners have talked to insurance companies and others, and been advised about liability issues. They were instructed to post the land. Mr. Williams explained that the City did not feel that it could override the liability issues which had been raised, and did not feel that we could do a lot, since the property owners were going to take action in response to what they were advised.

Ms. Murphy responded that it was only a minority of the people who felt there were concerns. Had they discussed the concerns in a public forum, the situation may not have been as frustrating. Given the history of the wooded area, it was frustrating to one day see signs posted. The concerns and advice behind the posting was not explained in a rational way. Instead, residents were told to "get out." She emphasized that there may still be a way to work this out.

## **REGULAR MEETING**

### **1. Single Reading Ordinance re: Public Works Renovation.**

Item removed from the agenda at the request of Public Works staff.

### **2. 1st Reading Ordinance re: Area B Permit Parking. Moved by Williams; seconded by Elrich.**

Mr. Williams noted a couple of minor edits that have been discussed with the City Clerk.

Ms. Porter noted that this matter is something that effects her personally--she has an Area B parking permit. The new Ride-on bus route extension occasioned the need for this ordinance. She explained the old criteria and the new route eliminating people from the second criterion. However, the bus only runs on a limited schedule. She remarked that occasionally, she finds this a problem when she returns from work later than 8:00 p.m. Others might also find this the case. Consequently, the Council decided that the way to deal with this was to remove the requirement that an individual live more than five blocks from a bus route that terminates at the Takoma Park Metro. She noted Tom Anastasio's concerns last week related to the Pine Avenue request for

permit parking and providing parking for Metro users. By opening up Area B parking to people who are within five blocks of a bus route, residents are given more access to the Metro. She noted that there is a metered parking area immediately behind the Area B permit area, and asked City Administrator Habada the cost of these meters.

City Administrator Habada stated that these are long-term meters, and that staff has been considering taking the meters out since no one parks there.

Ms. Porter agreed, adding that increasing spaces within Area B might take some of the pressure off of Pine Avenue and other close proximity streets. She urged consideration of removing these meters.

Councilmember Rubin stated that it makes sense. By making the requirement more liberal, we are not taking the parking privilege away from anyone; hopefully, we are encouraging others to use it. He remarked that the City should not give up any parking spaces that we currently control, and noted that Area B has never been fully utilized.

Ordinance #1998-24 was accepted unanimously, amending Ordinance #1985-68 (establishment of Area B Permit Parking Area) to modify the eligibility criteria by eliminating the requirement that an applicant for an Area B permit must reside more than five blocks from any public bus route that terminates at the Takoma Park Metro station (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-24**  
**(Attached)**

**3. 2nd Reading Ordinance re: FY99 City Budget. Moved by Williams; seconded by Chavez.**

Ms. Porter noted that she has been getting questions about why the budget is different from last year and the implication on the tax rate. The questions have been primarily focused on the tax rate. The rate is set at \$1.58/100 assessed value. She explained how the tax rate is set. The rate for FY99 is 4.5 cents more than last year--2.5 cents are necessary to bring tax revenues to the level of last year (constant yield rate). Ms. Porter described several scenarios, illustrating how to calculate actual tax increase for property owners (e.g., if your house is worth \$150,000 a 4.5 cent increase would be equivalent to \$27.00/year). The tax base actually shrank this year. She commented that this is the first situation like this in her memory, and explained that it is likely due to the beginning of a new three-year tax cycle. She provided further explanation. What often happens when properties are assessed is that assumptions are made about the following two years, which often result in later adjustments. This may have been what happened.

The good news is that there are some increases in revenues over last year. Ms. Porter noted that the City has been assured by County Executive Duncan that we will get about \$400,000 in police rebate over last year's rebate from Montgomery County. The City will also receive an additional

\$94,000 in Library rebate, but only for this year. This issue will have to go back before the County Council for next year. The new Cable franchise will bring in 50,000/year and a one-time revenue of \$200,000 for equipment this year. In terms of expenses, the budget is lower than last year's. Extra costs came in a number of areas--i.e., four police officers whose salaries have been paid with grants, will now have to be funded by the City at 50% this year and 100% next year. In park maintenance, we are paying additional monies for beautification; and in Recreation, we are paying more for programs. A new Cable Coordinator will be hired with some of the anticipated cable monies, in addition to some new cable equipment which will be purchased. Some capital expenses have been deferred, and if there is money available later in the year, the Council will consider the expenditures that have been put on hold.

Councilmember Elrich commented on Ms. Porter's scenario's regarding the tax rate. He stated that if the assessments had not gone down, people would have been paying the 2.5 cent tax. The additional increase being adopted by the City is 2.0 cents. Some of the lower assessments could be a result of the perception of the impact of the Silver Spring revitalization effort on this area. The "20912" zip code is one of only 12 in the entire county where the median price of houses sold went up. There are some good signs of recovery in the market. He said that he has heard from people in areas around Takoma Park that there is an upswing in the housing market.

Councilmember Rubin questioned the impact of lower property assessments on State and County taxes.

Ms. Porter responded, and compared the property values of the two years.

Councilmember Stewart asked when the assessments were made for FY99.

Ms. Porter stated that the City got notice at the first of the 1998 calendar year. Tax payments for 1998 are paid in September; therefore, this revenue comes in FY99.

Mr. Elrich added that the actual assessments would have been out last summer.

Mr. Williams referred to the remarks that have been made about various aspects of the tax rate, what it effects, and how it effects other things, and remarked about the impact of the tax rate on small businesses. Increasing tax rates effect small business owners in the City differently than property owners. As the rate goes up, is harder for small businesses to make a go of it. On the other hand, small businesses should be encouraged. The City encourages small business development.

Ms. Porter noted that the City will be hiring a new person in the Economic Development area--an important area to emphasize.

Councilmember Chavez commented that there were questions raised at a recent neighborhood association meeting about how money is being used to run the cable system.

Ms. Porter explained that the cable station is run out of the City's share of cable franchise fees. She described the fees.

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

**ORDINANCE #1998-16**  
**(Attached)**

**4. 2nd Reading Ordinance re: FY99 Base Rate for Storm Water Management Fee.**

Moved by Williams; seconded by Elrich. The Council convened, simultaneously, as the Storm Water Management Board.

Mr. Rubin questioned whether the Council is still required to convene as the Storm Water Board to act on storm water matters since the City has gone to the new fee system.

City Administrator stated that she would have to check on this matter.

Moved by Rubin; seconded by Chavez. Ms. Porter explained the ordinance.

Ordinance #1998-17 was adopted unanimously, establishing the Fiscal Year 1999 base rate for the storm water management fee (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-17**  
**(Attached)**

**5. 2nd Reading Ordinance re: FY99 Storm Water Management Budget.** Ms. Porter explained the ordinance, and noted the total estimated expenditures.

Moved by Chavez; seconded by Stewart.

Mr. Rubin notified the Council of an issue which might affect next year's budget. For years there has been a problem on the Montgomery County College campus. When they clean their pool, water flows into neighboring yards. He said that he would like the City to work with the college on solving the problem. The first step is going to require a study of the problem, and it will likely take a while to develop a proposal to approach the study.

Ordinance #1998-18 was adopted 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, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-18**  
**(Attached)**

6. **2nd Reading Ordinance re: FY99 Tax Rate.** Ms. Porter noted that the tax rate is set at \$1.58 / \$100 assessed value. Moved by Williams; seconded by Stewart.

Mr. Chavez asked for clarification regarding how the tax rate is set. Ms. Porter responded.

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

**ORDINANCE #1998-19**  
**(Attached)**

7. **Single Reading Ordinance re: Lobbyist Expenses.** Ms. Porter explained that the City retains the services of Larry Levitan, a former member of State legislature.

Ms. Habada noted that in the past year, Mr. Levitan worked on the Library Bill, Pension Bill (\$500,000), funding requests that our delegates/senators put in for us, and has supported Takoma Park and other municipalities on a successful veto effort of a bill that would have cost us some money on collection of personal property taxes.

Ms. Porter noted that in the past, he also worked with us on getting the new Ride-on bus route. It has been extremely helpful to have someone in Annapolis, on the scene, to deal with problems that come up on a daily basis. This ordinance authorizes up to \$4,000, in addition to the \$5,000 already authorized, for payment of lobbyist expenses.

Mr. Williams added that this is money well spent.

Ms. Porter agreed that in the end, the City received more money as a result of Mr. Levitan's services, than was paid to him.

Mr. Rubin commented that with the end of the fiscal year coming up shortly, he doubted that the lobbyist expenses would reach the \$9,000 limit (if the ordinance is adopted).

Mr. Chavez asked when the City first started using Mr. Levitan's services.

Ms. Habada responded that we have been using him almost three years--since the Unification vote, and used examples in citing his success rate.

Moved by Elrich; seconded by Chavez.

Ordinance #1998-25 was adopted unanimously, authorizing payment of lobbying services to Rifkin, Livingston, Levitan & Silver (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-25**  
**(Attached)**

**8. 1st Reading Ordinance re: FY98 Budget Amendment No.2.** Ms. Porter explained the purpose of the ordinance.

Ms. Habada noted some highlights. There is a technical correction to the ordinance since first reading--a lower figure than what was included in FY98 budget amendment No.1. There are other items that have been left blank, as explained in the staff memo, that will be filled-in by second reading (i.e., revenues from MFS inspection costs and police overtime).

Mr. Williams questioned the status of the MFS project.

Ms. Habada stated that it should be completed by the end of June. The last permit has been issued. The City will be billing MFS for police overtime, inspection time, and the \$2.00/linear foot use fee that was part of the interim agreement.

Mr. Williams asked whether Ms. Habada shares the perception that the project has gone relatively smooth.

Ms. Habada noted that she has received only one call from a resident who was questioning who was responsible for the construction and what were they doing. MFS has been good to work with, and they have appreciated the police being on the scene. She noted that the police have been able to pull-over drivers who have not been prudent. Ms. Habada suggested that the Council might consider requiring that any agency that comes in and does work on a major thoroughfare be required to obtain City police presence during the project.

Ms. Porter added that the project has probably been effective in slowing traffic on Ethan Allen Avenue.

Ms. Habada noted a couple of other items in the ordinance which are related to grants received for Recreation services.

Moved by Chavez; seconded by Elrich.

Ordinance #1998-26 was accepted unanimously, authorizing FY98 Budget Amendment No.2 (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1998-26**  
**(Attached)**



## ADDITIONAL AGENDA ITEM

9. **Resolution re: 1355 University Boulevard.** Ms. Habada explained that she received a call today regarding a Neighborhood Business Program applicant. There had been some confusion between the State and County which had resulted in the application not being forwarded to the City until this time. It was discovered that the property is within the City and consequently, the request requires the City's endorsement. There are other businesses in the City that have fallen under this program--Knee High to a Grasshopper and TPSS Food Co-op, for example. The applicant in this case wants to open a Peruvian restaurant. Ms. Habada invited the applicant to speak.

Brigitte B. Rutstein (applicant), explained that she applied for the funds in September and finally, this afternoon, found out that the request had not been approved by the City.

Ms. Porter said that she would assume that if the Council adopts the resolution this evening, it will fix the problem of the applicant not being approved.

Ms. Rutstein described the planned menu (no alcoholic beverages), and said that she hopes everyone will come to the restaurant.

Ms. Porter asked if this will be Ms. Rutstein's first restaurant.

Ms. Rutstein responded that this will be her first restaurant in the United States.

Moved by Chavez; seconded by Elrich.

Mr. Rubin commented that one of the best aspects of this project, aside from what he is sure will be superb food, is that the business is going from a large corporate franchise (Roy Rogers) to a speciality restaurant (Twice as Good Restaurant--Peruvian style fast food).

Resolution #1998-22 was adopted unanimously, expressing support for the renovation and use of 1355 University Boulevard as a Peruvian Restaurant (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

### RESOLUTION #1998-22 (Attached)

## WORKSESSION / EXECUTIVE SESSION / ADJOURNMENT

The Council moved into Worksession at 8:30 p.m. and later convened in Executive Session at 9:25 p.m. Following the Executive Session, the Council adjourned for the evening.

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Executive Session 6/08/98 - Moved by Stewart; seconded by Chavez. Council voted unanimously to convene in Executive Session at 9:25 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council received a briefing on Union negotiations. (2) The Council discussed employment conditions of senior staff. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (1)(i)).

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Introduced by: Councilmember Williams

1<sup>st</sup> Reading: 5/26/98

2<sup>nd</sup> Reading: 6/8/98

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 8th day of June, 1998, by Roll Call Vote:

AYES: Porter, Chavez, Elrich, Rubin, Stewart, Williams  
NAYS: None  
ABSTAIN: None  
ABSENT: Hawkins

Brackets [ ] indicate deletions and underlining indicates additions.

Introduced by: Councilmember Chavez

First Reading: 5/26/98  
Second Reading: 6/8/98

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 8<sup>th</sup> day of June, 1998 by roll-call vote as follows:

AYE:	Porter, Chavez, Elrich, Rubin Stewart, Williams
NAY:	None
ABSTAIN:	None
ABSENT:	Hawkins

Introduced by: Councilmember Stewart

1<sup>st</sup> Reading: 5/26/98

2<sup>nd</sup> Reading: 6/8/98

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 8<sup>th</sup> day of June, 1998 by Roll Call Vote of the Storm Water Management Board for the City of Takoma Park.

AYES: Porter, Chavez, Elrich, Rubin, Stewart, Williams  
 NAYS: None  
 ABSTAIN: None  
 ABSENT: Hawkins

Introduced by: Councilmember Chavez

1st Reading: 5/26/98

2nd Reading: 6/8/98

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 8<sup>th</sup> day of June, 1998.

AYES: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAYS: None

ABSTAIN: None

ABSENT: Hawkins

Introduced by: Councilmember Williams

1<sup>st</sup> Reading: 6/8/98

2<sup>nd</sup> Reading:

**ORDINANCE #1998-24**

**AMENDING ORDINANCE #1985-68 (ESTABLISHMENT OF "AREA B" PERMIT PARKING AREA) TO MODIFY THE ELIGIBILITY CRITERIA**

**WHEREAS,** in 1985, the City Council adopted Ordinance #1985-68, establishing Area B permit parking--to provide parking and consequently, access to the Takoma Park Metro--for certain residents of the City living outside the Metro station area and lacking reasonable access to public transportation; **AND**

**WHEREAS,** Area B is defined as the parking spaces along the southwest side of Takoma Avenue, between Baltimore Avenue and Buffalo Avenue; **AND**

**WHEREAS,** to be eligible, a resident is required to (1) live more than .75 miles from the Takoma Park Metro station and (2) more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station; **AND**

**WHEREAS,** with the recent extension of Ride-on Bus Route 16, servicing the former Prince George's County side of the City, there are no residents of the City which meet both criteria; **AND**

**WHEREAS,** the City Council continues to recognize the challenges of utilizing public transportation faced by residents living further from the Metro station and wishes to maintain Area B as permit parking for these residents.

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

**SECTION 1:** THAT Ordinance #1985-68, as amended, shall be amended to eliminate the requirement that an applicant for an Area B parking permit must reside more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station.

**ADOPTED** this \_\_\_\_\_ day of June, 1998 by roll call vote.

**AYE:**

**NAY:**

**ABSTAIN:**

**ABSENT:**

Introduced by: Councilmember Elrich

Single Reading: 6/8/98

**ORDINANCE #1998-25**

**AUTHORIZATION FOR PAYMENT OF LOBBYING SERVICES  
(RIFKIN, LIVINGSTON, LEVITAN & SILVER)**

WHEREAS, the City retained the services of Laurence Levitan, of Rifkin, Livingston, Levitan & Silver, as a lobbyist; **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, the April billing of \$1,146.13 and future billings for lobbying expenses through June, 1998 will require Council approval.

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

**SECTION 1: THAT** the City Administrator is authorized to pay lobbying bills through June 30, 1998 not to exceed an additional \$4,000.

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

**ADOPTED** this 8th day of June, 1998 by roll call vote.

**AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams**

**NAY: None**

**ABSTAIN: None**

**ABSENT: Hawkins**

Introduced by: Council member Chavez

First Reading: 6/8/98

Second Reading:

**ORDINANCE NO. 1998-26  
FY 98 BUDGET AMENDMENT NO. 2**

**An Ordinance to amend the FY 98 budget and to make a technical amendment to Ordinance 1998-3, FY 98 budget amendment No. 1.**

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

SECTION 1. Ordinance No. 1999-3, is amended as follows:

**General Fund - Transfers to Expenditure Accounts**

- a. Transfer [\$132,234] \$124,202 from Account 9000-8200, Unappropriated Funds, to the following accounts to fund employee merit increases:

SECTION 2. The Fiscal Year 1998 Budget be amended as follows:

**General Fund - Revenues**

- a. Appropriate \$2,745 to Account 0001-3313, School Community Center Programs Grant, to account for grant funds received for recreation programs for FY 98.
- b. Appropriate \$8,465 to Account 0001-3314, Private Industry Council grant, to account for grant funds received for youth employment programs operated by the Recreation Department.
- c. Appropriate \$ to Account , MFS cable operations, for reimbursement to the City for staff costs related to MFS fiber optic cable installation.
- d. Appropriate an additional \$16,323 to the following revenues accounts to account for additional revenues received for recreation programs:

\$1,000 to Account 0001-3460, Recreation classes

\$4,423 to Account 0001-3461, Sports

\$5,000 to Account 0001-3464, Youth Outreach

\$5,000 to Account 0001-3473, Community Center Facility rental

e.

f.

**General Fund - Expenditures**

- a. Appropriate \$2,745 to Account 4000-4012, Grant salaries, for grant fund expenditures for recreation programs.

Introduced By: Councilmember Chavez

Resolution No. 1998-22

**Resolution Expressing Support  
For the Renovation and Use of 1355 University Boulevard  
As a Peruvian Restaurant .**

WHEREAS, Ms. Brigitte Rutstein has made application for State loan funds through the Maryland Neighborhood Business Program, Department of Housing and Community Development for the purpose of renovating and improving the building at 1355 University Boulevard, formerly a Roy Rogers Restaurant; AND

WHEREAS, the property is currently vacant; AND

WHEREAS, the applicant intends on continuing to use the building as a restaurant, selling Peruvian food; AND

WHEREAS, the City of Takoma Park has identified and adopted this area as a designated area under the State of Maryland's Neighborhood Business Development Program; AND

WHEREAS, the City of Takoma Park fully supports the proposed renovation and use of said property and the application for State funds for such purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council supports the proposed renovation and use of 1355 University Boulevard for funding under the State of Maryland Neighborhood Business Development Program and directs staff to prepare a letter transmitting this resolution to the Maryland Department of Housing and Community Development.

ADOPTED THIS 8TH DAY OF JUNE, 1998.

1355univ.res

ATTEST



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

INTERVIEW, SPECIAL SESSION & WORKSESSION  
OF THE CITY COUNCIL

Monday, June 15, 1998

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Executive Session 6/08/98 - Moved by Stewart; seconded by Chavez. Council voted unanimously to convene in Executive Session at 9:25 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council received a briefing on Union negotiations. (2) The Council discussed employment conditions of senior staff. (Authority: Annotated Code of Maryland; State Government Article, Section 10-508(a)(9) and (1)(i)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Senior Planner George

Corporation Counsel Silber

Recreation Director Bluford

**OFFICIALS ABSENT:**

Councilmember Chavez

Councilmember Stewart

Community Programs/Facilities Coordinator Pernel

Program Coordinator Corley

Community Development Coordinator Sickle

The City Council convened in Worksession at 7:34 p.m. in the Upstairs Meeting Room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**INTERVIEW**

1. **Commission on Landlord-Tenant Affairs (COLTA) - Christopher Oyobio.** The Council interviewed Mr. Oyobio who has expressed interest in reappointment to COLTA.

Mayor Porter noted that appointments will be considered by the Council at next week's meeting, and thanked Mr. Oyobio for his service on COLTA.

**SPECIAL SESSION**

2. **Resolution re: Program Open Space (POS) Annual Program.**

Senior Planner George called the Council's attention to the draft resolution (distributed this evening), and described the program for FY99. The proposed projects are based on discussions

with Forester Busciano, Construction Specialist Kowaluk and Councilmember Stewart. She noted that the acquisitions of Pringle and Jackson/Garland properties are included in the FY99 program, and explained that the "unspecified" project (\$100,000) is a placeholder for any project that might come up in the next year. The other phase of the plan is the development portion. Ms. George named several projects. All projects with the exception of Forest Park were already planned for and included in budget discussions. The intention is to work on including Forest Park in with other planned projects.

Ms. Porter remarked that items that are put on the plan do not necessarily all get done. Putting projects in the plan does not obligate the City to do any of these things. Each will be considered individually as it comes up. Regarding Forest Park, she noted that Ms. Stewart indicated that residents were unhappy because the park renovations had been postponed for several years, and that she told Ms. Stewart that she would be willing to put the matching money for Forest Park into the "deferred" list for FY99. If the money becomes available later in the year, the Council could consider doing the work. However, Ms. Porter pointed out the sensitivity to not postponing other projects on the "deferred" list.

The Council agreed to add Forest Park to the FY99 "wish list" (items deferred from the CIP).

Mr. Williams requested clarification regarding the allocation of State money (both acquisition and development money).

Ms. George explained that the City will receive approximately \$95,210 for FY99, which should include reimbursement for the former Prince George's County portion of the City.

Mr. Williams confirmed that, if needed, the City could borrow from future years. He noted a correction to a total cited in the memo.

Ms. Porter referred to the resolution, clarifying that Forest Park was not included on the adopted CIP list. She proposed some amendments to the fourth Whereas clause of the resolution: (1) strike "Forest Park" and "City Administrator's", and (2) add to the end of the clause "...and the Council intends to fund improvements in Forest Park as funds become available."

Moved as amendment by Hawkins; seconded by Rubin.

Resolution #1998-23 was adopted unanimously, as amended, adopting Program Open Space (POS) Annual Program for FY99 (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Williams; ABSENT: Chavez, Stewart).

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

**WORKSESSION / ADJOURNMENT**

The Council moved into Worksession and later adjourned for the evening at 10:40 p.m.



Introduced By: Council member Hawkins

**Resolution No. 1998 - 23**

**Resolution Concerning FY 99 Program Open Space Annual Program**

**WHEREAS,** the Maryland-National Capital Park and Planning Commission (M-NCPPC) has requested that the City submit its Fiscal Year 1999 State Program Open Space Annual Program; 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 completely funded by Maryland's Program Open Space, while development projects require a twenty - five percent ( 25%) local match; AND

**WHEREAS,** the Colby Park, Spring Park Playground, Spring Park Ballfield, and Thomas - Siegler Carriage House Museum development projects have been included in the Fiscal Year 1999 Capital Improvements Program, and the City Council intends to fund improvements in Forest Park as the funds become available.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT** the City Council hereby adopts the following projects and state funding amounts for inclusion in the City's Fiscal Year 1999 Program Open Space Annual Program:

Acquisition : Jackson/Garland Property - \$72,140.00; Pringle Property - \$132,426.67; and, Unspecified acquisition - \$100,000.00.

Development : Colby Park - \$ 9,000.00; Spring Park Playground - \$34,500.00; Spring Park Ballfield - \$ 22,500.00; Forest Park - \$ 60,000.00; and Thomas - Siegler Carriage House Museum - \$ 24,000.00.

**BE IT FURTHER RESOLVED THAT** the City Administrator is hereby directed to transmit the Fiscal Year 1999 Program Open Space Annual Programs to the Maryland- National Capital Park and Planning Commission.

**ADOPTED THIS 15<sup>th</sup> DAY OF JUNE, 1998.**

**PUBLIC HEARING & REGULAR MEETING  
OF THE CITY COUNCIL**

**Monday, June 22, 1998**

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Executive Session 6/08/98 - Moved by Stewart; seconded by Chavez. Council voted unanimously to convene in Executive Session at 9:25 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council received a briefing on Union negotiations. (2) The Council discussed employment conditions of senior staff. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (1)(i)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Acting Code Enforcement Supervisor Sanford

Executive Director COLTA Lee-Bryant

Housing Services Coordinator Walker

Planning Center Coordinator Ludlow

**OFFICIAL ABSENT:**

Councilmember Chavez

**PRESENTATION**

**1. Resolution re: Appreciation to Takoma Park Recreation Committee Member, Patricia Murphy.** Mayor Porter read the resolution for the record.

Resolution #1998-24 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1998-24  
(Attached)**

Patricia Murphy remarked that it is not an easy decision that she has made to leave the City and move to Frederick County. She said that she has enjoyed watching the City grow, and appreciates the Council having let her be an active community member.

Ms. Porter expressed appreciation to residents like Ms. Murphy who spend so much time working on things that are of value to the City.

## ADOPTION OF MINUTES - 6/8 AND 6/15

Ms. Porter moved adoption of the minutes with two small changes to the June 8<sup>th</sup> set (on page 4 change "tax rate" to "tax revenue", and during Williams' discussion (page 5) delete "not" from the phrase "small businesses should not be encouraged).

Moved by Porter; Seconded by Williams. The minutes were adopted unanimously.

## CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about the power of nature, and noted a couple of natural disasters. He commented on the ballfield at the old Blair High School and the Ed Wilhelm Field.

## PUBLIC HEARING

**2. Proposal to Increase Licensing and Inspection Fees.** The public hearing was called to order at 7:48 p.m.

Lesa Hoover, (Apartment and Office Building Association), stated that she is opposed to the proposed increase. In looking at the increase over the last eight years, this would constitute a 134% increase. She remarked about the City's goal in conducting housing inspections, and added that the Association supports the goals. However, the licensing fee should directly support the costs of inspection. The proposed fee would be higher than any other fee program in the area. Ms. Hoover remarked about the Hyattsville program--i.e., reward landlords who pass inspections by issuing two-year licensing terms. She said that the City should look toward restructuring the licensing program to encourage Code compliance. This is the approach that the national trend is moving toward. The City is unique in that it has rent control. This year only a 1% increase is allowed, and landlords cannot continue to offer some of the most affordable housing in Montgomery County with the limitations on rent increases.

Councilmember Hawkins clarified which apartment buildings Ms. Hoover represents.

Ms. Hoover stated that she is here at the request of the owners of Vista Management, Park Ritchie, Dreyfus, Kay and Southern Management properties.

Councilmember Rubin noted that the last time we raised the fee was in 1993, and questioned how Ms. Hoover came to the 134% increase figure.

Ms. Hoover explained that she is backing up to 1990 to calculate the 134%.

Mr. Rubin pointed out that the fee has not been raised since 1993.

Ms. Hawkins requested a copy of Ms. Hoover's testimony.

Tonda Brown, represent Southern Management Properties (Park Ritchie Apartments), stated opposition to the increase.

Ronald Lenkin (Roanoke Apartments, Carroll Gardens, et al.), stated that he is a property owner and manager in the City, who has owned and managed since 1948 (125 units in four locations in the City). He urged the Council to seriously consider the proposed increase. He recalled the times when the country was in the throws of a real estate recession, when it became virtually impossible to increase incomes, forcing property owners to find ways to cut back on expenses. His company and others took steps with some success. Government also took steps. He noted that he is happy to hear that the State will be experiencing surpluses this year. Mr. Lenkin suggested that the City is not unique from other forms of government, and that it behooves the City to reduce and maintain expenses. The problem is that on the landlord's end, they are beginning to feel a bit like the scapegoat. Landlords have been asked to reduce their income streams, substantially. All of the landlords here will have some tenants who are paying \$50-100 below market values. Because of the City's rent structure, they cannot do much about this situation. He explained that he tries hard to keep expenses down by taking part in electric/light and water savings programs, but asked for some understanding and help from the City. Mr. Lenkin said that he would like to feel that landlords have a partnership with the City. He noted that last week Housing Services Coordinator Linda Walker called him and asked for help with a tenant who had failed to give proper 30-day notice because of medical reasons. She had said that it would be a nice thing for the landlord to split the month's rent. Mr. Lenkin stated that he ended up doing just that. If landlords are going to give the kind of housing that tenants deserve in the City, they need some understanding from the City. In terms of the total package, it is close to \$10,000 that the City is proposing his company should pay under the increased fee. He said that he looks forward to continuing property management in the City, noting that his son has joined him in the business. Mr. Lenkin concluded by saying that landlords are not asking for sympathy, but that they are asking for is some understanding. The Council owes this to the landlords.

Danee Alaniz (Sunbird Property Management Inc.), remarked that in the last year, he has experienced a lot of roadblocks in terms of getting things done in the City. Ordinances are cumbersome, and paperwork takes a lot of time. He said that most of the properties his company manages are in the District, and that the District has higher fees than the City. However, he questioned what the landlords in the City get in return. Landlords have to keep rents low and are still expected to keep properties up to a certain standard. Mr. Alaniz commented that he would be willing to pay the higher fee, but would like something in return from the City. He suggested that the Council consider allowing landlords to raise rents the same percentage as the fee increase, and stated that he is opposed to the increase if there is no "in between" for the landlords. He concluded that he would rather work with the Council to find some other way of accomplishing the goal of making the City a safer, cleaner environment for all residents.

Ms. Hawkins asked what exactly is Mr. Alaniz requesting, adding that clearly, the City is not going to have the increase passed-on to tenants. That would defeat rent control.

Mr. Alaniz suggested some type of tax deduction or some type of reward for landlords who have good properties.

Councilmember Stewart questioned how many units Sunbird manage in the City.

Mr. Alaniz stated that there are 16 units.

Ms. Porter noted that, to keep things in perspective, the increase being discussed this evening is only a little more than a dollar per month. She questioned what paperwork Mr. Alaniz has encountered from the City as a new manager.

Mr. Alaniz explained that he has received citations for neighboring properties, and described COLTA "ordeals" (has had one case before COLTA and is getting ready to go into another case). The most recent COLTA case will throw-off renovation plans.

Ms. Porter remarked that the Sunbird management company has done a good job of fixing-up a number of violations in its building, and stated that the City appreciates the efforts.

Mr. Alaniz remarked about other increases which amount to the landlord paying more than the 1% allowable rent increase.

Councilmember Elrich asked whether Mr. Alaniz has looked at other parts of the rent increase petition process. If Mr. Alaniz is incurring costs faster than the allowable rent increases, there is a petition process for his situation.

Mr. Alaniz agreed, adding that he is in the process of completing the Hardship and Capital Improvements Petitions. The process takes some time--approximately 3 months.

Mr. Elrich commented that the City has mechanisms for dealing with some of the concerns being expressed by Mr. Alaniz.

Mr. Alaniz acknowledged the statement.

Gloria Beardslee, Edgewood Management (Edinburgh House and Essex House), expressed opposition to the increase. She stated that Edgewood Management is committed to maintaining buildings in the best possible way. Ownerships are non-profit. While the increase does not seem like a large sum of money, it does take away from other projects. Other general market factors have to be taken into consideration--e.g., City's rent control, etc. She remarked that she appreciates the inspections conducted by the City and working with the members of City staff, but that she would like very much not to have the increase. Ms. Beardslee commented on a Capital Improvements Increase which would allow a landlord to increase rents more than the 1%, but explained that the landlord may not be able to increase to the allowable level because of market factors. She commented on the Capital Improvements and Hardship Petitions. Because the two properties she represents are affordable housing units, there are maximum income levels on incoming tenants. Consequently, some potential tenants have to be turned away which results in

longer vacancy terms.

Mr. Elrich questioned whether all units have income caps.

Ms. Beardslee explained that there are 135 units at the Essex House and 45 units at the Edinburgh house. Approximately 20 units at the Edinburgh House can be rented at market rate.

Gregory Cichy (Vista Management, 1131 University Boulevard, West #101, Silver Spring, MD 20902 — Deauville Apartments and Lee Avenue Apartments) expressed opposition to the proposed increase. It is just not right. Landlords already operate on restricted budgets due to rent control, and cannot continue to operate like this. The City needs to realize that property management is the target of investment. No one will look at the property on Hancock/Lee Avenue because of the constraints placed on landlords by the City. Across the country, real estate is moving forward; however, in the City it is moving backwards. The trend in California shows decreases in fees and special provisions for owners with good compliance records. He noted that his management company has supported neighborhood events, charities, persons in need for housing, etc. The increase in fees will put a greater burden on the landlords and property owners to keep properties maintained.

Ms. Hawkins requested numbers related to operating budgets which would illustrate how this increase would impact landlords. She asked whether Mr. Cichy brought back any information regarding reward programs for landlords from the recent national conference he attended. Information of this kind would be helpful.

Lauren Voloshen, Roanoke Avenue (tenant), stated opposition to the increase, explaining that she does not understand how the City is calculating the higher rate. She encouraged the Council to keep rent control a separate issue. There are many problems with Code Enforcement, which is not operating effectively as it is. Some parts of the City Code are written in a way that is hard to enforce (e.g., requirements for painting: one place in Code--"every 5 years"; and another place--"whenever necessary"; and also, Code states that painting can be a capital improvement). Inconsistencies make the Code hard to enforce. If it were more clear, there would not be the problems that exist on Lee Avenue. She remarked that she recently took her apartment in the City, noting that Takoma Park rents are higher (\$25+) than surrounding jurisdictions. She decided to take the apartment anyway but has been disappointed with the apartment building. She questioned why the City would charge the landlords more for a service that is not working effectively. Ms. Voloshen urged the City to explore issuing more violations and turning revenue from fines. She noted that residents in her area are in the process of forming a Tenant Advocate Group to work through some of the problems, and commented on the burden placed on tenants to push for landlords to comply with the Code.

Mr. Rubin asked for Ms. Voloshen's reaction to several of the landlords' suggestions, since she is saying that there are a lot of violations and the Code is not being enforced.

Ms. Voloshen said that a landlord who is not violating the Code should be given some type of reward. She remarked about how her apartment was missing window screens and how the

housing inspector has ignored this fact. Her landlord, David Sumner, wrote in the rental agreement that the tenant has to pay the first \$50 of a repair. Consequently, tenants do not even call for repairs; they are intimidated and afraid of being charged the \$50.

Ms. Hawkins questioned Ms. Voloshen's address.

Ms. Voloshen explained that she lives in one of the little buildings (Ward 5) which belongs to D.R.S. Sumners Inc.

Mr. Elrich asked how long it had been between the first inspection and the re-inspection scheduled for this Wednesday.

Ms. Voloshen responded that the first inspection was in February (she moved-in during January). She noted that Code Enforcement Officer Sanford wrote-up a few violations. In one case, the CEO came in and corrected violations when the landlord should have remedied the problems.

Michael Mead, owner of the "vacant" Lee/Hancock Avenue building (Hancock Gardens), stated that he has lived in the City since prior to rent control, and that things are being done for the right reasons but in a negligent way. The cumulative effect of the things that have been done over the last several years are equivalent to the confiscation of property. He referred to this statement as a "declaration" provided by his attorney to be made for the record. Mr. Mead remarked about the various increases in City fees that he has experienced over the years. In the last six years, the fee has gone from \$36/unit to \$150/unit (including fees for storm water, solid waste, etc.); yet, the City has prohibited landlords from increasing rents sufficiently to cover the increases. He stated that he simply cannot cover the costs. He observed that the gentleman from Vista Management noted that this building starts off as being undesirable because of the wording of the City's laws. Mr. Mead referred to the *Takoma Park Newsletter* which published City budget figures indicating about a 9% increase in the Housing Community Development budget. If HCD needs 9%, why does the landlord only get 1%? He said that he does not mind the increase in the inspection fee, but when coupled with the 1% rent increase restriction, the inspection fee and other fees make it impossible for him to manage his property. Some of the largest banks in the area which have lent him money for other properties will not lend him money for the mortgage on this building because of the City's laws. The purpose of this hearing is to receive comments on a \$13.00/year increase/unit. However, this increase may be the straw that breaks the camel's back. There are procedures for Hardships, but when one gets into the petition process he finds it impractical. In response to Mr. Rubin's earlier question, if all units are identical they should have the same rent level. But this is not the case because of some landlords who took advantage of the system. He recalled the situation of Dr. Zaki (the catalyst--"problem"--that started the City's quest to control rent increases). Mr. Mead stated that he, however, kept existing rents low, charging only new tenants the higher (allowable) rents. The initial rent control law had the exception that allowed for keeping the existing rents low, and everything was fine. Now, if the existing, lower rent paying tenant moves out, a landlord could not immediately charge a new tenant at the higher allowable rate. The rent would have to remain near the lower level which has existed. Therefore, if a landlord was nice some years ago, he may not be in a bad position. Mr. Mead remarked that he has been told by the Housing Department that he was stupid to have not gotten as much as he

could have years ago. He referred to the fact sheet (agenda item) that does not include the increase prior to the \$48/unit increase. (Mr. Mead noted that landlord, Larry Ravitz had to leave, and requested that his written testimony be distributed.)

John Bennett, Sycamore Avenue (landlord -- 3 unit building), asked how the additional revenues will be used if the fee is increased, and will the revenue go towards the budgets for Code Enforcement and Housing services.

Ms. Porter responded in the affirmative to Mr. Bennett's second question.

Mr. Bennett commented that when he first bought the property, he rented to students and senior citizens who were on fixed incomes. He wanted good tenants who would stay for a long time. Over the years, he has provided a good service to students and seniors. Rents have been kept low. Four long-term tenants have passed away while living at his property because they had no place to go. As a small business owner, however, he said that he should be able to turn a reasonable profit. A landlord cannot afford to pay the 4.5 cent tax increase and the additional 20% fee increase. Mr. Bennett described a housing inspection--CEO walked into the unit, turned on the faucet, checked the stove and that was it. Is this what the fee is paying for? Is this an inspection? He said that he was even told by the inspector that "you can always sell." This type of fee does not support "mom and pop" operations.

Benjamin Onyeneke, Maple Avenue, suggested that the increase in the fee be comparable to the allowable increase in rents. He remarked that inspectors do not check for pest infestations (e.g., roaches) or trash accumulation. The City has done a great deal, but would benefit from police being able to act on behalf of management in certain instances. He encouraged the Council to examine all persons living in a unit (including infants and children), and to insure the tenants that the proposed increase is not an increase being passed on to the individual tenants. Mr. Onyeneke urged CEO's to do their work with diligence, and supported the involvement of City Police in enforcing the Code. The increase is a fair fee. Staff is trying to bring quality inspections to the City.

Mr. Mead stated that as a landlord, he appreciates Code Enforcement, and that he has not had a problem with Code Enforcement. Code Enforcement helps to keep the building in good shape. Mr. Mead commented that he has had problems with individual inspectors in the past, but noted that they are no longer employed by the City. The increase in fees that is being justified by a budget increase does not correlate with the adopted budget (i.e., Code Enforcement budget actually went down).

The public hearing was closed at 8:57 p.m.

## **REGULAR MEETING**

**3. 1st Reading Ordinance re: Licensing and Inspection Fees.** Mr. Elrich asked for clarification about the payment schedule for units on the biennial inspection program.



Acting Code Enforcement Supervisor Sanford responded that for buildings that have more than 50 units, landlords only pay 25% on the off-year. For buildings with fewer units, they do not have to pay on the off year.

Mr. Elrich asked what happens if a unit fails inspection.

Mr. Sanford responded that there is no additional fee.

Mr. Elrich questioned how many units fail the initial inspection.

Mr. Sanford said that he is not sure of the exact number, but that it is not that frequent.

Mr. Elrich referred to the case cited by Ms. Voloshen, and asked whether any fines were issued to the landlord.

Mr. Sanford responded in the negative and offered an explanation. There were different violations cited as the process went along.

Mr. Elrich questioned how hard it would be to do inspections at the time the units are vacant.

Mr. Sanford referred to this suggestion as an "occupancy inspection." He said that he would have to get more information regarding this suggestion, and that implementation would require some changes in the current inspection process.

Mr. Elrich acknowledged that changes might have to occur, but said that he is interested in this approach.

Mr. Sanford noted that the idea has been discussed by staff who wants to further examine it.

Mr. Elrich questioned whether the City has the ability to do anything when we are aware of something illegal--e.g., if a landlord inserts an illegal provision into a lease and staff knows about it. Or, can the City only respond if there is a tenant complaint?

Mr. Sanford explained that Code Enforcement Officers act as inspectors.

Mr. Elrich asked what would be a CEO's response if a tenant pointed out an illegal provision in a lease.

Mr. Sanford responded, calling attention to the discussions that occur between Code Enforcement and Landlord-Tenant Affairs services. There are a lot of referrals that take place.

Housing Services Coordinator Walker noted that in regards to the incident of the illegal clause in the lease, Mr. Sumner (landlord) was advised that the clause in his lease is illegal and that he cannot charge tenants for repairs. He agreed to abide by the law.

Mr. Elrich questioned whether he also agreed to pay back any monies that were previously taken from tenants in accordance with the lease clause.

Ms. Walker explained that any tenant who feels he paid the illegal fee should report it to Landlord-Tenant services.

Mr. Elrich asked why, in this case, the City would not take the initiative to approach Mr. Sumner. Some tenants may feel intimidated.

Ms. Walker stated that she needs facts upon which to base an investigation.

Mr. Elrich questioned whether tenants were notified that the clause is illegal.

Ms. Walker responded in the affirmative.

Mr. Rubin acknowledged that there has been a change in philosophy, in terms of how we proceed with Code enforcement.

Mr. Sanford elaborated that CEO's have become stricter on issuing municipal infractions and pursuing them to court. In the last few issues of the *Takoma Park Newsletter*, this kind of information has been published to notify residents that the City is increasing enforcement efforts. Additionally, inspectors have staggered shifts to cover all hours.

Mr. Rubin asked what is the attitude toward infractions which are noted.

Mr. Sanford explained the two basic types of inspections: (1) part of annual licensing inspection, and (2) complaint inspection. For the licensing inspection, the property owner is notified of the date and time. It is then incumbent upon the landlord to be present. At the time of inspection, violations are noted. A copy of the violations are given to the landlord at that time, and a return date is set. Staff is considering a "pre-inspection" sheet approach which would allow the tenants the opportunity to note any problems prior to the inspection. Currently, reinspection occurs in 30 days. If violations have not been remedied, MI's are issued, another date is set, and again it is reviewed whether the violations have been resolved. During this period, the fines are being processed. In the case of complaint inspections, a complaint is received from a tenant. The Code Enforcement Officer inspects and notes violations (landlord may not be present). The CEO calls or presents (if present) the landlord with notice of the violations. The rest of the process is the same as the annual licensing inspection program.

Mr. Rubin noted the decrease in the Code Enforcement budget for FY99, as pointed out by Mr. Mead. How have the costs fluctuated since 1993 (the last time the inspection fee was set)?

Ms. Porter stated that the answer, in part, is on the fact sheet. She cited the costs and revenues on the fact sheet.

Mr. Williams noted that based on a calculation of the units inspected and an 87% collection rate,

neither the current license fee nor the proposed fee would bring in enough to cover costs. What percentage of the Code Enforcement budget ties into the inspection function of the team.

Mr. Sanford estimated that 75-80% of Code Enforcement work is related to inspections. The remainder deals with other types of complaints.

Ms. Stewart referred to Mr. Ravitz's statement and his suggestion about how to calculate the increase.

Mr. Elrich said that basically, he might consider Mr. Ravitz's suggestion along with some other restructuring of costs, and that he would support some modifications of fees along those lines. Mr. Elrich emphasized his interest in how many tenant complaint inspections are performed. Is there any precedent to charge fees when responding to complaint calls? He requested the history on the apartment that was discussed earlier by Ms. Voloshen--e.g., when MI's were issued and when problems were corrected. What is an appropriate time frame for fixing things? Mr. Elrich stated that he would also like to know more about the painting issue (i.e., ambiguity in the Code). He commented on a visit to an apartment where it was evident that the paint was chipping off of windows. Finally, he asked whether Code Enforcement needs more clarification from the Council in terms of what is and what is not reasonable.

Mr. Rubin expressed support for the direction referred to by Ms. Stewart (from Mr. Ravitz's statement)--i.e., have the inspection fee tied to the same percent increase that has been allowed for rents since the last inspection fee increase. The fee would then be approximately \$68.20.

Ms. Porter remarked that the City does have a biennial inspection program for landlords who have good inspection records. If it is a partial inspection the second year for a large building, they are only required to pay a portion of the fee. She emphasized that she does not want this discussion to get tied-up in percentages. The increase being discussed is only \$1/month. The percent increases being compared are much more than a dollar. She encouraged the Council to discuss proposals in terms of "real numbers."

Ms. Hawkins made a motion to Table the ordinance for three weeks (until July 13), adding that she is sympathetic to concerns which have been raised but that the Council also has the underlying responsibility to address the needs and concerns of tenants. She requested that staff respond to the comments which have been made. Mr. Elrich seconded the motion. The Council voted unanimously to table the ordinance (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**4. Resolution re: Master Plan Purpose and Outreach Report.** Planning Center Coordinator Ludlow distributed remarks from Catherine Tunis along with the draft report, and proposed that the Council adopt a resolution in support of the report with some modifications. She said that she would like to include the majority of Ms. Tunis' comments as part of the recommended modifications. They are very appropriate to the report. The report is the first step in the overview of the Master Plan process. It is not a binding document, but it is best that we generally

cover the issues we want reviewed. The major change (theme of modifications) came out of the MPAG's first meeting where there was an interest in having a more environmentally friendly approach to development in the area. She suggested that it is appropriate to have this added. It could also be applied to small special exception requests. M-NCPPC noted that this type of consideration has been included in other reports.

Mr. Williams remarked that he had always hoped that there would be consideration about zoning and available parking.

Ms. Ludlow explained that she feels this is included in zoning and referenced throughout the document, and stated that she would like to see zoning as a primary effort in this process.

Mr. Williams commented on written versus practical zoning, and clarified the intent of the resolution.

Ms. Ludlow noted that the attachment which outlines proposed modifications will be amended to incorporate Ms. Tunis' recommendations.

Ms. Porter explained the proposed resolution and the attached recommendations. The Council agreed to include the changes proposed by Ms. Ludlow and Ms. Tunis.

Ms. Ludlow noted that the Planning Board is scheduled to finalize the report on July 2--a week from Thursday.

Moved by Williams; seconded by Stewart.

Resolution #1998-25 was adopted unanimously, as amended, recommending approval of the Takoma Park Master Plan Purpose and Outreach Report with modifications (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1998-25**  
**(Attached)**

**5. 1st Reading Ordinance re: 8600 Flower Avenue.** City Administrator Habada explained the ordinance.

Ms. Porter added that this is a property the City purchased at mortgage foreclosure, and explained the City's intention to make the property available to a low/moderate income family. She commented on the management by Silver Spring Interfaith Housing Coalition and the conditions of purchase. The City will use CDBG funds to put the house into a habitable condition and then attach the same amount of money as a lien on the property. The Ordinance also authorizes a PILOT as long as the property is owned by SSIHC. She referred to the staff memorandum and the answers to several questions which had been raised by the Council during previous discussions.

Moved by Rubin; seconded by Hawkins.

Ordinance #1998-27 was accepted unanimously at first reading, authorizing the sale of 8600 Flower Avenue to the SSIHC (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**ORDINANCE #1998-27**  
**(Attached)**

**6. Single Reading Ordinance re: Acquisition of Pringle Property.** Ms. Porter noted that the City has received a letter of concurrence from the State that funding will be granted for the purchase.

Mr. Williams asked whether the letter was what we needed before proceeding with the purchase negotiations.

Ms. Habada responded in the affirmative, explaining that it establishes a date from which we can incur costs. The application is in the hands of the Department of Natural Resources.

Ms. Porter confirmed that the letter does not guarantee approval of the project.

Ms. Habada agreed, noting that this was the case with the Casey property which was purchased under the same type of arrangement.

Ms. Porter remarked that in the case of the Pringle property, there is a question about the property value. This was not a question with the Casey property. If the Council passes the resolution and the State DNR does not approve the project, could the Council re-negotiate?

Ms. Habada responded that the Council could certainly direct renegotiation, but commented that she needs the resolution, as an indication of the Council's support for the purchase, to move forward on the acquisition.

Ms. Porter questioned whether the resolution is needed in order to take some initial acquisition steps.

Ms. Habada said that the Council has indicated its intent to purchase the Pringle property, and that she would assume that the Council will not change their minds. The questions we have gotten from the County were related to the easement, but once it was reviewed with City staff, the County was more comfortable.

Mr. Williams asked if there is any sense of when the project will go before the Board of Public Works.

Ms. Habada suspected that it would be sometime by the end of the summer. She noted that staff has been getting pressures from involved parties on when we will be going to settlement.

Ms. Porter supported the purchase, adding that Council has been holding discussions in Executive Session as related to negotiations with the property owner. There have been some questions raised about the interpretations of property value. She concluded that she would be uncomfortable going forward with the resolution until we have a go-ahead from the State.

Ms. Stewart questioned how passing the resolution would pose a problem.

Ms. Porter proposed that Council (1) defer the resolution until we have a commitment from the State for this amount of money, or (2) pass the resolution with instructions to the City Administrator that she not settle on the property until we have an "iron clad" agreement from the State.

Ms. Habada asked whether the Council would feel better if the Resolution were made an Ordinance (requiring 1st and 2nd readings).

Ms. Porter agreed to this approach. The Council concurred, and staff is to reschedule consideration for July 13th.

**7. 2nd Reading Ordinances re: FY99 Pay Plans.** Ms. Porter stated that the Council is moving forward with enacting the pay plans so that non-Union employees get their raises at the beginning of the fiscal year.

Mr. Rubin asked whether it has been traditional that the non-Union employees get raises based on the Union raises.

Ms. Habada responded in the affirmative.

Mr. Rubin questioned how the non-Union employees would be treated if the Union raises are set at a higher rate.

Ms. Habada stated that she does not know. We will cross that bridge when we get to that point.

Ms. Porter provided a general explanation of the three pay plan ordinances.

Mr. Rubin confirmed that there is no reason for there to have been a discussion with the Unions about these ordinances being passed (no legal/binding reason). He noted, however, that if the Council adopts the ordinances it will affect the negotiations, in that employees will note that one group has gotten their raises.

Ms. Habada agreed. In the past, when there has been a delay with the Unions, we have gone ahead with the ordinances, as long as they include language stipulating that once ratification occurs, the ordinances will apply to Union employees.

Ms. Porter noted again, that there are three ordinances. Each has been amended since first

reading. These will apply to the non-Union employees.

Moved by Rubin; seconded by Porter.

Mr. Elrich expressed concern about whether this is the right signal to be sending at this point.

Mr. Rubin remarked that he has a similar concern, but that the concern is outweighed by the unfairness to the people who do not have collective bargaining rights for reasons that they do not have any control over. The Council has to weigh this against the uncertainty of the message that the action may send.

Ms. Hawkins questioned the effect of the timing.

Ms. Porter noted that this is the Council's last meeting of the fiscal year.

Ms. Hawkins asked whether the non-Union employees would be entitled to back-pay.

Ms. Habada stated that it could be made retroactive in the language of the ordinances.

Ms. Porter explained the ordinance as it would apply to the Union employees (i.e., retroactive pay to the beginning of the fiscal year).

Ms. Habada noted that both Unions have been advised that they will have to negotiate for back-pay.

Ms. Hawkins asked how many non-Union employees would be delayed increases if the Council does not adopt the ordinances.

Ms. Habada remarked that there are approximately 55 non-Union employees.

Mr. Rubin observed that the 4.5% increase is the lowest, in terms of negotiations with the Unions. The risk that the non-Union staff is taking is that they may not get the same increase that the Unions negotiate if it comes in higher.

Mr. Williams stated that he is comfortable acting on the ordinances.

Mr. Elrich remarked that he thinks 4.5% is the highest increase that will be agreed upon.

Ms. Stewart questioned the Council could we say that non-Union employees would automatically get retroactive pay, without having to negotiate for it.

Ordinance #1998-20 was adopted unanimously, at second reading, 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 4.5% adjustment for FY99 (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1998-20**  
**(Attached)**

Moved by Williams; seconded by Stewart.

Ordinance #1998-21 was adopted unanimously, at second reading, amending the pay scale for employees for FY99, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended to include a 4.5% adjustment for FY99 (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

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

Moved by Williams; seconded by Elrich.

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

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

**8. Resolution re: Union Contract (Local 400).** Item was removed from the agenda.

**9. 2nd Reading Ordinance re: FY98 Budget Amendment No.2.** Ms. Porter noted the additions to the ordinance since first reading.

Moved by Elrich (with amendments); seconded by Williams.

Ordinance #1998-26 was adopted unanimously, at second reading, amending FY98 Budget and making a technical amendment to Ordinance #1998-3, FY98 Budget amendment No.1 (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**ORDINANCE #1998-26**  
**(Attached)**

**10. 2nd Reading Ordinance re: Area B Permit Parking.** Ms. Porter explained the ordinance and the criterion for applicants seeking Area B parking permits.

Moved by Rubin; seconded by Elrich.



Ordinance #1998-24 was adopted unanimously, at second reading, amending Ordinance #1985-68 (establishment of Area B Permit Parking Area) to eliminate the requirement that an applicant for an Area B parking permit must reside more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**ORDINANCE #1998-24  
(Attached)**

**11. Resolution re: COLTA Appointments.** Ms. Porter explained the resolution.

Moved by Williams; seconded by Stewart.

Resolution #1998-26 was adopted unanimously, reappointing David Lurie, Sean Tipton, Christopher Oyobio and J. Alec French to the Commission on Landlord-Tenant Affairs (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**RESOLUTION #1998-26  
(Attached)**

**ADJOURNMENT**

The City Council adjourned for the evening at 9:55 p.m.

**RESOLUTION 1998-24  
IN APPRECIATION OF PATRICIA MURPHY**

**WHEREAS,** after more than six years of service to the Takoma Park Recreation Committee, Patricia Murphy is leaving on June 30, 1998 to relocate in Frederick County;  
AND

**WHEREAS,** "Patti" Murphy has been a tireless and eloquent advocate for those Takoma Park residents, both young and old, who are in need of a special helping hand; AND

**WHEREAS,** "Patti" Murphy has helped expand the horizons of the Recreation Department's Outreach Program and has repeatedly opened up her own home during after-school hours to youngsters who might otherwise have been idling on street corners; AND


**WHEREAS,** "Patti" Murphy, while enjoying her own role as a player in the Takoma Park Coed Softball League, has unselfishly worked on behalf of recreational programs for those whose interests lie outside of sports; AND

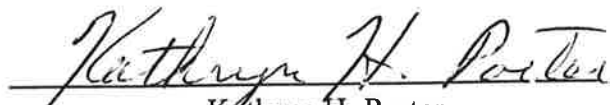
**WHEREAS,** the sightings of "Patti" Murphy and her faithful dogs on their walks around town have been a Takoma Park tradition for more than 20 years.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park hereby extends to Patricia Murphy their appreciation and admiration for her valuable service and hopes she will have many happy and prosperous years in her new community.

**ADOPTED** this 22<sup>nd</sup> day of June, 1998.

ATTEST:

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

  
Kathryn H. Porter  
Mayor

Introduced By: Councilmember Williams

Resolution No. 1998-25

**Resolution Recommending Approval  
Of the Takoma Park Master Plan Purpose and Outreach Report**

WHEREAS, staff of the Maryland National-Capital Park and Planning Commission has prepared a draft Purpose and Outreach Report as an early step in the preparation of the Takoma Park Master Plan; AND

WHEREAS, the purpose for this Purpose and Outreach Report is to identify the reasons, a new Master Plan is needed and to present an overview of significant issues to be addressed by the Master Plan and a plan for community outreach during the planning process; AND

WHEREAS, the draft Purpose and Outreach Report generally accomplishes this purpose; AND

WHEREAS, City staff has prepared recommended modifications of the draft document based on comments made by City Councilmembers, City staff, Takoma Park Master Plan Advisory Group members and the general public; AND

WHEREAS, the City Council feels that incorporation of these recommended modifications would improve the final document;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council recommends that the Montgomery County Planning Board **approve** the draft Purpose and Outreach Report, and also recommends that Maryland-National Capital Park and Planning staff incorporate the attached modifications.

**ADOPTED THIS 22nd DAY OF JUNE, 1998.**

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## RECOMMENDED MODIFICATIONS TO THE TAKOMA PARK MASTER PLAN DRAFT PURPOSE AND OUTREACH REPORT

### OVERVIEW

p. 3, 1st paragraph, last sentence: Add "...improving environmental quality, including issues related to runoff, water quality, air, noise, traffic and mass transit;" to the list of issues.

p. 3, #2, 1st bullet: Revise last sentence to read: "Two areas proposed as developed parks in 1982 remain undeveloped and those plans should be reevaluated as well."

p. 5, #3, 6th line: replace "moved" with "was transferred"

p. 5, #3: Add new last paragraph: "Research done during the preparation of the unification-related Sectional Map Amendment identified several types of areas, located in both the Montgomery County side and formerly Prince George's County side of the city, for which the Montgomery County zoning appeared to be inconsistent with the intent of the Master Plan. These areas include neighborhoods of small apartment buildings on lots less than 12,000 square feet zoned R-30 in which no redevelopment would be permitted if a structure were destroyed or abandoned, and commercial areas with lots too small to accommodate the amount of parking required by the commercial zone, thus threatening the long-term viability of the district. Special attention to land use and zoning in these areas is needed."

p. 5, #4: Should the *Park, Recreation and Open Space Master Plan Update* be included in this list?

p. 5, #5: Add new last paragraph: "More generally, given Takoma Park's location in the inner suburbs, master plan recommendations from many parts of Montgomery County and the region can have economic, transportation, community stability, and environmental effects on Takoma Park which should be evaluated."

p. 7, #2: Revise the third sentence to read: "The goals of the plan [are to provide] include the provision of recreational open space near homes and work places, [to protect] the protection of the City's watercourses and natural resources, and [to preserve] the preservation of undeveloped areas of significant aesthetic value to the community."

p. 7, #2: Add new last sentence: "The neighborhoods annexed to the City of Takoma Park in 1995 were not inventoried or included in the Open Space Plan."

### KEY THEMES AND ISSUES

#### THEME #1

p.8, 1st full paragraph, 3rd line: Revise to read: "...development, in additional to overall regional growth will..."

- A. Add to 1st bullet: "Continue to accommodate the needs of different kinds of households by maintaining a diversity of affordable housing types."

New bullet: "Address uses currently allowed in the unification area that do not conform to standards of the Montgomery County Zoning Ordinance."\*

Add a statement here or elsewhere in the report: "Evaluate the adequacy of current historic resource designation for both structures and districts."\*

New bullet: "Consider expansion of Old Town Takoma Park "flavour" to other areas of the community."

New bullet: "Preserve and enhance Takoma Park's ecosystem to help avoid the fragmentation of habitat."

- B. Add bullet: "Consider new types of housing, such as housing over commercial uses, in the context of preserving and enhancing neighborhood character."
- C. Change "Preservation" to "Prevention"
- E. Write more generically, such as: "Evaluate vacant properties as to the appropriate use in each location. Special attention should be given to properties along New Hampshire Avenue and to areas not previously evaluated by the City's Open Space Plan."
- F. Change title to show broader focus. Perhaps "Maintain and Enhance Environmental Quality" or "Environmentally Sensitive Practices and Strategies."

Revise bulleted item to read: "...action plans and the Takoma Park Committee on the Environment for the..."

Add new bullet: "Identify practices and strategies, appropriate to this built-out community, to protect, preserve and enhance water resources, urban forests and other aspects of the environment. Where appropriate, incorporate forthcoming recommendations from the Takoma Park Committee on the Environment and City Council for home, business, city and neighborhood improvements to reduce carbon dioxide emissions. These recommendations include improving energy efficiency in existing buildings, street lighting, tree planting and preservation, and use of alternative energy in new development."

## THEME #2

Change last sentence of introduction: "...have been [sought] allocated..."

Perhaps repeat language from proposed new bullet under section F above.

- A. Revise 1st bullet: "Evaluate existing land uses, character, zoning, circulation and the 1974

Transit Impact Sector Plan recommendations to determine the most appropriate collection of uses and development standards for the area. Consider zoning changes to reduce parking requirements."

Revise last sentence of 2nd bullet to read: "Evaluate, as part of the concept, ways to work with commercial property owners and the District of Columbia to improve pedestrian and bicycle connections to Metro."

Add new bullet: "Work with the Washington Metropolitan Area Transit Authority, the District of Columbia and the Washington, D.C. and Takoma Park community organizations to obtain agreement on the appropriate use of WMATA-owned land adjacent to the Takoma Metro."

- B. Add a second sentence to the 1st bullet: "Consider zoning changes to reduce parking requirements."

Revise 3rd bullet to read: "...feasibility of improved pedestrian and bicycle connections..."

Revise 4th bullet to read: "Examine vehicular circulation through and within Takoma Junction and [devise ways to alleviate] assess congestion and [provide adequate] parking in the area."\*

### THEME #3

- C. Revise 1st bullet to read: "...planned growth in adjacent and outlying areas."

Revise 2nd bullet to read: "Review and evaluate existing roadway functional classifications for area roads including Piney Branch Road."\*

Revise 3rd bullet to read: "Examine vehicular circulation through and within Takoma Junction and [devise ways to alleviate] assess congestion and [provide adequate] parking in the area."\*

Revise last bullet to delete the word "primary."\*

Add new bullet: "Examine impacts of diesel fueled buses and vehicles, as well as gasoline fueled autos, on air quality and storm water run-off to receiving waters."

### Add new section "D"

Add bullet: "Evaluate the adequacy of local transit service for destinations within and beyond the City of Takoma Park, including locations of bus routes and bus stops."

Add bullet: "Consider the impacts of new light and heavy rail transit routes, being discussed as alternatives to Beltway travel, through and near the City of Takoma Park. Where possible,

provide direction to State and regional planners on possible route types, locations and transit stops."

Add bullet: "Explore alternative-fuel mass transportation options with Montgomery County Ride-on and D. C. Metro."

#### THEME #4

A. Add to 1st bullet: "and assess the adequacy and safety of existing park facilities."\*

Revise 2nd bullet to read: "need to be [modified] recommended for a different form of protection from development."

Add new bullet: "Identify areas to be left undeveloped, especially in areas not previously evaluated by the City's Open Space Plan."

B. Revise 1st bullet: "...adequacy of existing City and County facilities..."\*

#### OUTREACH STRATEGIES SECTION

Add language to this section listing additional specific techniques to gain input for hard-to-reach populations, especially on specific topics. Examples could include working with area schools, especially Blair High School; putting displays in several languages (with postcards or quick surveys soliciting ideas) in larger apartment building; holding small events with food, such as block parties, in areas where input is needed on specific neighborhood issues; etc.

Substantive summaries of documents and issues could be published in the Takoma Park Newsletter, Takoma Park's web page, and other publications to enhance input. This should be in addition to the planned announcement of meetings or reporting on decisions after the fact. For quick turn-around, consider using the Takoma Voice and Takoma Neighbor listservers.

NOTE: \* is language proposed by M-NCPPC staff

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Introduced by: Councilmember Williams

**RESOLUTION #1998-26**  
*REAPPOINTING COMMISSIONERS TO THE*  
*COMMISSION ON LANDLORD-TENANT AFFAIRS*

**WHEREAS,** on June 30, 1998, four Commissioner terms on the Commission on Landlord-Tenant Affairs will expire; and

**WHEREAS,** the four Commissioners currently serving these terms have requested to be reappointed to the Commission on Landlord-Tenant Affairs; and

**WHEREAS,** Council has satisfactorily interviewed these Commissioners and evaluated their qualifications.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the City of Takoma Park, Maryland, hereby reappoints the following Commissioners to the Commission on Landlord-Tenant Affairs to serve three-year terms expiring on June 30, 2001:

1. David Lurie of 614 Elm Avenue;
2. Sean Tipton of 7505 Flower Avenue;
3. Christopher Oyobio of 7513 Maple Avenue; and
4. J. Alec French of 310 Boyd Avenue.

**BE IT FURTHER RESOLVED THAT** these appointments become effective July 1, 1998.

Adopted this 22nd day of June 1998.

ATTEST:

  
Catherine Sartoph, City Clerk



Introduced by: Councilmember Williams

First Reading: 05/26/98  
Second Reading: 06/22/98  
Effective: 07/01/98

**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%] 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 (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%] 4.5% increase in pay effective July 1, 1998, provided their performance evaluation rating is "Effective" or higher.

Adopted this 22<sup>nd</sup> day of June, 1998 by roll call vote as follows:

AYES: Porter, Elrich, Hawkins, Rubin, Stewart, Williams  
NAYS: None  
ABSTAIN: None  
ABSENT: Chavez

[ ] Brackets indicate language deleted since first reading.  
— Underlined indicates language added since first reading.

O-99/PAYPD

POLICE PAY SCALE FY 99  
4.5% Adjustment

GRADE	STEP % INCR	A STARTING	B 4.25%	C 4.00%	D 3.75%	E 3.50%	F 3.25%	G 3.00%	H 2.75%	I 2.50%	J 2.25%	K 2.10%
CADET 6	ANNUAL WEEKLY HOURLY	27,770.35 534.05 13.35										
PRIVATE 7	ANNUAL WEEKLY HOURLY	29,853.12 574.10 14.35	31,121.88 598.50 14.96	32,366.75 622.44 15.56	33,580.51 645.78 16.14	34,755.82 668.38 16.71	35,885.39 690.10 17.25	36,961.95 710.81 17.77	37,978.40 730.35 18.26	38,927.86 748.61 18.72	39,803.74 765.46 19.14	40,639.62 781.53 19.54
PFC 8	ANNUAL WEEKLY HOURLY	32,092.11 617.16 15.43	33,456.02 643.38 16.08	34,794.26 669.12 16.73	36,099.05 694.21 17.36	37,362.51 718.51 17.96	38,576.79 741.86 18.55	39,734.10 764.12 19.10	40,826.78 785.13 19.63	41,847.45 804.76 20.12	42,789.02 822.87 20.57	43,687.59 840.15 21.00
CORPORAL 9	ANNUAL WEEKLY HOURLY	34,499.01 663.44 16.59	35,965.22 691.64 17.29	37,403.83 719.30 17.98	38,806.47 746.28 18.66	40,164.70 772.40 19.31	41,470.05 797.50 19.94	42,714.15 821.43 20.54	43,888.79 844.02 21.10	44,986.01 865.12 21.63	45,998.20 884.58 22.11	46,964.16 903.16 22.58
SERGEANT 10	ANNUAL WEEKLY HOURLY	37,086.44 713.20 17.83	38,662.61 743.51 18.59	40,209.12 773.25 19.33	41,716.96 802.25 20.06	43,177.05 830.33 20.76	44,580.31 857.31 21.43	45,917.72 883.03 22.08	47,180.45 907.32 22.68	48,359.96 930.00 23.25	49,448.06 950.92 23.77	50,486.47 970.89 24.27
LIEUTENANT 12	ANNUAL WEEKLY HOURLY	42,858.02 824.19 20.60	44,679.48 859.22 21.48	46,466.66 893.59 22.34	48,209.16 927.10 23.18	49,896.48 959.55 23.99	51,518.12 990.73 24.77	53,063.66 1020.46 25.51	54,522.91 1048.52 26.21	55,885.98 1074.73 26.87	57,143.42 1098.91 27.47	58,343.43 1121.99 28.05

Introduced by: Councilmember Chavez

First Reading: 05/26/98

Second Reading: 06/22/98

Effective: 07/01/98

**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 22<sup>nd</sup> day of June, 1998 by roll call vote as follows:

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

NAYS: None

ABSTAIN: None

ABSENT: Chavez

FY - 99 EMPLOYEE PAY PLAN (4.5% Adjustment)

	STEP	A	B	C	D	E	F	G	H	I	J	K
GRADE	STARTING	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
	% Increase		4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%
1	Annual	\$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: 05/26/98  
2nd Reading: 06/22/98  
Effective: 07/01/98

**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 22<sup>nd</sup> day of June, 1998 to take effect July 1, 1998.

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

NAY: None

ABSTAINED: None

ABSENT: Chavez

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



Introduced by: Councilmember Williams

1<sup>st</sup> Reading: 6/08/98  
2<sup>nd</sup> Reading: 6/22/98

**ORDINANCE #1998-24**

**AMENDING ORDINANCE #1985-68 (ESTABLISHMENT OF "AREA B" PERMIT PARKING AREA) TO MODIFY THE ELIGIBILITY CRITERIA**

**WHEREAS**, in 1985, the City Council adopted Ordinance #1985-68, establishing Area B permit parking--to provide parking and consequently, access to the Takoma Park Metro--for certain residents of the City living outside the Metro station area and lacking reasonable access to public transportation; **AND**

**WHEREAS**, Area B is defined as the parking spaces along the southwest side of Takoma Avenue, between Baltimore Avenue and Buffalo Avenue; **AND**

**WHEREAS**, to be eligible, a resident is required to (1) live more than .75 miles from the Takoma Park Metro station and (2) more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station; **AND**

**WHEREAS**, with the recent extension of Ride-on Bus Route 16, servicing the former Prince George's County side of the City, there are no residents of the City which meet both criteria; **AND**

**WHEREAS**, the City Council continues to recognize the challenges of utilizing public transportation faced by residents living further from the Metro station and wishes to maintain Area B as permit parking for these residents.

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

**SECTION 1: THAT** Ordinance #1985-68, as amended, shall be amended to eliminate the requirement that an applicant for an Area B parking permit must reside more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station.

**ADOPTED** this 22<sup>nd</sup> day of June, 1998 by roll call vote.

**AYE: Porter, Elrich, Rubin, Stewart, Williams**

**NAY: None**

**ABSTAIN: None**

**ABSENT: Chavez, Hawkins**

Introduced by: Council member Chavez

First Reading: 6/8/98

Second Reading: 6/22/98

**ORDINANCE NO. 1998-26  
FY 98 BUDGET AMENDMENT NO. 2**

**An Ordinance to amend the FY 98 budget and to make a technical amendment to Ordinance 1998-3, FY 98 budget amendment No. 1.**

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

SECTION 1. Ordinance No. 1999-3, is amended as follows:

**General Fund - Transfers to Expenditure Accounts**

- a. Transfer [\$132,234] \$124,202 from Account 9000-8200, Unappropriated Funds, to the following accounts to fund employee merit increases:

SECTION 2. The Fiscal Year 1998 Budget be amended as follows:

**General Fund - Revenues**

- a. Appropriate \$2,745 to Account 0001-3313, School Community Center Programs Grant, to account for grant funds received for recreation programs for FY 98.
- b. Appropriate \$8,465 to Account 0001-3314, Private Industry Council grant, to account for grant funds received for youth employment programs operated by the Recreation Department.
- c. Appropriate \$21,837 to Account 0001-3699, MFS cable operations, for reimbursement to the City for staff costs related to MFS fiber optic cable installation.
- d. Appropriate an additional \$16,323 to the following revenues accounts to account for additional revenues received for recreation programs:
  - \$1,000 to Account 0001-3460, Recreation classes
  - \$4,423 to Account 0001-3461, Sports
  - \$5,000 to Account 0001-3464, Youth Outreach
  - \$5,000 to Account 0001-3473, Community Center Facility rental

**General Fund - Expenditures**

- a. Appropriate \$2,745 to Account 4000-4012, Grant salaries, for grant fund expenditures for recreation programs.
- b. Appropriate \$523 to Account 4000-6151, Private Industry Council grant operations, for expenditures related to youth employment programs operated by the Recreation Department and \$7,942 to Account 4000-4012, Grant salaries for salaries related to youth employment programs.
- c. Appropriate \$21,837 to Account 2200-4030, for Police overtime expenses related to MFS fiber optic cable installation.

- d. Appropriate \$8,323 to Account 4000-4015, Part-time salaries, for sports and outreach programs
- e. Appropriate \$2,000 to Account 4000-7106, Sports, for sports expenditures
- f. Appropriate \$5,000 to Account 4000-7120, Youth Outreach, for youth outreach expenditures.
- g. Appropriate \$1,000 to Account 4000-6140, Contracts, for class instructors.

**Special Revenue Fund - Revenues**

- a. Appropriate \$1,464 to Account 0010-7189, Lake Street, to account for Program Open Space grant funds (project close-out).
- b. Appropriate \$739.00 to Account 0010-7188, Siegler Gardents to account for Program Open Space grant funds (project close-out).

**Special Revenue Fund - Expenditures**

- a. Appropriate \$1,464 to Account 0010-3376, Lake Street, to account for Program Open Space grant expenditures incurred (project close-out).
- b. Appropriate \$739.00 to Account 0010-3375, Siegler Gardens, to account for Program Open Space grant expenditures incurred (project close-out).

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Adopted this 22nd day of June, by Roll Call vote as follows:

AYE: Porter, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAIN: None

ABSENT: Chavez, Hawkins

o-98ba2

Introduced by: Councilmember Rubin

First Reading: 6/22/98

Second Reading:

Effective Date:

**ORDINANCE NO. 1998 - 27**

**Sale of 8600 Flower Avenue Takoma Park, Maryland**

(An ordinance authorizing the conveyance of the property located at 8600 Flower Avenue to the Silver Spring Interfaith Housing Coalition for the purpose of a lease-purchase homeownership program for a low or moderate income family.)

**Whereas**, the City of Takoma Park purchased the property located at 8600 Flower Avenue to eliminate a neighborhood blight and to develop a homeownership opportunity for a low or moderate income household; and

**Whereas**, the City has worked successfully with the Silver Spring Interfaith Housing Coalition (SSIHC) to provide a transition housing resource at 1007 University Boulevard; and

**Whereas**, the City believes that SSIHC can provide the support services needed to implement a lease-purchase program that will enable a low or moderate income household to move in and assume ownership of the property; and

**Whereas**, SSIHC has offered \$86,850 to the City as the acquisition price for the property.

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

**Section One.** The City shall convey the property known as Parts of Lots 10 and 20, Block 58 in the subdivision known as "B.F. Gilberts' Addition to Takoma Park" located at 8600 Flower Avenue in the City of Takoma Park, Maryland (hereinafter referred to as "the property") to the Silver Spring Interfaith Housing Coalition, Inc. (hereinafter referred to as "SSIHC"), a nonprofit corporation for development as a homeownership opportunity for a low or moderate income family under a lease-purchase program as set forth in the attached "Exhibit A" and upon the following terms and conditions:

a. SSIHC shall pay the sum of \$86,850 to the City at settlement on the sale of the property.

b. SSIHC shall sign a Promissory Note secured by a Deed of Trust on the property to repay to the City the cost of the City's rehabilitation of the property (approximately \$91,000) which was paid through the rehabilitation funds generated by the Montgomery County Community Development Block Grant allocation to the City. This housing rehabilitation loan shall be assumed by the low-moderate income purchaser at the time the SSIHC sells the property under the lease-purchase program and shall be repaid to the City under the following conditions:

(1) The housing rehabilitation loan will become due in full if the owner ceases to occupy the property; or

(2) If the property is sold within 15 years after SSIHC conveys the property to a low or moderate income household, initial conveyance, then the housing rehabilitation loan shall be assumed by the new homeowner. If the property is sold 16-25 years after the initial conveyance, then the rehabilitation loan or a portion thereof will become due based on the amount by which the sales price exceeds the original purchase price, adjusted for documented renovation costs in excess of \$2,500, plus a percentage of the property's original purchase price equal to the increase in the cost of living as determined by the consumer price index and an equity calculation as follows: years 16-20: 7% of original purchase price; years 21-25: 10% of original purchase price. No repayment of the housing rehabilitation loan would be due after the end of 25 years from the date of the initial conveyance.

b. The City's conveyance of the property to the SSIHC shall be subject to the SSIHC's agreement to handle the property as a lease-purchase program to provide a low or moderate income household the opportunity to become the owner. Priority will be given to a candidate household which can demonstrate a residential link to the City within the last two years.

c. The Council hereby approves a payment in lieu of taxes ("PILOT") agreement with SSIHC for the property under Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland, which permits the City to enter into an agreement with certain eligible non-profit corporations which provide housing for low income families to pay a negotiated amount in lieu of the city real property taxes. The terms of the PILOT Agreement shall include the following:

(1) SSIHC shall certify that it meets the eligibility requirements of Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland.

(2) The PILOT Agreement shall end upon the earliest to occur of the following:

(a) SSIHC no longer meets the eligibility requirements of Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland;

(b) SSIHC sells or transfers the property;

(c) The property ceases to be used for low and moderate income housing under a lease-purchase program.

**Section Two.** The City Administrator or her designee is authorized and empowered to enter into appropriate agreements and documents related to the conveyance of the property to SSIHC and a PILOT Agreement with SSIHC for the property within the conditions set forth in this Ordinance.

**Section Three.** This Ordinance shall be effective immediately.

Adopted this 22nd day of June, 1998 by roll call vote as follows:

Aye: Porter, Hawkins, Rubin, Stewart, Williams

Nay: None

Absent: Chavez, Elrich

Abstain: None

**PUBLIC HEARING & REGULAR MEETING  
OF THE CITY COUNCIL**

**Monday, June 22, 1998**

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Executive Session 6/08/98 - Moved by Stewart; seconded by Chavez. Council voted unanimously to convene in Executive Session at 9:25 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) The Council received a briefing on Union negotiations. (2) The Council discussed employment conditions of senior staff. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (1)(i)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Acting Code Enforcement Supervisor Sanford

Executive Director COLTA Lee-Bryant

Housing Services Coordinator Walker

Planning Center Coordinator Ludlow

**OFFICIAL ABSENT:**

Councilmember Chavez

**PRESENTATION**

**1. Resolution re: Appreciation to Takoma Park Recreation Committee Member, Patricia Murphy.** Mayor Porter read the resolution for the record.

Resolution #1998-24 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1998-24**

**(Attached)**

Patricia Murphy remarked that it is not an easy decision that she has made to leave the City and move to Frederick County. She said that she has enjoyed watching the City grow, and appreciates the Council having let her be an active community member.

Ms. Porter expressed appreciation to residents like Ms. Murphy who spend so much time working on things that are of value to the City.

## ADOPTION OF MINUTES - 6/8 AND 6/15

Ms. Porter moved adoption of the minutes with two small changes to the June 8<sup>th</sup> set (on page 4 change "tax rate" to "tax revenue", and during Williams' discussion (page 5) delete "not" from the phrase "small businesses should not be encouraged).

Moved by Porter; Seconded by Williams. The minutes were adopted unanimously.

## CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about the power of nature, and noted a couple of natural disasters. He commented on the ballfield at the old Blair High School and the Ed Wilhelm Field.

## PUBLIC HEARING

**2. Proposal to Increase Licensing and Inspection Fees.** The public hearing was called to order at 7:48 p.m.

Lesa Hoover, (Apartment and Office Building Association), stated that she is opposed to the proposed increase. In looking at the increase over the last eight years, this would constitute a 134% increase. She remarked about the City's goal in conducting housing inspections, and added that the Association supports the goals. However, the licensing fee should directly support the costs of inspection. The proposed fee would be higher than any other fee program in the area. Ms. Hoover remarked about the Hyattsville program--i.e., reward landlords who pass inspections by issuing two-year licensing terms. She said that the City should look toward restructuring the licensing program to encourage Code compliance. This is the approach that the national trend is moving toward. The City is unique in that it has rent control. This year only a 1% increase is allowed, and landlords cannot continue to offer some of the most affordable housing in Montgomery County with the limitations on rent increases.

Councilmember Hawkins clarified which apartment buildings Ms. Hoover represents.

Ms. Hoover stated that she is here at the request of the owners of Vista Management, Park Ritchie, Dreyfus, Kay and Southern Management properties.

Councilmember Rubin noted that the last time we raised the fee was in 1993, and questioned how Ms. Hoover came to the 134% increase figure.

Ms. Hoover explained that she is backing up to 1990 to calculate the 134%.

Mr. Rubin pointed out that the fee has not been raised since 1993.

Ms. Hawkins requested a copy of Ms. Hoover's testimony.

Tonda Brown, represent Southern Management Properties (Park Ritchie Apartments), stated opposition to the increase.

Ronald Lenkin (Roanoke Apartments, Carroll Gardens, et al.), stated that he is a property owner and manager in the City, who has owned and managed since 1948 (125 units in four locations in the City). He urged the Council to seriously consider the proposed increase. He recalled the times when the country was in the throws of a real estate recession, when it became virtually impossible to increase incomes, forcing property owners to find ways to cut back on expenses. His company and others took steps with some success. Government also took steps. He noted that he is happy to hear that the State will be experiencing surpluses this year. Mr. Lenkin suggested that the City is not unique from other forms of government, and that it behooves the City to reduce and maintain expenses. The problem is that on the landlord's end, they are beginning to feel a bit like the scapegoat. Landlords have been asked to reduce their income streams, substantially. All of the landlords here will have some tenants who are paying \$50-100 below market values. Because of the City's rent structure, they cannot do much about this situation. He explained that he tries hard to keep expenses down by taking part in electric/light and water savings programs, but asked for some understanding and help from the City. Mr. Lenkin said that he would like to feel that landlords have a partnership with the City. He noted that last week Housing Services Coordinator Linda Walker called him and asked for help with a tenant who had failed to give proper 30-day notice because of medical reasons. She had said that it would be a nice thing for the landlord to split the month's rent. Mr. Lenkin stated that he ended up doing just that. If landlords are going to give the kind of housing that tenants deserve in the City, they need some understanding from the City. In terms of the total package, it is close to \$10,000 that the City is proposing his company should pay under the increased fee. He said that he looks forward to continuing property management in the City, noting that his son has joined him in the business. Mr. Lenkin concluded by saying that landlords are not asking for sympathy, but that they are asking for is some understanding. The Council owes this to the landlords.

Danee Alaniz (Sunbird Property Management Inc.), remarked that in the last year, he has experienced a lot of roadblocks in terms of getting things done in the City. Ordinances are cumbersome, and paperwork takes a lot of time. He said that most of the properties his company manages are in the District, and that the District has higher fees than the City. However, he questioned what the landlords in the City get in return. Landlords have to keep rents low and are still expected to keep properties up to a certain standard. Mr. Alaniz commented that he would be willing to pay the higher fee, but would like something in return from the City. He suggested that the Council consider allowing landlords to raise rents the same percentage as the fee increase, and stated that he is opposed to the increase if there is no "in between" for the landlords. He concluded that he would rather work with the Council to find some other way of accomplishing the goal of making the City a safer, cleaner environment for all residents.

Ms. Hawkins asked what exactly is Mr. Alaniz requesting, adding that clearly, the City is not going to have the increase passed-on to tenants. That would defeat rent control.



Mr. Alaniz suggested some type of tax deduction or some type of reward for landlords who have good properties.

Councilmember Stewart questioned how many units Sunbird manage in the City.

Mr. Alaniz stated that there are 16 units.

Ms. Porter noted that, to keep things in perspective, the increase being discussed this evening is only a little more than a dollar per month. She questioned what paperwork Mr. Alaniz has encountered from the City as a new manager.

Mr. Alaniz explained that he has received citations for neighboring properties, and described COLTA "ordeals" (has had one case before COLTA and is getting ready to go into another case). The most recent COLTA case will throw-off renovation plans.

Ms. Porter remarked that the Sunbird management company has done a good job of fixing-up a number of violations in its building, and stated that the City appreciates the efforts.

Mr. Alaniz remarked about other increases which amount to the landlord paying more than the 1% allowable rent increase.

Councilmember Elrich asked whether Mr. Alaniz has looked at other parts of the rent increase petition process. If Mr. Alaniz is incurring costs faster than the allowable rent increases, there is a petition process for his situation.

Mr. Alaniz agreed, adding that he is in the process of completing the Hardship and Capital Improvements Petitions. The process takes some time--approximately 3 months.

Mr. Elrich commented that the City has mechanisms for dealing with some of the concerns being expressed by Mr. Alaniz.

Mr. Alaniz acknowledged the statement.

Gloria Beardslee, Edgewood Management (Edinburgh House and Essex House), expressed opposition to the increase. She stated that Edgewood Management is committed to maintaining buildings in the best possible way. Ownerships are non-profit. While the increase does not seem like a large sum of money, it does take away from other projects. Other general market factors have to be taken into consideration--e.g., City's rent control, etc. She remarked that she appreciates the inspections conducted by the City and working with the members of City staff, but that she would like very much not to have the increase. Ms. Beardslee commented on a Capital Improvements Increase which would allow a landlord to increase rents more than the 1%, but explained that the landlord may not be able to increase to the allowable level because of market factors. She commented on the Capital Improvements and Hardship Petitions. Because the two properties she represents are affordable housing units, there are maximum income levels on incoming tenants. Consequently, some potential tenants have to be turned away which results in

longer vacancy terms.

Mr. Elrich questioned whether all units have income caps.

Ms. Beardslee explained that there are 135 units at the Essex House and 45 units at the Edinburgh house. Approximately 20 units at the Edinburgh House can be rented at market rate.

Gregory Cichy (Vista Management, 1131 University Boulevard, West #101, Silver Spring, MD 20902 — Deauville Apartments and Lee Avenue Apartments) expressed opposition to the proposed increase. It is just not right. Landlords already operate on restricted budgets due to rent control, and cannot continue to operate like this. The City needs to realize that property management is the target of investment. No one will look at the property on Hancock/Lee Avenue because of the constraints placed on landlords by the City. Across the country, real estate is moving forward; however, in the City it is moving backwards. The trend in California shows decreases in fees and special provisions for owners with good compliance records. He noted that his management company has supported neighborhood events, charities, persons in need for housing, etc. The increase in fees will put a greater burden on the landlords and property owners to keep properties maintained.

Ms. Hawkins requested numbers related to operating budgets which would illustrate how this increase would impact landlords. She asked whether Mr. Cichy brought back any information regarding reward programs for landlords from the recent national conference he attended. Information of this kind would be helpful.

Lauren Voloshen, Roanoke Avenue (tenant), stated opposition to the increase, explaining that she does not understand how the City is calculating the higher rate. She encouraged the Council to keep rent control a separate issue. There are many problems with Code Enforcement, which is not operating effectively as it is. Some parts of the City Code are written in a way that is hard to enforce (e.g., requirements for painting: one place in Code--"every 5 years"; and another place--"whenever necessary"; and also, Code states that painting can be a capital improvement). Inconsistencies make the Code hard to enforce. If it were more clear, there would not be the problems that exist on Lee Avenue. She remarked that she recently took her apartment in the City, noting that Takoma Park rents are higher (\$25+) than surrounding jurisdictions. She decided to take the apartment anyway but has been disappointed with the apartment building. She questioned why the City would charge the landlords more for a service that is not working effectively. Ms. Voloshen urged the City to explore issuing more violations and turning revenue from fines. She noted that residents in her area are in the process of forming a Tenant Advocate Group to work through some of the problems, and commented on the burden placed on tenants to push for landlords to comply with the Code.

Mr. Rubin asked for Ms. Voloshen's reaction to several of the landlords' suggestions, since she is saying that there are a lot of violations and the Code is not being enforced.

Ms. Voloshen said that a landlord who is not violating the Code should be given some type of reward. She remarked about how her apartment was missing window screens and how the

housing inspector has ignored this fact. Her landlord, David Sumner, wrote in the rental agreement that the tenant has to pay the first \$50 of a repair. Consequently, tenants do not even call for repairs; they are intimidated and afraid of being charged the \$50.

Ms. Hawkins questioned Ms. Voloshen's address.

Ms. Voloshen explained that she lives in one of the little buildings (Ward 5) which belongs to D.R.S. Sumners Inc.

Mr. Elrich asked how long it had been between the first inspection and the re-inspection scheduled for this Wednesday.

Ms. Voloshen responded that the first inspection was in February (she moved-in during January). She noted that Code Enforcement Officer Sanford wrote-up a few violations. In one case, the CEO came in and corrected violations when the landlord should have remedied the problems.

Michael Mead, owner of the "vacant" Lee/Hancock Avenue building (Hancock Gardens), stated that he has lived in the City since prior to rent control, and that things are being done for the right reasons but in a negligent way. The cumulative effect of the things that have been done over the last several years are equivalent to the confiscation of property. He referred to this statement as a "declaration" provided by his attorney to be made for the record. Mr. Mead remarked about the various increases in City fees that he has experienced over the years. In the last six years, the fee has gone from \$36/unit to \$150/unit (including fees for storm water, solid waste, etc.); yet, the City has prohibited landlords from increasing rents sufficiently to cover the increases. He stated that he simply cannot cover the costs. He observed that the gentleman from Vista Management noted that this building starts off as being undesirable because of the wording of the City's laws. Mr. Mead referred to the *Takoma Park Newsletter* which published City budget figures indicating about a 9% increase in the Housing Community Development budget. If HCD needs 9%, why does the landlord only get 1%? He said that he does not mind the increase in the inspection fee, but when coupled with the 1% rent increase restriction, the inspection fee and other fees make it impossible for him to manage his property. Some of the largest banks in the area which have lent him money for other properties will not lend him money for the mortgage on this building because of the City's laws. The purpose of this hearing is to receive comments on a \$13.00/year increase/unit. However, this increase may be the straw that breaks the camel's back. There are procedures for Hardships, but when one gets into the petition process he finds it impractical. In response to Mr. Rubin's earlier question, if all units are identical they should have the same rent level. But this is not the case because of some landlords who took advantage of the system. He recalled the situation of Dr. Zaki (the catalyst--"problem"--that started the City's quest to control rent increases). Mr. Mead stated that he, however, kept existing rents low, charging only new tenants the higher (allowable) rents. The initial rent control law had the exception that allowed for keeping the existing rents low, and everything was fine. Now, if the existing, lower rent paying tenant moves out, a landlord could not immediately charge a new tenant at the higher allowable rate. The rent would have to remain near the lower level which has existed. Therefore, if a landlord was nice some years ago, he may not be in a bad position. Mr. Mead remarked that he has been told by the Housing Department that he was stupid to have not gotten as much as he

could have years ago. He referred to the fact sheet (agenda item) that does not include the increase prior to the \$48/unit increase. (Mr. Mead noted that landlord, Larry Ravitz had to leave, and requested that his written testimony be distributed.)

John Bennett, Sycamore Avenue (landlord -- 3 unit building), asked how the additional revenues will be used if the fee is increased, and will the revenue go towards the budgets for Code Enforcement and Housing services.

Ms. Porter responded in the affirmative to Mr. Bennett's second question.

Mr. Bennett commented that when he first bought the property, he rented to students and senior citizens who were on fixed incomes. He wanted good tenants who would stay for a long time. Over the years, he has provided a good service to students and seniors. Rents have been kept low. Four long-term tenants have passed away while living at his property because they had no place to go. As a small business owner, however, he said that he should be able to turn a reasonable profit. A landlord cannot afford to pay the 4.5 cent tax increase and the additional 20% fee increase. Mr. Bennett described a housing inspection--CEO walked into the unit, turned on the faucet, checked the stove and that was it. Is this what the fee is paying for? Is this an inspection? He said that he was even told by the inspector that "you can always sell." This type of fee does not support "mom and pop" operations.

Benjamin Onyeneke, Maple Avenue, suggested that the increase in the fee be comparable to the allowable increase in rents. He remarked that inspectors do not check for pest infestations (e.g., roaches) or trash accumulation. The City has done a great deal, but would benefit from police being able to act on behalf of management in certain instances. He encouraged the Council to examine all persons living in a unit (including infants and children), and to insure the tenants that the proposed increase is not an increase being passed on to the individual tenants. Mr. Onyeneke urged CEO's to do their work with diligence, and supported the involvement of City Police in enforcing the Code. The increase is a fair fee. Staff is trying to bring quality inspections to the City.

Mr. Mead stated that as a landlord, he appreciates Code Enforcement, and that he has not had a problem with Code Enforcement. Code Enforcement helps to keep the building in good shape. Mr. Mead commented that he has had problems with individual inspectors in the past, but noted that they are no longer employed by the City. The increase in fees that is being justified by a budget increase does not correlate with the adopted budget (i.e., Code Enforcement budget actually went down).

The public hearing was closed at 8:57 p.m.

## REGULAR MEETING

**3. 1st Reading Ordinance re: Licensing and Inspection Fees.** Mr. Elrich asked for clarification about the payment schedule for units on the biennial inspection program.

Acting Code Enforcement Supervisor Sanford responded that for buildings that have more than 50 units, landlords only pay 25% on the off-year. For buildings with fewer units, they do not have to pay on the off year.

Mr. Elrich asked what happens if a unit fails inspection.

Mr. Sanford responded that there is no additional fee.

Mr. Elrich questioned how many units fail the initial inspection.

Mr. Sanford said that he is not sure of the exact number, but that it is not that frequent.

Mr. Elrich referred to the case cited by Ms. Voloshen, and asked whether any fines were issued to the landlord.

Mr. Sanford responded in the negative and offered an explanation. There were different violations cited as the process went along.

Mr. Elrich questioned how hard it would be to do inspections at the time the units are vacant.

Mr. Sanford referred to this suggestion as an "occupancy inspection." He said that he would have to get more information regarding this suggestion, and that implementation would require some changes in the current inspection process.

Mr. Elrich acknowledged that changes might have to occur, but said that he is interested in this approach.

Mr. Sanford noted that the idea has been discussed by staff who wants to further examine it.

Mr. Elrich questioned whether the City has the ability to do anything when we are aware of something illegal--e.g., if a landlord inserts an illegal provision into a lease and staff knows about it. Or, can the City only respond if there is a tenant complaint?

Mr. Sanford explained that Code Enforcement Officers act as inspectors.

Mr. Elrich asked what would be a CEO's response if a tenant pointed out an illegal provision in a lease.

Mr. Sanford responded, calling attention to the discussions that occur between Code Enforcement and Landlord-Tenant Affairs services. There are a lot of referrals that take place.

Housing Services Coordinator Walker noted that in regards to the incident of the illegal clause in the lease, Mr. Sumner (landlord) was advised that the clause in his lease is illegal and that he cannot charge tenants for repairs. He agreed to abide by the law.

Mr. Elrich questioned whether he also agreed to pay back any monies that were previously taken from tenants in accordance with the lease clause.

Ms. Walker explained that any tenant who feels he paid the illegal fee should report it to Landlord-Tenant services.

Mr. Elrich asked why, in this case, the City would not take the initiative to approach Mr. Sumner. Some tenants may feel intimidated.

Ms. Walker stated that she needs facts upon which to base an investigation.

Mr. Elrich questioned whether tenants were notified that the clause is illegal.

Ms. Walker responded in the affirmative.

Mr. Rubin acknowledged that there has been a change in philosophy, in terms of how we proceed with Code enforcement.

Mr. Sanford elaborated that CEO's have become stricter on issuing municipal infractions and pursuing them to court. In the last few issues of the *Takoma Park Newsletter*, this kind of information has been published to notify residents that the City is increasing enforcement efforts. Additionally, inspectors have staggered shifts to cover all hours.

Mr. Rubin asked what is the attitude toward infractions which are noted.

Mr. Sanford explained the two basic types of inspections: (1) part of annual licensing inspection, and (2) complaint inspection. For the licensing inspection, the property owner is notified of the date and time. It is then incumbent upon the landlord to be present. At the time of inspection, violations are noted. A copy of the violations are given to the landlord at that time, and a return date is set. Staff is considering a "pre-inspection" sheet approach which would allow the tenants the opportunity to note any problems prior to the inspection. Currently, reinspection occurs in 30 days. If violations have not been remedied, MI's are issued, another date is set, and again it is reviewed whether the violations have been resolved. During this period, the fines are being processed. In the case of complaint inspections, a complaint is received from a tenant. The Code Enforcement Officer inspects and notes violations (landlord may not be present). The CEO calls or presents (if present) the landlord with notice of the violations. The rest of the process is the same as the annual licensing inspection program.

Mr. Rubin noted the decrease in the Code Enforcement budget for FY99, as pointed out by Mr. Mead. How have the costs fluctuated since 1993 (the last time the inspection fee was set)?

Ms. Porter stated that the answer, in part, is on the fact sheet. She cited the costs and revenues on the fact sheet.

Mr. Williams noted that based on a calculation of the units inspected and an 87% collection rate,

neither the current license fee nor the proposed fee would bring in enough to cover costs. What percentage of the Code Enforcement budget ties into the inspection function of the team.

Mr. Sanford estimated that 75-80% of Code Enforcement work is related to inspections. The remainder deals with other types of complaints.

Ms. Stewart referred to Mr. Ravitz's statement and his suggestion about how to calculate the increase.

Mr. Elrich said that basically, he might consider Mr. Ravitz's suggestion along with some other restructuring of costs, and that he would support some modifications of fees along those lines. Mr. Elrich emphasized his interest in how many tenant complaint inspections are performed. Is there any precedent to charge fees when responding to complaint calls? He requested the history on the apartment that was discussed earlier by Ms. Voloshen--e.g., when MI's were issued and when problems were corrected. What is an appropriate time frame for fixing things? Mr. Elrich stated that he would also like to know more about the painting issue (i.e., ambiguity in the Code). He commented on a visit to an apartment where it was evident that the paint was chipping off of windows. Finally, he asked whether Code Enforcement needs more clarification from the Council in terms of what is and what is not reasonable.

Mr. Rubin expressed support for the direction referred to by Ms. Stewart (from Mr. Ravitz's statement)--i.e., have the inspection fee tied to the same percent increase that has been allowed for rents since the last inspection fee increase. The fee would then be approximately \$68.20.

Ms. Porter remarked that the City does have a biennial inspection program for landlords who have good inspection records. If it is a partial inspection the second year for a large building, they are only required to pay a portion of the fee. She emphasized that she does not want this discussion to get tied-up in percentages. The increase being discussed is only \$1/month. The percent increases being compared are much more than a dollar. She encouraged the Council to discuss proposals in terms of "real numbers."

Ms. Hawkins made a motion to Table the ordinance for three weeks (until July 13), adding that she is sympathetic to concerns which have been raised but that the Council also has the underlying responsibility to address the needs and concerns of tenants. She requested that staff respond to the comments which have been made. Mr. Elrich seconded the motion. The Council voted unanimously to table the ordinance (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**4. Resolution re: Master Plan Purpose and Outreach Report.** Planning Center Coordinator Ludlow distributed remarks from Catherine Tunis along with the draft report, and proposed that the Council adopt a resolution in support of the report with some modifications. She said that she would like to include the majority of Ms. Tunis' comments as part of the recommended modifications. They are very appropriate to the report. The report is the first step in the overview of the Master Plan process. It is not a binding document, but it is best that we generally

cover the issues we want reviewed. The major change (theme of modifications) came out of the MPAG's first meeting where there was an interest in having a more environmentally friendly approach to development in the area. She suggested that it is appropriate to have this added. It could also be applied to small special exception requests. M-NCPPC noted that this type of consideration has been included in other reports.

Mr. Williams remarked that he had always hoped that there would be consideration about zoning and available parking.

Ms. Ludlow explained that she feels this is included in zoning and referenced throughout the document, and stated that she would like to see zoning as a primary effort in this process.

Mr. Williams commented on written versus practical zoning, and clarified the intent of the resolution.

Ms. Ludlow noted that the attachment which outlines proposed modifications will be amended to incorporate Ms. Tunis' recommendations.

Ms. Porter explained the proposed resolution and the attached recommendations. The Council agreed to include the changes proposed by Ms. Ludlow and Ms. Tunis.

Ms. Ludlow noted that the Planning Board is scheduled to finalize the report on July 2--a week from Thursday.

Moved by Williams; seconded by Stewart.

Resolution #1998-25 was adopted unanimously, as amended, recommending approval of the Takoma Park Master Plan Purpose and Outreach Report with modifications (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1998-25**  
**(Attached)**

**5. 1st Reading Ordinance re: 8600 Flower Avenue.** City Administrator Habada explained the ordinance.

Ms. Porter added that this is a property the City purchased at mortgage foreclosure, and explained the City's intention to make the property available to a low/moderate income family. She commented on the management by Silver Spring Interfaith Housing Coalition and the conditions of purchase. The City will use CDBG funds to put the house into a habitable condition and then attach the same amount of money as a lien on the property. The Ordinance also authorizes a PILOT as long as the property is owned by SSIHC. She referred to the staff memorandum and the answers to several questions which had been raised by the Council during previous discussions.



Moved by Rubin; seconded by Hawkins.

Ordinance #1998-27 was accepted unanimously at first reading, authorizing the sale of 8600 Flower Avenue to the SSIHC (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**ORDINANCE #1998-27**  
**(Attached)**

**6. Single Reading Ordinance re: Acquisition of Pringle Property.** Ms. Porter noted that the City has received a letter of concurrence from the State that funding will be granted for the purchase.

Mr. Williams asked whether the letter was what we needed before proceeding with the purchase negotiations.

Ms. Habada responded in the affirmative, explaining that it establishes a date from which we can incur costs. The application is in the hands of the Department of Natural Resources.

Ms. Porter confirmed that the letter does not guarantee approval of the project.

Ms. Habada agreed, noting that this was the case with the Casey property which was purchased under the same type of arrangement.

Ms. Porter remarked that in the case of the Pringle property, there is a question about the property value. This was not a question with the Casey property. If the Council passes the resolution and the State DNR does not approve the project, could the Council re-negotiate?

Ms. Habada responded that the Council could certainly direct renegotiation, but commented that she needs the resolution, as an indication of the Council's support for the purchase, to move forward on the acquisition.

Ms. Porter questioned whether the resolution is needed in order to take some initial acquisition steps.

Ms. Habada said that the Council has indicated its intent to purchase the Pringle property, and that she would assume that the Council will not change their minds. The questions we have gotten from the County were related to the easement, but once it was reviewed with City staff, the County was more comfortable.

Mr. Williams asked if there is any sense of when the project will go before the Board of Public Works.

Ms. Habada suspected that it would be sometime by the end of the summer. She noted that staff has been getting pressures from involved parties on when we will be going to settlement.

Ms. Porter supported the purchase, adding that Council has been holding discussions in Executive Session as related to negotiations with the property owner. There have been some questions raised about the interpretations of property value. She concluded that she would be uncomfortable going forward with the resolution until we have a go-ahead from the State.

Ms. Stewart questioned how passing the resolution would pose a problem.

Ms. Porter proposed that Council (1) defer the resolution until we have a commitment from the State for this amount of money, or (2) pass the resolution with instructions to the City Administrator that she not settle on the property until we have an "iron clad" agreement from the State.

Ms. Habada asked whether the Council would feel better if the Resolution were made an Ordinance (requiring 1st and 2nd readings).

Ms. Porter agreed to this approach. The Council concurred, and staff is to reschedule consideration for July 13th.

**7. 2nd Reading Ordinances re: FY99 Pay Plans.** Ms. Porter stated that the Council is moving forward with enacting the pay plans so that non-Union employees get their raises at the beginning of the fiscal year.

Mr. Rubin asked whether it has been traditional that the non-Union employees get raises based on the Union raises.

Ms. Habada responded in the affirmative.

Mr. Rubin questioned how the non-Union employees would be treated if the Union raises are set at a higher rate.

Ms. Habada stated that she does not know. We will cross that bridge when we get to that point.

Ms. Porter provided a general explanation of the three pay plan ordinances.

Mr. Rubin confirmed that there is no reason for there to have been a discussion with the Unions about these ordinances being passed (no legal/binding reason). He noted, however, that if the Council adopts the ordinances it will affect the negotiations, in that employees will note that one group has gotten their raises.

Ms. Habada agreed. In the past, when there has been a delay with the Unions, we have gone ahead with the ordinances, as long as they include language stipulating that once ratification occurs, the ordinances will apply to Union employees.

Ms. Porter noted again, that there are three ordinances. Each has been amended since first

reading. These will apply to the non-Union employees.

Moved by Rubin; seconded by Porter.

Mr. Elrich expressed concern about whether this is the right signal to be sending at this point.

Mr. Rubin remarked that he has a similar concern, but that the concern is outweighed by the unfairness to the people who do not have collective bargaining rights for reasons that they do not have any control over. The Council has to weigh this against the uncertainty of the message that the action may send.

Ms. Hawkins questioned the effect of the timing.

Ms. Porter noted that this is the Council's last meeting of the fiscal year.

Ms. Hawkins asked whether the non-Union employees would be entitled to back-pay.

Ms. Habada stated that it could be made retroactive in the language of the ordinances.

Ms. Porter explained the ordinance as it would apply to the Union employees (i.e., retroactive pay to the beginning of the fiscal year).

Ms. Habada noted that both Unions have been advised that they will have to negotiate for back-pay.

Ms. Hawkins asked how many non-Union employees would be delayed increases if the Council does not adopt the ordinances.

Ms. Habada remarked that there are approximately 55 non-Union employees.

Mr. Rubin observed that the 4.5% increase is the lowest, in terms of negotiations with the Unions. The risk that the non-Union staff is taking is that they may not get the same increase that the Unions negotiate if it comes in higher.

Mr. Williams stated that he is comfortable acting on the ordinances.

Mr. Elrich remarked that he thinks 4.5% is the highest increase that will be agreed upon.

Ms. Stewart questioned the Council could we say that non-Union employees would automatically get retroactive pay, without having to negotiate for it.

Ordinance #1998-20 was adopted unanimously, at second reading, 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 4.5% adjustment for FY99 (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1998-20**  
**(Attached)**

Moved by Williams; seconded by Stewart.

Ordinance #1998-21 was adopted unanimously, at second reading, amending the pay scale for employees for FY99, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended to include a 4.5% adjustment for FY99 (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

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

Moved by Williams; seconded by Elrich.

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

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

**8. Resolution re: Union Contract (Local 400).** Item was removed from the agenda.

**9. 2nd Reading Ordinance re: FY98 Budget Amendment No.2.** Ms. Porter noted the additions to the ordinance since first reading.

Moved by Elrich (with amendments); seconded by Williams.

Ordinance #1998-26 was adopted unanimously, at second reading, amending FY98 Budget and making a technical amendment to Ordinance #1998-3, FY98 Budget amendment No.1 (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**ORDINANCE #1998-26**  
**(Attached)**

**10. 2nd Reading Ordinance re: Area B Permit Parking.** Ms. Porter explained the ordinance and the criterion for applicants seeking Area B parking permits.

Moved by Rubin; seconded by Elrich.

Ordinance #1998-24 was adopted unanimously, at second reading, amending Ordinance #1985-68 (establishment of Area B Permit Parking Area) to eliminate the requirement that an applicant for an Area B parking permit must reside more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**ORDINANCE #1998-24  
(Attached)**

**11. Resolution re: COLTA Appointments.** Ms. Porter explained the resolution.

Moved by Williams; seconded by Stewart.

Resolution #1998-26 was adopted unanimously, reappointing David Lurie, Sean Tipton, Christopher Oyobio and J. Alec French to the Commission on Landlord-Tenant Affairs (VOTING FOR: Porter, Elrich, Rubin, Stewart, Williams; ABSENT: Chavez, Hawkins).

**RESOLUTION #1998-26  
(Attached)**

**ADJOURNMENT**

The City Council adjourned for the evening at 9:55 p.m.

**RESOLUTION 1998-24  
IN APPRECIATION OF PATRICIA MURPHY**

**WHEREAS,** after more than six years of service to the Takoma Park Recreation Committee, Patricia Murphy is leaving on June 30, 1998 to relocate in Frederick County;  
AND

**WHEREAS,** "Patti" Murphy has been a tireless and eloquent advocate for those Takoma Park residents, both young and old, who are in need of a special helping hand; AND

**WHEREAS,** "Patti" Murphy has helped expand the horizons of the Recreation Department's Outreach Program and has repeatedly opened up her own home during after-school hours to youngsters who might otherwise have been idling on street corners; AND

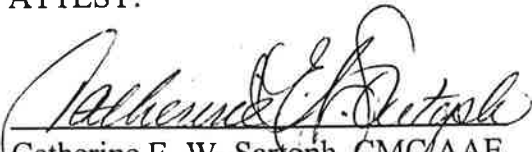
**WHEREAS,** "Patti" Murphy, while enjoying her own role as a player in the Takoma Park Coed Softball League, has unselfishly worked on behalf of recreational programs for those whose interests lie outside of sports; AND

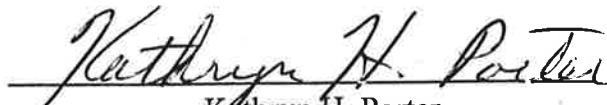
**WHEREAS,** the sightings of "Patti" Murphy and her faithful dogs on their walks around town have been a Takoma Park tradition for more than 20 years.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park hereby extends to Patricia Murphy their appreciation and admiration for her valuable service and hopes she will have many happy and prosperous years in her new community.

**ADOPTED** this 22<sup>nd</sup> day of June, 1998.

ATTEST:

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

  
Kathryn H. Porter  
Mayor

Introduced By: Councilmember Williams

Resolution No. 1998-25

**Resolution Recommending Approval  
Of the Takoma Park Master Plan Purpose and Outreach Report**

WHEREAS, staff of the Maryland National-Capital Park and Planning Commission has prepared a draft Purpose and Outreach Report as an early step in the preparation of the Takoma Park Master Plan; AND

WHEREAS, the purpose for this Purpose and Outreach Report is to identify the reasons, a new Master Plan is needed and to present an overview of significant issues to be addressed by the Master Plan and a plan for community outreach during the planning process; AND

WHEREAS, the draft Purpose and Outreach Report generally accomplishes this purpose; AND

WHEREAS, City staff has prepared recommended modifications of the draft document based on comments made by City Councilmembers, City staff, Takoma Park Master Plan Advisory Group members and the general public; AND

WHEREAS, the City Council feels that incorporation of these recommended modifications would improve the final document;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council recommends that the Montgomery County Planning Board **approve** the draft Purpose and Outreach Report, and also recommends that Maryland-National Capital Park and Planning staff incorporate the attached modifications.

**ADOPTED THIS 22<sup>nd</sup> DAY OF JUNE, 1998.**

## RECOMMENDED MODIFICATIONS TO THE TAKOMA PARK MASTER PLAN DRAFT PURPOSE AND OUTREACH REPORT

### OVERVIEW

p. 3, 1st paragraph, last sentence: Add "...improving environmental quality, including issues related to runoff, water quality, air, noise, traffic and mass transit;" to the list of issues.

p. 3, #2, 1st bullet: Revise last sentence to read: "Two areas proposed as developed parks in 1982 remain undeveloped and those plans should be reevaluated as well."

p. 5, #3, 6th line: replace "moved" with "was transferred"

p. 5, #3: Add new last paragraph: "Research done during the preparation of the unification-related Sectional Map Amendment identified several types of areas, located in both the Montgomery County side and formerly Prince George's County side of the city, for which the Montgomery County zoning appeared to be inconsistent with the intent of the Master Plan. These areas include neighborhoods of small apartment buildings on lots less than 12,000 square feet zoned R-30 in which no redevelopment would be permitted if a structure were destroyed or abandoned, and commercial areas with lots too small to accommodate the amount of parking required by the commercial zone, thus threatening the long-term viability of the district. Special attention to land use and zoning in these areas is needed."

p. 5, #4: Should the *Park, Recreation and Open Space Master Plan Update* be included in this list?

p. 5, #5: Add new last paragraph: "More generally, given Takoma Park's location in the inner suburbs, master plan recommendations from many parts of Montgomery County and the region can have economic, transportation, community stability, and environmental effects on Takoma Park which should be evaluated."

p. 7, #2: Revise the third sentence to read: "The goals of the plan [are to provide] include the provision of recreational open space near homes and work places, [to protect] the protection of the City's watercourses and natural resources, and [to preserve] the preservation of undeveloped areas of significant aesthetic value to the community."

p. 7, #2: Add new last sentence: "The neighborhoods annexed to the City of Takoma Park in 1995 were not inventoried or included in the Open Space Plan."

### KEY THEMES AND ISSUES

#### THEME #1

p.8, 1st full paragraph, 3rd line: Revise to read: "...development, in addition to overall regional growth, will..."



- A. Add to 1st bullet: "Continue to accommodate the needs of different kinds of households by maintaining a diversity of affordable housing types."

New bullet: "Address uses currently allowed in the unification area that do not conform to standards of the Montgomery County Zoning Ordinance."\*

Add a statement here or elsewhere in the report: "Evaluate the adequacy of current historic resource designation for both structures and districts."\*

New bullet: "Consider expansion of Old Town Takoma Park "flavour" to other areas of the community."

New bullet: "Preserve and enhance Takoma Park's ecosystem to help avoid the fragmentation of habitat."

- B. Add bullet: "Consider new types of housing, such as housing over commercial uses, in the context of preserving and enhancing neighborhood character."
- C. Change "Preservation" to "Prevention"
- E. Write more generically, such as: "Evaluate vacant properties as to the appropriate use in each location. Special attention should be given to properties along New Hampshire Avenue and to areas not previously evaluated by the City's Open Space Plan."
- F. Change title to show broader focus. Perhaps "Maintain and Enhance Environmental Quality" or "Environmentally Sensitive Practices and Strategies."

Revise bulleted item to read: "...action plans and the Takoma Park Committee on the Environment for the..."

Add new bullet: "Identify practices and strategies, appropriate to this built-out community, to protect, preserve and enhance water resources, urban forests and other aspects of the environment. Where appropriate, incorporate forthcoming recommendations from the Takoma Park Committee on the Environment and City Council for home, business, city and neighborhood improvements to reduce carbon dioxide emissions. These recommendations include improving energy efficiency in existing buildings, street lighting, tree planting and preservation, and use of alternative energy in new development."

## THEME #2

Change last sentence of introduction: "...have been [sought] allocated..."

Perhaps repeat language from proposed new bullet under section F above.

- A. Revise 1st bullet: "Evaluate existing land uses, character, zoning, circulation and the 1974

Transit Impact Sector Plan recommendations to determine the most appropriate collection of uses and development standards for the area. Consider zoning changes to reduce parking requirements."

Revise last sentence of 2nd bullet to read: "Evaluate, as part of the concept, ways to work with commercial property owners and the District of Columbia to improve pedestrian and bicycle connections to Metro."

Add new bullet: "Work with the Washington Metropolitan Area Transit Authority, the District of Columbia and the Washington, D.C. and Takoma Park community organizations to obtain agreement on the appropriate use of WMATA-owned land adjacent to the Takoma Metro."

- B. Add a second sentence to the 1st bullet: "Consider zoning changes to reduce parking requirements."

Revise 3rd bullet to read: "...feasibility of improved pedestrian and bicycle connections..."

Revise 4th bullet to read: "Examine vehicular circulation through and within Takoma Junction and [devise ways to alleviate] assess congestion and [provide adequate] parking in the area."\*

### THEME #3

- C. Revise 1st bullet to read: "...planned growth in adjacent and outlying areas."

Revise 2nd bullet to read: "Review and evaluate existing roadway functional classifications for area roads including Piney Branch Road."\*

Revise 3rd bullet to read: "Examine vehicular circulation through and within Takoma Junction and [devise ways to alleviate] assess congestion and [provide adequate] parking in the area."\*

Revise last bullet to delete the word "primary."\*

Add new bullet: "Examine impacts of diesel fueled buses and vehicles, as well as gasoline fueled autos, on air quality and storm water run-off to receiving waters."

### Add new section "D"

Add bullet: "Evaluate the adequacy of local transit service for destinations within and beyond the City of Takoma Park, including locations of bus routes and bus stops."

Add bullet: "Consider the impacts of new light and heavy rail transit routes, being discussed as alternatives to Beltway travel, through and near the City of Takoma Park. Where possible,

provide direction to State and regional planners on possible route types, locations and transit stops."

Add bullet: "Explore alternative-fuel mass transportation options with Montgomery County Ride-on and D. C. Metro."

#### THEME #4

A. Add to 1st bullet: "and assess the adequacy and safety of existing park facilities."\*

Revise 2nd bullet to read: "need to be [modified] recommended for a different form of protection from development."

Add new bullet: "Identify areas to be left undeveloped, especially in areas not previously evaluated by the City's Open Space Plan."

B. Revise 1st bullet: "...adequacy of existing City and County facilities..."\*

#### OUTREACH STRATEGIES SECTION

Add language to this section listing additional specific techniques to gain input for hard-to-reach populations, especially on specific topics. Examples could include working with area schools, especially Blair High School; putting displays in several languages (with postcards or quick surveys soliciting ideas) in larger apartment building; holding small events with food, such as block parties, in areas where input is needed on specific neighborhood issues; etc.

Substantive summaries of documents and issues could be published in the Takoma Park Newsletter, Takoma Park's web page, and other publications to enhance input. This should be in addition to the planned announcement of meetings or reporting on decisions after the fact. For quick turn-around, consider using the Takoma Voice and Takoma Neighbor listservers.

NOTE: \* is language proposed by M-NCPPC staff

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Introduced by: Councilmember Williams

**RESOLUTION #1998-26**  
*REAPPOINTING COMMISSIONERS TO THE*  
*COMMISSION ON LANDLORD-TENANT AFFAIRS*

**WHEREAS,** on June 30, 1998, four Commissioner terms on the Commission on Landlord-Tenant Affairs will expire; and

**WHEREAS,** the four Commissioners currently serving these terms have requested to be reappointed to the Commission on Landlord-Tenant Affairs; and

**WHEREAS,** Council has satisfactorily interviewed these Commissioners and evaluated their qualifications.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the City of Takoma Park, Maryland, hereby reappoints the following Commissioners to the Commission on Landlord-Tenant Affairs to serve three-year terms expiring on June 30, 2001:

1. *David Lurie of 614 Elm Avenue;*
2. *Sean Tipton of 7505 Flower Avenue;*
3. *Christopher Oyobio of 7513 Maple Avenue; and*
4. *J. Alec French of 310 Boyd Avenue.*

**BE IT FURTHER RESOLVED THAT** these appointments become effective July 1, 1998.

Adopted this 22nd day of June 1998.

ATTEST:

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Williams

First Reading: 05/26/98  
Second Reading: 06/22/98  
Effective: 07/01/98

**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%] 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 (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%] 4.5% increase in pay effective July 1, 1998, provided their performance evaluation rating is "Effective" or higher.

Adopted this 22<sup>nd</sup> day of June, 1998 by roll call vote as follows:

AYES: Porter, Elrich, Hawkins, Rubin, Stewart, Williams  
NAYS: None  
ABSTAIN: None  
ABSENT: Chavez

[ ] Brackets indicate language deleted since first reading.  
\_\_\_ Underlined indicates language added since first reading.

O-99/PAYPD

POLICE PAY SCALE FY 99  
4.5% Adjustment

GRADE	STEP % INCR	A STARTING	B 4.25%	C 4.00%	D 3.75%	E 3.50%	F 3.25%	G 3.00%	H 2.75%	I 2.50%	J 2.25%	K 2.10%
CADET 6	ANNUAL WEEKLY HOURLY	27,770.35 534.05 13.35										
PRIVATE 7	ANNUAL WEEKLY HOURLY	29,853.12 574.10 14.35	31,121.88 598.50 14.96	32,366.75 622.44 15.56	33,580.51 645.78 16.14	34,755.82 668.38 16.71	35,885.39 690.10 17.25	36,961.95 710.81 17.77	37,978.40 730.35 18.26	38,927.86 748.61 18.72	39,803.74 765.46 19.14	40,639.62 781.53 19.54
PFC 8	ANNUAL WEEKLY HOURLY	32,092.11 617.16 15.43	33,456.02 643.38 16.08	34,794.26 669.12 16.73	36,099.05 694.21 17.36	37,362.51 718.51 17.96	38,576.79 741.86 18.55	39,734.10 764.12 19.10	40,826.78 785.13 19.63	41,847.45 804.76 20.12	42,789.02 822.87 20.57	43,687.59 840.15 21.00
CORPORAL 9	ANNUAL WEEKLY HOURLY	34,499.01 663.44 16.59	35,965.22 691.64 17.29	37,403.83 719.30 17.98	38,806.47 746.28 18.66	40,164.70 772.40 19.31	41,470.05 797.50 19.94	42,714.15 821.43 20.54	43,888.79 844.02 21.10	44,986.01 865.12 21.63	45,998.20 884.58 22.11	46,964.16 903.16 22.58
SERGEANT 10	ANNUAL WEEKLY HOURLY	37,086.44 713.20 17.83	38,662.61 743.51 18.59	40,209.12 773.25 19.33	41,716.96 802.25 20.06	43,177.05 830.33 20.76	44,580.31 857.31 21.43	45,917.72 883.03 22.08	47,180.45 907.32 22.68	48,359.96 930.00 23.25	49,448.06 950.92 23.77	50,486.47 970.89 24.27
LIEUTENANT 12	ANNUAL WEEKLY HOURLY	42,858.02 824.19 20.60	44,679.48 859.22 21.48	46,466.66 893.59 22.34	48,209.16 927.10 23.18	49,896.48 959.55 23.99	51,518.12 990.73 24.77	53,063.66 1020.46 25.51	54,522.91 1048.52 26.21	55,885.98 1074.73 26.87	57,143.42 1098.91 27.47	58,343.43 1121.99 28.05

Introduced by: Councilmember Chavez

First Reading: 05/26/98  
Second Reading: 06/22/98  
Effective: 07/01/98

**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

FY - 99 EMPLOYEES PAY PLAN (4.5% Adjustment)

STEP		A	B	C	D	E	F	G	H	I	J	K
GRADE	STARTING	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
	% Increase	4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	\$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: 05/26/98  
2nd Reading: 06/22/98  
Effective: 07/01/98

**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 22<sup>nd</sup> day of June, 1998 to take effect July 1, 1998.

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

NAY: None

ABSTAINED: None

ABSENT: Chavez

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

Introduced by: Councilmember Williams

1<sup>st</sup> Reading: 6/08/98  
2<sup>nd</sup> Reading: 6/22/98

**ORDINANCE #1998-24**

**AMENDING ORDINANCE #1985-68 (ESTABLISHMENT OF "AREA B" PERMIT PARKING AREA) TO MODIFY THE ELIGIBILITY CRITERIA**

**WHEREAS,** in 1985, the City Council adopted Ordinance #1985-68, establishing Area B permit parking--to provide parking and consequently, access to the Takoma Park Metro--for certain residents of the City living outside the Metro station area and lacking reasonable access to public transportation; **AND**

**WHEREAS,** Area B is defined as the parking spaces along the southwest side of Takoma Avenue, between Baltimore Avenue and Buffalo Avenue; **AND**

**WHEREAS,** to be eligible, a resident is required to (1) live more than .75 miles from the Takoma Park Metro station and (2) more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station; **AND**

**WHEREAS,** with the recent extension of Ride-on Bus Route 16, servicing the former Prince George's County side of the City, there are no residents of the City which meet both criteria; **AND**

**WHEREAS,** the City Council continues to recognize the challenges of utilizing public transportation faced by residents living further from the Metro station and wishes to maintain Area B as permit parking for these residents.

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

**SECTION 1: THAT** Ordinance #1985-68, as amended, shall be amended to eliminate the requirement that an applicant for an Area B parking permit must reside more than 5 blocks from any public bus route that terminates at the Takoma Park Metro station.

**ADOPTED** this 22<sup>nd</sup> day of June, 1998 by roll call vote.

**AYE: Porter, Elrich, Rubin, Stewart, Williams**

**NAY: None**

**ABSTAIN: None**

**ABSENT: Chavez, Hawkins**

Introduced by: Council member Chavez

First Reading: 6/8/98  
Second Reading: 6/22/98

**ORDINANCE NO. 1998-26  
FY 98 BUDGET AMENDMENT NO. 2**

An Ordinance to amend the FY 98 budget and to make a technical amendment to Ordinance 1998-3, FY 98 budget amendment No. 1.

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

SECTION 1. Ordinance No. 1999-3, is amended as follows:

**General Fund - Transfers to Expenditure Accounts**

- a. Transfer [~~\$132,234~~] \$124,202 from Account 9000-8200, Unappropriated Funds, to the following accounts to fund employee merit increases:

SECTION 2. The Fiscal Year 1998 Budget be amended as follows:

**General Fund - Revenues**

- a. Appropriate \$2,745 to Account 0001-3313, School Community Center Programs Grant, to account for grant funds received for recreation programs for FY 98.
- b. Appropriate \$8,465 to Account 0001-3314, Private Industry Council grant, to account for grant funds received for youth employment programs operated by the Recreation Department.
- c. Appropriate \$21,837 to Account 0001-3699, MFS cable operations, for reimbursement to the City for staff costs related to MFS fiber optic cable installation.
- d. Appropriate an additional \$16,323 to the following revenues accounts to account for additional revenues received for recreation programs:
  - \$1,000 to Account 0001-3460, Recreation classes
  - \$4,423 to Account 0001-3461, Sports
  - \$5,000 to Account 0001-3464, Youth Outreach
  - \$5,000 to Account 0001-3473, Community Center Facility rental

**General Fund - Expenditures**

- a. Appropriate \$2,745 to Account 4000-4012, Grant salaries, for grant fund expenditures for recreation programs.
- b. Appropriate \$523 to Account 4000-6151, Private Industry Council grant operations, for expenditures related to youth employment programs operated by the Recreation Department and \$7,942 to Account 4000-4012, Grant salaries for salaries related to youth employment programs.
- c. Appropriate \$21,837 to Account 2200-4030, for Police overtime expenses related to MFS fiber optic cable installation.

- d. Appropriate \$8,323 to Account 4000-4015, Part-time salaries, for sports and outreach programs
- e. Appropriate \$2,000 to Account 4000-7106, Sports, for sports expenditures
- f. Appropriate \$5,000 to Account 4000-7120, Youth Outreach, for youth outreach expenditures.
- g. Appropriate \$1,000 to Account 4000-6140, Contracts, for class instructors.

**Special Revenue Fund - Revenues**

- a. Appropriate \$1,464 to Account 0010-7189, Lake Street, to account for Program Open Space grant funds (project close-out).
- b. Appropriate \$739.00 to Account 0010-7188, Scigler Gardents to account for Program Open Space grant funds (project close-out).

**Special Revenue Fund - Expenditures**

- a. Appropriate \$1,464 to Account 0010-3376, Lake Street, to account for Program Open Space grant expenditures incurred (project close-out).
- b. Appropriate \$739.00 to Account 0010-3375, Siegler Gardens, to account for Program Open Space grant expenditures incurred (project close-out).

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Adopted this 22nd day of June, by Roll Call vote as follows:

AYE: Porter, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAIN: None

ABSENT: Chavez, Hawkins

o-98ba2

Introduced by: Councilmember Rubin

First Reading: 6/22/98

Second Reading:

Effective Date:

**ORDINANCE NO. 1998 - 27**

**Sale of 8600 Flower Avenue Takoma Park, Maryland**

(An ordinance authorizing the conveyance of the property located at 8600 Flower Avenue to the Silver Spring Interfaith Housing Coalition for the purpose of a lease-purchase homeownership program for a low or moderate income family.)

**Whereas**, the City of Takoma Park purchased the property located at 8600 Flower Avenue to eliminate a neighborhood blight and to develop a homeownership opportunity for a low or moderate income household; and

**Whereas**, the City has worked successfully with the Silver Spring Interfaith Housing Coalition (SSIHC) to provide a transition housing resource at 1007 University Boulevard; and

**Whereas**, the City believes that SSIHC can provide the support services needed to implement a lease-purchase program that will enable a low or moderate income household to move in and assume ownership of the property; and

**Whereas**, SSIHC has offered \$86,850 to the City as the acquisition price for the property.

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

**Section One.** The City shall convey the property known as Parts of Lots 10 and 20, Block 58 in the subdivision known as "B.F. Gilberts' Addition to Takoma Park" located at 8600 Flower Avenue in the City of Takoma Park, Maryland (hereinafter referred to as "the property") to the Silver Spring Interfaith Housing Coalition, Inc. (hereinafter referred to as "SSIHC"), a nonprofit corporation for development as a homeownership opportunity for a low or moderate income family under a lease-purchase program as set forth in the attached "Exhibit A" and upon the following terms and conditions:

a. SSIHC shall pay the sum of \$86,850 to the City at settlement on the sale of the property.

b. SSIHC shall sign a Promissory Note secured by a Deed of Trust on the property to repay to the City the cost of the City's rehabilitation of the property (approximately \$91,000) which was paid through the rehabilitation funds generated by the Montgomery County Community Development Block Grant allocation to the City. This housing rehabilitation loan shall be assumed by the low-moderate income purchaser at the time the SSIHC sells the property under the lease-purchase program and shall be repaid to the City under the following conditions:

(1) The housing rehabilitation loan will become due in full if the owner ceases to occupy the property; or

(2) If the property is sold within 15 years after SSIHC conveys the property to a low or moderate income household, initial conveyance, then the housing rehabilitation loan shall be assumed by the new homeowner. If the property is sold 16-25 years after the initial conveyance, then the rehabilitation loan or a portion thereof will become due based on the amount by which the sales price exceeds the original purchase price, adjusted for documented renovation costs in excess of \$2,500, plus a percentage of the property's original purchase price equal to the increase in the cost of living as determined by the consumer price index and an equity calculation as follows: years 16-20: 7% of original purchase price; years 21-25: 10% of original purchase price. No repayment of the housing rehabilitation loan would be due after the end of 25 years from the date of the initial conveyance.

b. The City's conveyance of the property to the SSIHC shall be subject to the SSIHC's agreement to handle the property as a lease-purchase program to provide a low or moderate income household the opportunity to become the owner. Priority will be given to a candidate household which can demonstrate a residential link to the City within the last two years.

c. The Council hereby approves a payment in lieu of taxes ("PILOT") agreement with SSIHC for the property under Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland, which permits the City to enter into an agreement with certain eligible non-profit corporations which provide housing for low income families to pay a negotiated amount in lieu of the city real property taxes. The terms of the PILOT Agreement shall include the following:

(1) SSIHC shall certify that it meets the eligibility requirements of Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland.

(2) The PILOT Agreement shall end upon the earliest to occur of the following:

(a) SSIHC no longer meets the eligibility requirements of Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland;

(b) SSIHC sells or transfers the property;

(c) The property ceases to be used for low and moderate income housing under a lease-purchase program.

**Section Two.** The City Administrator or her designee is authorized and empowered to enter into appropriate agreements and documents related to the conveyance of the property to SSIHC and a PILOT Agreement with SSIHC for the property within the conditions set forth in this Ordinance.

**Section Three.** This Ordinance shall be effective immediately.

Adopted this 22nd day of June, 1998 by roll call vote as follows:

Aye: Porter, Hawkins, Rubin, Stewart, Williams

Nay: None

Absent: Chavez, Elrich

Abstain: None