

The following additional communications were laid before the Council and disposed of as indicated.

A petition from citizens concerned requesting permanent improvement of Elm Ave., between Pine and Alleghany and of Alleghany between Elm and Second. Referred to the Street Committee.

A communication from Mr. H. E. Dodge preferring charges against Councilman F. D. B. Austin and requesting his removal. Referred to the Council for consideration in Committee of the Whole.

Several unopened bids for grading of Philadelphia Ave., to the Street Committee.

A communication from Mr. J. Bond Smith, Suburban Sanitary Commissioner stating that in reply to the Clerk's letter of December 11th the Commission will be pleased to make water and sewer connections with the Municipal Utility Building without charge.

On motion of Mr. Biddle the Clerk was directed ^{to express} the appreciation of the Mayor and Council for this courtesy.

There being no further business the Council, at 10 o'clock p.m., adjourned.

Approved:

Mayor

Benjamin Davis

Clerk

Monday Evening, January 11, 1926.

In accordance with public notice duly given according to law the Mayor and Council met in special session at the Office of the Clerk, convening at 8 o'clock for the purpose of hearing all persons interested in the rezoning of lots 1 and 2, block 80, from Residential A to Residential B. There were present the Mayor and Councilmen Adams, Austin, Biddle, Kroll, Rogers and Salisbury.

The Clerk announced the purpose of the meeting and the Mayor stated that the Council would be glad to hear anyone interested.

Mrs. Mary A. Gregory addressed the Council stating that she had submitted the application for a rezoning of lots 1 and 2 in order that she might erect a duplex or semi-detached house thereon for which plans had been prepared and submitted with her application for a building permit. Mrs. Gregory stated that she had talked with all the residents of Cleveland Ave., and that none had objected. She submitted to the Council a petition signed by all persons residing within a radius of 200 feet of her proposed build-

ing approving and requesting that lots 1 and 2 be rezoned as desired.

Messrs V. M. Giffin, 11 Cleveland Ave, and Ernest E. Harmon, 12 Cleveland Ave., advocated favorable action and Mr. R. G. Lohr stated that the proposed duplex house would be an improvement to the neighborhood. No one appeared in opposition to the rezoning.

None others desiring to speak the Mayor thereupon declared the hearing closed.

Proceeding to a discussion of the matter which evidenced general favor of rezoning the following Ordinance was presented:

Ordinance No. 427

Be it Ordained by the Mayor and Council of Takoma Park, Maryland:

That lots numbered 1 and 2 of Block numbered 80 heretofore embraced in district zoned as Residential A, are hereby rezoned as Residential B, the Council having this date held a public hearing with respect thereto in compliance with law. The rezoning herein authorized is for the sole purpose of permitting the construction on the lots herein designated of a duplex or semi-detached dwelling the plans for which have already received the approval of the Building Inspector.

Mr. Biddle moved that the Ordinance be adopted and the Ordinance was adopted upon an aye and nay vote as follows: Voting aye, the Mayor and Councilmen Adams, Biddle, Kroll, Aushin, Rogers and Salisbury; voting nay, none.

The Mayor called attention to certain newspaper articles reporting the substance of an address by Mr. T. Howard Duckett, Chairman of the Washington Suburban Sanitary Commission, in which it was stated that one of the functions of the Commission is the collection and removal of garbage from the Sanitary area. The Clerk was instructed to write to the Sanitary Commission and ascertain what plans, if any, the Commission has in view with respect to this matter which is one of the Council's most vexing problems.

The Mayor presented a communication from Mrs. Margaret H. Ray requesting that approaches be made from Grant and Maple Avenues to two roads on her property which were shut off when these streets were graded. Referred to the Street Committee.

The Clerk laid before the Council several bids for the grading of Philadelphia Ave., which were referred to the Street Committee.

Mr. Austin laid before the Council the plans and specifications of the proposed Maple Avenue bridge across Sligo Creek and urged that advertisement for bids be made without further delay. After consideration the plans were referred back to the Street Committee to consult with Mr. Wood, the architect, as to altering plans and specifications to provide for a bridge fifty feet in width.

Mr. Kroll, from the Street Committee, presented a deed from Mr. and Mrs. Harry K. Smith, conveying 7½ feet of the side of their lot on Tulip Ave, for sidewalk purposes. Mr. Kroll moved that the deed be accepted and that in consideration of the right of

way the sidewalk be constructed at the expense of the Town and that the work is hereby ordered. The motion was carried.

Mr. Krall, from the Civic Improvement Committee, submitted the following proposed Ordinance amending the Building Regulations:

Ordinance No. 428.

Be it Ordained by the Mayor and Council of Takoma Park, Maryland:

That Paragraph 1 of Section 3 of Ordinance No. 386, Building Regulations, passed and approved November 20, 1922, is hereby amended to read as follows: "No building shall be erected, altered or repaired, or any addition made thereto or any work started thereon, or any excavation made in connection therewith, prior to the issue of a building permit by the Town Clerk; except that for minor repairs, costing not to exceed \$100, no permit shall be required except as herein provided."

That Section 13 of Ordinance No. 386, Building Regulations, passed and approved November 20, 1922, is hereby amended to read as follows: "A permit shall be required for the erection, construction, or alteration of any garage. § "A private garage shall be located in the rear of the dwelling to which it belongs and shall be at least 20 feet from any dwelling when the depth of the lot so permits and not less than 5 feet from any side lot line. When necessary to locate a garage nearer than 20 feet to a dwelling, fireproof construction, approved by the Building Inspector, must be used. § "No garage shall be located between dwellings fronting on the same street or where it will be between dwellings fronting on the same street when the second dwelling is erected. § "Garages located within dwellings shall be of fireproof construction, approved by the Building Inspector. § "Public garages may be erected only after approval of site and plans by the Mayor and Council and the authorization by them of the issue of a building permit. § "Garages on corner lots must be at least 25 feet from the side street line where the width of the lot permits; and permits will be granted only upon submission of a plan of the lot and garage, drawn to scale, showing location of the proposed garage, and after the location and type of construction, shall have been approved by the Mayor and Council."

After consideration, Mr. Krall moved that the Ordinance be approved and the Ordinance was approved upon an aye and nay vote as follows: voting aye, the Mayor and Councilmen Adams, Austin, Biddle, Krall, Rogers and Salisbury; voting nay, none.

On motion of Mr. Adams a form of application for building permits, prepared by the Mayor, was approved and adopted.

With reference to the application of Mr. Richard C. Lewis to construct a brick store and apartment on part of lot 5, block 53, on Flower Ave., Mr. Krall, from the Civic Improvement Committee, moved that the permit be granted provided the exposed walls of the building be built of faced brick. The motion was carried.

The Clerk reported that he had been advised by the Potomac Electric Power Company that their estimate of \$144 as the cost of providing a lighting line to the Town Building on Maple Ave., could now be reduced to \$44, two other parties having applied for electric service from the same line. Mr. Krall moved that installation of electric connection be authorized at the expense noted. The motion was carried.

On motion of Mr. Adams an appropriation of \$15⁰⁰ was approved as membership fees of the Town in the Montgomery County Civic Federation and the action of the Mayor in reserving membership in the Federation was approved. The Mayor stated that he had appointed the following named gentlemen to represent Takoma Park in the Federation: Mr. W. A. Krall, Chairman of the Civic Improve-

ment Committee of the Council; Mr. J. Bond Smith, Corporation Counsel and Captain Charles V. Johnson, President of the Community League.

The appointments of the Mayor were approved and confirmed.

The Council proceeded to consideration of the charges of Mr. Angier and Mr. Dodge against the Town Clerk and Mr. Aushin.

After due deliberation Mr. Salisbury moved that the conclusions of the Council with respect to these charges be expressed as follows: The Mayor and Council have considered the charges above noted. They are of the opinion that no unusual procedure was followed in the issue of a building permit by the Clerk or in the excavation work by Mr. Aushin; although a technical violation of the Building Regulations may be implied it was not of a nature to indicate any purpose or intent on the part of either the Clerk or Mr. Aushin to circumvent or set aside any essential requirement of those Regulations. Mr. Angier's charge against Mr. Aushin of violating the sanctity of a deed is a matter not within the province of the Mayor and Council to determine. With respect to the charges of Mr. Dodge against Mr. Aushin, even if such charges might be substantiated, the Mayor and Council are without authority to remove a legally elected member of the Council. Mr. Salisbury's motion was adopted.

There being no further business the Council, at 12:05 o'clock A.M., adjourned.

Approved:

Mayor

Paul Davis, Clerk

Monday Evening, January 18, 1926

The Council met at 8 o'clock. There were present the Mayor and Councilmen Adams, Austin, Biddle, Krall, Rogers and Salisbury.

The minutes of the last regular meeting and of the special meeting of January 11 were read by the Clerk and were approved.

The monthly report of the Treasurer, examined and approved by the Finance Committee, was submitted as follows:

Balance on hand last report		15037.84	excavation permits	3.00	59.00
RECEIPTS:			interest on bank deposits		213.00
From general taxes		1808.48	refund for street repairs	2.88	2083.36
" building permits	31.00				17121.20
" electrical permits	25.00				

DISBURSEMENTS:				SPECIAL DEPOSITS:			
Street work: labor	531.40			Balance on hand last report		\$ 730.00	
material	160.04			Deposits during month		10.00	
machinery and tools	232.63					740.00	
miscellaneous	50.00	974.07		Disbursements during month		20.00	
General expenses: telephones		5.90		Balance on hand		\$ 720.00	
Rentals		25.00					
Miscellaneous		15.00		SPECIAL IMPROVEMENT FUND:			
Garbage collections		125.00		Balance on hand last report		\$ 5363.76	
Street lighting		351.83		Receipts during month		2073.23	
Salaries: clerk and treasurer	100.00					7436.99	
Superintendent Public work	166.66			Disbursements: streets		10.80	
Electrical Inspector	25.00	291.66	1788.46	Cement works		5059.52	5070.32
Balance on hand			\$15332.74	Balance on hand			2366.67

On motion of Mr. Rogers the report was approved and ordered filed.

Mr. Ben G. Davis, Town Clerk and Treasurer, rising to a question of personal privilege, addressed the Council briefly respecting the so-called "charges" against him presented at the last regular meeting of the Council by Mr. D. F. Angier. After remarks by the Mayor, by Mr. Angier and by Mrs. F. D. B. Austin, the latter with reference to Mr. Angier's charges against Mr. Austin, the Council proceed in regular order of business as follows:

Mr. Rogers, from the Finance Committee, submitted bills, examined by the Committee and approved for payment in the amount of \$ 781.88 and on Mr. Rogers motion payment thereof was directed.

Mr. Austin, from the Street Committee, reported relative to street work activities during the past month and submitted a list of the unimproved streets which had been surfaced or partially surfaced with cinders.

Mr. T. J. Fitzpatrick inquired as to action taken upon his request for street repairs to enable him to reach his home from Maple or Philadelphia Avenues. He was informed that the matter was receiving the Street Committee's attention and consideration in connection with other street problems in the same immediate vicinity.

Mr. Adams, from the Committee on Police, Fire and Lights recommended relocating the street light on the lower end of Philadelphia Avenue which would light the entrance to the school grounds; the Committee recommended with respect to lights at Grant and Maple Ave. that the matter be deferred until poles have been erected on Maple Ave. at this point. Concerning lights in the vicinity of the new High,

School and before making recommendations, the Committee requested further time in order to communicate with interested parties in the County and the Subdivision of Blair in regard to the expense of installation and maintenance of these lights. The recommendations of the Committee were approved on motion of Mr. Biddle.

The attention of the Council was called to the apparent failure of Mr. C. H. Gaskins to construct the garage at his new dwelling on Tulip Avenue, of concrete block as agreed by him at the last meeting. The Building Inspector stated that Mr. Gaskins preferred to use a different method of fireproofing if so permitted, but would finish on the interior with concrete blocks if the Council insisted. After discussion and on motion of Mr. Kroll the Building Inspector was directed to have the garage lined with concrete blocks in accordance with the Council's prior understanding and agreement with Mr. Gaskins.

The Mayor laid before the Council a communication from the Mayor of Hyattsville making inquiry concerning the compensation paid to the attorney of the Town. On motion of Mr. Biddle the Clerk was instructed to reply with a statement of the facts pertaining thereto.

Upon suggestion of Mr. Aushin the Council proceeded to consider the matter of the proposed Maple Avenue bridge across the Sliquo. The present plans call for a 40-foot bridge but as there appears some sentiment in making it 50 foot in width, which would require a redrawing of the plans and revised specifications it seemed advisable to settle this definitely before proceeding further.

After further discussion during which Mr. Rogers stated that the increased cost of a 50-foot bridge over that of a 40-foot one would be about \$600, Mr. Kroll moved that the plans and specifications be returned to the architect with instructions to redraft them to provide for a bridge 50 feet in width. The motion was carried.

There being no further business the Council thereupon, at 9:45 o'clock adjourned.

Approved:

Mayor.

Paul Davis, clerk

Monday Evening, February 1, 1926

A special meeting of the Council was held this date at the Office of the Clerk, convening at 8 o'clock. There were present the Mayor and Councilmen Adams, Aushin, Biddle, Kroll, Rogers and Salisbury. The Mayor stated that he had called the meeting primarily to consider the assessment for the concrete streets recently completed, but that other urgent business would be in order.

The Treasurer laid before the Council a statement of the complete cost of the concrete streets comprising this year's permanent street improvement from which it appeared that the assessment should be fixed at \$4.00 per linear foot and he so recommended. After adequate discussion and on motion of Mr. Adams the rate recommended was approved and embraced in the following Ordinance:

Ordinance No. 429.

Be it Ordained by the Mayor and Council of Takoma Park, Maryland,

Sec. 1. That a special assessment of \$4.00 per linear foot for the construction of concrete roadways and curbs be and the same is hereby levied and approved against the property designated for abutting concrete roadways and curbs improvement in Ordinance No. 416, passed and approved June 1, 1925 with the exceptions thereto noted in Ordinance No. 419, passed and approved June 19, 1925 such exceptions embracing Tulip Avenue between Holly and Cedar Avenues. The said property herein assessed is hereby declared to be specially benefited by the construction of the said concrete roadways and curbs abutting thereto.

Sec. 2. The special assessment hereby levied shall be due February 1, 1926 and payable within 90 days therefrom; provided that, if so desired, said assessment may be paid in five equal annual installments, the first due February 1, 1926, and payable within 90 days therefrom, the remaining payments to be due on the first day of each succeeding February and payable within 90 days therefrom; provided further, that payments of one-fifth or excess thereof may be made at any time within the annual payment period. All deferred payments shall bear interest at the rate of 6 per cent per annum.

Mr. Adams moved that the Ordinance be adopted and the Ordinance was adopted upon an aye and nay vote as follows; voting aye, the Mayor and Councilmen Adams, Aushin, Biddle, Kroll and Rogers; voting nay, none.

The Clerk laid before the Council sealed bids for grading work on Philadelphia Ave., extended, which when opened were as follows: J. C. Ambler, ~~removing stumps, 75¢ each~~; grading, \$500.00. William S. Tyler, \$400.00; O. E. Owens, \$500. The bids were referred to the Street Committee which upon consideration thereof recommended acceptance of the bid of Mr. Tyler, the lowest bidder, to do the work specified for the sum of \$400.00. On motion of Mr. Aushin the recommendation of the Committee was approved.

The Clerk submitted for the approval of the Mayor and Council a proposed agreement with Mrs. Grace F. Lawrence for the construction of a cement sidewalk along the Tulip Avenue frontage of her property. After consideration and slight changes therein, on motion of Mr. Kroll the agreement was approved and the Mayor and ^{Clerk} Council authorized to sign the same in behalf of and for the Town.

Mr. Austin laid before the Council a request from Mr. Don Moore for an additional compensation of \$ 50⁰⁰ in connection with the grading of Erie Ave. Mr. Austin stated that owing to adverse weather conditions, ^{work not contemplated} and other unfortuitous circumstances, Mr. Moore was unable to complete the work except at a loss; and that he had agreed in case of the further compensation requested to furnish additional cinders to equal the quantity he should have placed on the street. In view of all the circumstances Mr. Austin moved that Mr. Moore be allowed an additional \$50 for the work on Erie Ave. and the cinders he agrees to furnish. Mr. Kroll seconded the motion with the admonition that before bidding on work contractors should carefully prepare and revise their figures and be prepared to stand by them and that the action in this case should not be considered a precedent. Thereupon Mr. Austin's motion was carried.

The Council discussed informally and at length the matter of improvement of the dirt streets throughout the Town and the best means of keeping them in passable condition throughout the year. The matter of opening of new streets and of neglected streets was also considered and the Street Committee was urged for the immediate present to hold frequent meetings for the formulation of a systematic street improvement plan, the cost thereof, etc., for submission to the Council prior to the Spring working season.

In view of the recent amendment of the Building Regulations requiring permits for all alterations, repairs, etc. costing in excess of \$100 the following Ordinance amendatory of certain permit fees was submitted for the Council's consideration.

Ordinance No. 430

Be it Ordained by the Mayor and Council, Town of Takoma Park, Maryland.
 That paragraph 3 of Section 5, of Ordinance No. 386, Building Regulations, passed and approved November 20, 1922, is hereby repealed and reordained to read as follows: "For alterations and repairs, costing not to exceed \$300, \$1.00. For alterations and repairs costing in excess of \$300 and not exceeding \$1000.00, \$2.00; and 50 cents for each additional \$1000 or fraction thereof in excess of \$1000."

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After discussion Mr. Biddle moved that the Ordinance be adopted and the Ordinance was adopted upon an aye and nay vote as follows: voting aye the Mayor and Councilmen Adams, Austin, Biddle, Kroll and Rogers; voting nay, none.

There being no further business the Council thereupon at 11:40 o'clock p.m., adjourned.

Approved:

Mayor.

Frank Davis

Clerk.