

REGULAR MEETING
MAYOR AND COUNCIL
November 15, 1948

Meeting called to order at eight o'clock P. M. Those present were Mayor Post, Councilmen Beville, Heffner, McClenon, Parkerson, Perring and Nies.

The minutes of the Regular Meeting of October 18th, 1948, and Special Meeting of October 25th, 1948 were read and approved as read.

Financial Statement for the month of October 1948 was read by the Clerk and Treasurer and ordered filed as follows:

RECEIPTS

General Taxes-----	\$ 8,759.50 ✓
Less Discounts-----	53.20 ✓
	<u>8,706.30 ✓</u>
Interest and Penalties-----	116.51 ✓
Special Assessments-----	1,198.14 ✓
Building Permits-----	27.00 ✓
Electrical Permits-----	28.00 ✓
Excavation Permits-----	2.00 ✓
Dog Tax-----	14.75 ✓
Vendor Permit-----	13.00 ✓
Taxicab Stand Rental-----	6.25 ✓
Specification Plans - Street Paving Project-----	2.50 ✓
Montgomery County Fire Department-----	1,500.00 ✓
Montgomery County License Fees-----	22.39 ✓
Montgomery County Police Telephone-----	12.00 ✓
✓ Prince George's County Auto Fees-----	1,452.00 ✓
Franchise Tax - State of Maryland-----	2.50 ✓
Admission Tax - State of Maryland-----	1.66 ✓
Commission - Police Pay Telephone-----	1.59 ✓
Parking Meters - Collection-----	280.00 ✓
Parking Meters - Violations-----	38.00 ✓
	<u>\$13,424.59</u>

DISBURSEMENTS

STREETS:	Salaries-Superintendents	\$703.78 ✓	
	Labor	1,059.09 ✓	
	Material	558.95 ✓	
	Material Storm Sewer	332.64 ✓	
	Gas-Oil-Auto Upkeep	142.21 ✓	
	Supplies	41.79 ✓	
	Man Hole Covers	154.44 ✓	
	Street Paving Project Expense	16.45 ✓	\$3,009.35
		<u> </u>	
REFUSE:	Trash: Labor	1,442.10	
	" Disposal	173.80	
	" Gas-Oil-Auto Upkeep	200.32	
	" Supplies	.60	
	Garbage: Labor	1,095.84	
	" Gas-Oil-Auto	73.38	
	Ashes: Labor	254.00	\$3,240.04
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LIGHTS:	Streets	577.56	
	Traffic Light	9.33	\$586.89
		<u> </u>	
POLICE:	Salaries	1,772.86	
	Clothing Allowance	254.10	
	Supplies	23.89	
	Gas-Oil-Auto Upkeep	487.23	
	Telephones, Lights, Gas and Fuel	90.23	
	Equipment: Radio Police Car	502.77	
	" Two Guns	91.78	
	" Hand Cuffs	90.87	\$3,313.73
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OFFICE:	Salaries	685.98	
	Rent	100.00	
	Postage-Printing	41.99	
	Supplies	3.40	
	Telephone	23.41	
	Ad for Help	4.50	
	Equipment - Typewriter	121.13	\$980.41
		<u> </u>	
FIRE DEPT.	Salaries	1,497.16	
	Supplies	77.39	
	Gas-Oil-Apparatus Upkeep	126.56	
	Telephones-Lights-Gas	42.84	
	Clothing and Upkeep	103.39	
	Remodeling Expense	132.54	\$1,979.88
		<u> </u>	
ASSESSABLE IMPROVEMENTS:	Margaret Drive - Boston Ave.	47.40	\$47.40
MISCELLANEOUS:	Participation Retirement System	822.25	
	Expense " "	31.22	
	Insurance Premiums	85.14	
	Prince George's County Transfers	19.85	
	Montgomery Co. Police Telephone	12.00	
	Additional Clerical Help	82.00	
	Recording Fees	2.00	
	Municipal Building Expense	29.42	
	Dog Expense	7.00	
	Corp. Counsel Compensation	80.00	
	Electrical Inspector Salary	50.00	
	Building Inspector Salary	83.33	
	Health Officer's Salary	41.67	
	Henry Field's Retirement	25.00	
	Justice of Peace: Montgomery Co.	25.00	
	Justice of Peace: Prince George's County	25.00	
		<u> </u>	\$1,420.88
			\$14,578.58

BANK STATEMENT

GENERAL ACCOUNTS:

9/30/48 - On hand Citizens Bank	\$67,738.76	
Deposits in October, 1948	12,757.07	
	<u>80,495.83</u>	
Withdrawn in October, 1948	7,748.57	
10/31/48		\$72,747.26

9/30/48 - On hand Sub. Nat'l T. P.	\$52,962.86	
Deposits in October, 1948	667.52	
	<u>53,630.38</u>	
10/31/48 Withdrawn in " "	<u>6,830.01</u>	\$46,800.37

REVOLVING FUND

8/31/48 - Citiz. Bank Interest bearing Certificate of Deposit	<u>\$10,000.00</u>	<u>10,000.00</u>
		<u>\$129,547.63</u>

Bills in the amount of \$5,218.41 was presented by the Finance Committee and ordered paid.

Councilman Heffner brought to the attention of Council the matter rendering a bill to the Montgomery County Commissioners for use of the Fire Department Building for election purposes. After discussion Councilman Perring moved that the City donate the use of the Fire Department Building for election purposes. This motion was seconded by Councilman Parkerson. After further discussion Councilman Beville moved that Councilman Perring's motion be tabled. This motion was seconded by Councilman McClenon, and upon being put to question the motion of Councilman Beville was carried, Councilman Parkerson voting no.

The matter of a traffic light to be installed at the corner of Piney Branch Road and Philadelphia Avenue was discussed at length. Mr. H. W. Hobbs, Jr., Mr. J. Nelson Anderson and Mrs. Ted McHold, representing the citizens of the City and the Parent-Teachers Association, urged the Mayor and Council to take action to secure the installation of this signal. Councilman Parkerson moved that the City proceed with the installation of a suitable traffic control light at the intersection of Piney Branch Road and Philadelphia Avenue, and that if necessary the City assume the cost of the installation. This motion was seconded by Councilman McClenon. After further discussion the motion was put to recorded vote with results as follows: Voting Yea, Councilmen McClenon, Parkerson, Heffner and Perring; Voting Nay, Councilmen Nies, Beville. Motion carried.

Mrs. Wm. F. Fischer, Past President of the Health and Welfare Association urged the Mayor and Council to secure recreational facilities in Takoma Park from the Park and Planning Commission. Mrs. Fischer stated that the Park and Planning Commission has completed plans for recreational centers in other sections of the County before setting up such facilities in Takoma Park.

Mrs. N. M. Brooke, Jr., 119 Maple Avenue reported that the play ground equipment of the Nursery School at 8 Columbia Avenue is being damaged and destroyed by older children in the neighborhood, and requested the Mayor and Council to take action in the matter. Chief of Police Thomas was instructed by the Mayor and Council to patrol this area to prevent such damage.

In regards to the development of a suitable play-ground for the colored children of Takoma Park, Councilman Perring reported that his committee was meeting with the colored leaders of the community and that a very thorough program for the coming spring was being developed.

Mr. Robert Mohr of the Spring Park Community Association reported the need for the installation of a traffic light at Ray Road and New Hampshire Avenue. Mr. Mohr reported that he had discussed this matter with the Prince Georges County police and had been advised by them that the State Roads Commission would not approve the installation. Mr. Mohr further reported that the cost of a suitable traffic light would be approximately \$1500.00, and requested the help of the Mayor and Council in securing its installation. Councilman Parkerson requested Mr. Mohr to file his request with the Municipal Service Committee in a formal letter.

With reference to the case of Mrs. Maude K. Welsh, 201 Birch Avenue, Takoma Park, Maryland who made application to the Park and Planning Commission to rezone 226 Cedar Avenue, Councilman McClenon submitted the following motion: I move that the City Clerk be directed to write in behalf of the City Council to the Board of Zoning Appeals for Montgomery County, to the following effect:

1. The City Council of Takoma Park strongly urges the Board of Zoning Appeals to disapprove the pending application of Mrs. Maude K. Welsh for permission to establish and maintain a two-family dwelling at 226 Cedar Avenue (Lot 12, Block 6A, B.F. Gilbert's Sub-division of Takoma Park), on the sole ground that the approval of this application would be in effect a flagrant case of spot zoning-- a practice to which the City Council is unalterably opposed.

2. The City Council recommends that the disapproval of the pending application be without prejudice to any subsequent application that may be made for the rezoning of a residential area which includes the said Block 6A and is sufficiently large to indicate that no spot zoning is involved.

After further discussion of the matter of spot zoning within the City of Takoma Park the following communication was authorized to the Board of Zoning Appeals for Montgomery County:

"In reference to Case #814, Mrs. Maude K. Welsh, 201 Birch Ave., Takoma Park, Maryland, to be heard November 18, 1948, the Council of the City of Takoma Park, in regular session on November 15, 1948, passed the following motion and direct it respectfully to your attention: 'The City Council of Takoma Park strongly urges the Board of zoning Appeals to disapprove the pending application of Mrs. Maude K. Welsh for permission to establish and maintain a two-family dwelling at 226 Cedar Avenue, (Lot 12, Block 6A, B. F. Gilbert Sub-division of Takoma Park) on the sole ground that the approval of this application would be in effect a flagrant case of spot zoning-- a practice to which the City Council is unalterably opposed. The City Council recommends that the disapproval of the pending application be without prejudice to any subsequent application that may be made for the rezoning of a residential area which includes the said Block 6A and is sufficiently large to indicate that no spot zoning is involved'."

Mr. Leopold Wagner, owner of property known as "Bonifant Flats", on Lake Street, presented to the Mayor and Council a request for an extension of the eviction date from November 15th to next Spring, stating that such an extension would give him time to make necessary repairs to convert the property to suitable living quarters and at the same time give his tenants time to find other places to live. The matter of the actual living conditions in these properties was then discussed at length by the Mayor and Council, the Corporation Counsel of the City of Takoma Park, Mr. Leopold Wagner and his legal representative, Mr. Kiley. Councilman Heffner moved that the

extension date not be extended, and that the Corporation Counsel be instructed to proceed with whatever legal action was necessary to effect the eviction. This motion was seconded by Councilman Nies and upon being put to question was carried.

The matter of report of the Chief of Police of Takoma Park was accepted. Letter from the Joint Committee of the Prince Georges-Takoma Civic Associations was read to Council as follows:

"At a regular scheduled meeting of the Joint Committee, after discussing the activities of your body after taking office, it was decided to forward a letter of commendation for your splendid and impartial manner in which you are handling all questions brought before you, whether pertaining to either the Montgomery or Prince George's sections of Takoma Park.

It was the general feeling of the members present that as we offer complaints for matters which should be taken up by your body, it is no more than fair that you should also be commended for the great amount of work which you have been doing."

Application for Taxicab Owner and Taxicab Operator by D. H. Bowen, 203 Garland Avenue was approved by the Mayor and Council.

Application for Taxicab Owner by James William Hall, 6514 Westmoreland Avenue, Takoma Park, Maryland was approved by the Mayor and Council.

Application for Taxicab Operator's Badge by John W. Gadd was approved by the Mayor and Council.

Councilman Parkerson moved the establishment of a one-half hour parking limit along the west side of Flower Avenue for a distance of approximately 225 feet north of the north end of the present "no parking" zone. This motion was seconded by Councilman Nies and upon being put to question was carried.

The matter of appointment of Mr. William A. Flagg as a member of the Takoma Park Fire Department was discussed at length. Councilman Parkerson moved that Mr. Flagg be employed at a basic salary of \$2400.00 per year with additional compensation of \$120.00 per year as a Fire Inspector. Councilman Nies seconded this motion and upon being put to question was lost. After further discussion of the matter Councilman Beville moved that Mr. Flagg be employed at a salary of \$2520.00 per year, at third year salary level and to remain at that level until the accumulation of sufficient seniority to be promoted to the next grade. This motion was seconded by Councilman Parkerson and upon being put to question was carried.

Councilman McClenon, Chairman of the Law and Ordinance Committee, brought to the attention of Council additional Charter Amendments recommended by the Citizens Advisory Committee and moved the adoption of the following amendment: "In section 1193 (A), relating to the powers of the city council, strike out the clause 'to purchase, lease, accept or receive such real and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town' and insert in lieu thereof: 'to purchase, lease, accept or receive such real and personal property as may be necessary/^{or proper} for municipal purposes, and to control, rent, dispose of and convey the same'." This motion was seconded by Councilman Nies and upon being put to question was carried.

Councilman McClenon moved the adoption of the following amendment: "Amend section 1193 (D) to read: 'Whenever any work of any nature is to be performed by contract, or articles of any nature are to be purchased, the estimated cost of which work or articles exceeds one thousand dollars (\$1,000), which estimate shall be entered on the minutes of the Council, two weeks' notice shall be given by posting in some conspicuous places in the city, and publication at least twice during that period, in some newspaper of general circulation in the city, that bids will be received for said work or articles. When the estimated cost of such work or articles does not exceed one thousand dollars (\$1,000), the contract therefor may be let without previous posting and publication of notice. The Council may reject any or all bids and advertise anew. When a contract is awarded for work or articles the estimated cost of which exceeds five hundred dollars (\$500.), it shall be by ordinance duly passed. When in the opinion of the Council work can be performed more economically by the city than by contract, the Council is authorized to proceed accordingly. This motion was seconded by Councilman Parkerson and upon being put to question was carried.

Councilman McClenon moved the adoption of the following amendment: "In section 1194 (A), amend the first sentence to read: 'Prior to the beginning of each fiscal year, after a public hearing, the Council shall adopt an annual budget covering the estimated receipts and disbursements of the general revenues of the city for the fiscal year beginning July first following its adoption'." This motion was seconded by Councilman Nies and upon being put to question was carried.

The Corporation Counsel was instructed to prepare a bill incorporating these proposed amendments for presentation to the next session of the Legislature.

A letter from the Community League of Takoma Park in reference to the construction of an apartment building now under progress on Maple Avenue in the District of Columbia, preventing further extension of Eastern Avenue, was accepted and filed.

Councilman Nies presented to the Mayor and Council a letter from the Capital Mortgage & Title Company requesting information as to the amount the City would accept for Lot 9 in Block 36, Gilbert Subdivision. Councilman Nies moved that said lot be sold for \$675.00. This motion was seconded by Councilman McClenon and upon being put to question was carried.

Parks and Playgrounds Committee: Councilman Perring, Chairman, had no reports.

Streets & Highways Committee: Councilman Beville, Chairman, reported that the Street Paving Program is going along well.

Mayor Post brought to the attention of Council the matter of Gorin Brothers having made application for rezoning a tract of land in Prince George's County within the City limits of Takoma Park, from Residential "A" to Residential "C". Mayor Post further stated that Gorin Brothers were planning to build 600 apartment units, and suggested to the Council, in the absence of Councilman Githens, Chairman of the Civic Improvement Committee, that the Council pass a resolution requesting the Board of County Commissioners of Prince George's County to continue the hearing schedule for November 17, 1948 until their next meeting, in order to give the Mayor and Council

time to make a study of said rezoning application and make recommendations to the Board of County Commissioners. Councilman McClenon moved the adoption of the following resolution, and suggested that a copy of such resolution be presented to the Prince George's County Commissioners at the hearing on November 17, 1948; This motion was seconded by Councilman Beville and approved.

RESOLUTION

"WHEREAS, it has come to the attention of the Mayor and City Council that Gussie Gorin, et al, have made application for reclassification from Residential A to Residential C zoning for a large tract of land in New Hampshire Gardens Subdivision, within the city limits of Takoma Park, and

WHEREAS, Councilman Githens, Chairman of the Civic Improvement Committee of the City Council is absent from the city and will not return until December 10th, and

WHEREAS, it is the desire of the City Council to have the benefit of the judgement of Councilman Githens as to the advisability of rezoning a very large tract of land mentioned in the said petition.

NOW, THEREFORE, be it resolved that the Mayor and City Council respectfully requests and petitions the Board of County Commissioners of Prince George's County, sitting as a District Council, to continue the hearing on the application of Messrs. Gorin to a date subsequent to December 10th, and that a copy of this resolution be forwarded to the said Board of County Commissioners of Prince George's County."

Mayor Post advised Council that the American Municipal Association Conference was to be held at the Statler Hotel in Washington, D. C. December 12th to 15th, 1948.

The matter of the extension of Park Avenue was discussed and referred to the Streets and Highways Committee.

Mayor Post informed Council that Mr. J. Wilson Dodd, Clerk and Treasurer had a bad fall that afternoon and Mr. R. R. Ellis had consented to act as a temporary substitute for Mr. Dodd.

Councilman Beville moved that the meeting be adjourned. Motion was seconded by Councilman Parkerson and upon being put to question was carried. The meeting adjourned at 12:10 A. M. November 16th, 1948.



Clerk

Mayor

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK ON 24 NOVEMBER 1948.

Meeting was called to order at 9:30 P. M. Those present were Mayor Post, Councilmen Heffner, McClenon, Nies, Beville, Parkerson and Perring.

The report of the Fire Underwriters Association of Takoma Park was discussed at length and referred to Councilman Parkerson and the Municipal Service Committee for recommendations.

The matter of parking facilities and traffic conditions in the vicinity of the Seventh Day Adventist Church at the corner of Carroll and Willow was discussed. Councilman Parkerson moved that the first three parking meters on Carroll beginning at Willow be marked with "No Parking" signs from 9 A. M. to 1 A. M. on Saturdays in order to afford a loading and unloading zone to eliminate traffic hazards. Motion was seconded by Councilman McClenon and upon being put to question was carried. 25-926A

Mayor Post advised the Council of his action to extend the eviction date of Bonifant Flats on Lake Avenue from 1 December 1948 to 15 December 1948.

The matter of pay due Wilbur L. Bennett, formerly of the Takoma Park Fire Department, for six days accrued annual leave was discussed. Councilman Parkerson moved that Mr. Bennett be payed \$43.98 as accrued annual leave at the time of his resignation. Motion was seconded by Councilman Heffner and upon being put to question was carried.

Councilman Perring moved that in 1949 the date of the regular meetings of the Mayor and Council be fixed as the fourth Monday of each month. Motion was seconded by Councilman Nies and upon being put to question was carried.

Councilman Beville moved that the City adopt a policy of assuming one-third of the cost of the surface of all pavements without reference to the provision of Ordinance No. 920, but within the provisions of the City Charter; all other cost except one-third of the surface to be assessed against abutting property owners. Councilman Perring objected to the motion and moved to refer this matter to the Streets and Highways Committee. Councilman Perring's motion was seconded by Councilman McClenon and upon being put to question was carried.

Councilman Beville moved that the city adopt a policy of building entire streets only and discontinue the practice of building half or partial streets. Motion was seconded by Councilman Parkerson and upon being put to question was carried.

The matter of retirement of J. Wilson Dodd, Clerk and Treasurer of the City of Takoma Park, and the appointment of successor was discussed at length. Mr. Bradshaw, Legal Counsel for the City of Takoma Park, advised the Mayor and Council of the legal requirements in the appointment of a successor. Councilman Nies offered the following resolution:

BE IT RESOLVED, that the Chairman of the of the Finance Committee be, and he is hereby, authorized and directed to employ a Certified Public Accountant to make an audit of the books,

accounts, statements, and records relating to the financial affairs of the City, including particularly those of the Clerk and Treasurer.

BE IT FURTHER RESOLVED, that the said Accountant so employed shall have no connection with or relationship to the City Government or any of its officers or employees and shall be someone who has not audited the books and accounts of said City within the last five (5) years.

BE IT FURTHER RESOLVED, that the cost of the audit be charged against the general revenues of the City.

Action was seconded by Councilman McClenon and upon being put to question was carried.

Councilman Nies moved the adoption of the following resolution:

BE IT RESOLVED, that the Mayor be, and he is hereby, authorized and directed to purchase a bond, conditioned for the faithful performance of the duties of the City Clerk and Treasurer in an amount equal to not less than 40% of the total estimated receipts of the City for the ensuing year and that the premium on said bond be charged against the general revenues of the City.

Action was seconded by Councilman McClenon and upon being put to question was carried.

Mr. Bradshaw, Legal Council for the City of Takoma Park, was instructed by the Mayor and Council to contact directly authorities of the Government of State of Maryland to obtain specific information as to the status of the retirement of J. W. Dodd, Secretary and Treasurer of the City of Takoma Park.

Councilman McClenon offered a report of the Committee on Law and Ordinances to the Mayor and Council as follows:

It is recommended that the charter of the City of Takoma Park be amended as follows:

1. Repeal section 1195, which provides for the assessment of real and personal property by persons appointed by the City Council, and substitute therefor a provision for the acceptance by the City of the assessments made by the two counties, in accordance with section 10 (a) of Article 81 of the Annotated Code of Maryland.

2. Amend section 1196 (F) by striking out "taxes paid prior to the first day of November of any year shall be subject to a discount as follows: Taxes paid during July, two per cent (2%); during August one and one-half per cent (1½%); during September, one per cent (1%); and during October one-half per cent (½%)" and inserting in lieu thereof "taxes paid prior to the first day of October of any year shall be subject to a discount as follows: Taxes paid during July or August, one per cent (1%); and during September, one-half of one per cent (½%)."

No Action was taken on this report.

Councilman Beville moved the adoption of the following Ordinance:

ORDINANCE NO. 927

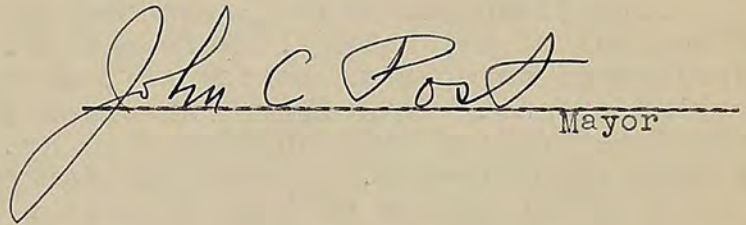
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Section 1. That the plat of dedication of a portion of the New Hampshire Gardens Subdivision, Prince George's County, Maryland, identified as Parcel "A", as filed by Gussie Gorin, Max Gorin, Theresa E. Horning, Joseph F. Horning, Harry E. Gorin, Louis Gorin, and Esther Gorin, be and the same is hereby approved, subject to conditions as set forth in Ordinance No. 920, adopted by the Mayor and Council on August 16th, 1948.

This action seconded by Councilman Parkerson and was put to a call of the roll with the following vote: Heffner, yes; McClenon, yes; Nies, yes; Beville, yes; Parkerson, Yes; and Perring, Yes.

Councilman Parkerson offered a motion of adjournment. Motion was seconded by Councilman Beville and upon being put to question was carried. The meeting adjourned at 11:30 P. M. November 24th, 1948.


Clerk


Mayor

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK ON 1 DECEMBER 1948.

Meeting was called to order at 8 O'clock P. M. Those present were Mayor Post, Councilmen Heffner, Nies, Beville, Parkerson and Perring.

D. D. Lamond, Attorney, appeared before the Council and asked for Quit Claim Deed for the Suburban Title Company for the purpose of clearing title to 11 lots on West Grant Avenue, known as Bonnie View Subdivision. He stated that the Council had approved a plat of this Subdivision in 1941 wherein the overlapping occurred, and since the town did not claim any part of the land mentioned in 1941, the owners in this area had purchased according to the above mentioned dedication. After discussion of this matter Councilman Perring moved that the City sign any necessary Quit Claim Deed to clear the title to this property. Motion was seconded by Councilman Heffner and upon being put to question was carried.

Councilman Parkerson reported to the Mayor and Council on the police situation as pertains to Officer Skiiner, Chief Police Officer Thomas and the administration of the parking meters. After full discussion of this matter by the Mayor and Council, Councilman Nies was appointed to perfect a plan for the collection and accounting for the receipts of the meters. Councilman Parkerson was appointed by the Mayor to perfect a personnel plan with regard to the meters and their administration.