

REGULAR MEETING
MAYOR AND COUNCIL
JANUARY 24, 1949

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

On motion of Council Nies, seconded by Councilman Parkerson, the regular meeting of December 20, 1948 and the special meetings of December 29, 1948 and January 5, 1949 were omitted in order that the Council could immediately proceed with the order of business of the Council.

Financial statement for the month of December 1948, was presented by the Clerk and Treasurer and upon motion Council McClenon, seconded by Councilman Belville, the reading of same was dispensed with and ordered filed as follows:

RECEIPTS

General Taxes-----	\$6,070.50
Interest and Penalties-----	189.25
Special Assessments-----	1,329.55
Building Permits-----	20.00
Electrical "-----	20.00
Excavation "-----	4.00
Dog Tax-----	.75
Chicken Permit #1-----	5.00
Taxicab Stand Rental-----	25.00
" Badge Deposit-----	2.75
Fire House Gymnasium Rental-----	45.00
Police Telephone Commission-----	1.08
License Fees - Montgomery County-----	8.28
Fire Tax Nov. 1948 - "-----	229.32
Police Telephone "-----	12.00
Fines Prince Georges County 4 months-----	46.00
Parking Meters- Collections-----	440.00
" " Violations-----	94.00
	<u>\$8,542.48</u>

DISBURSEMENTS

STREETS: Salaries - Asst. Supts.	\$703.78	
Labor	567.80	
Material	199.18	
" Storm Sewer	90.10	
Spring Ave. Storm Sewer	2108.00	
1001 Carroll Ave. Storm Sewer	220.00	
Extra Labor Painting Lines	5.25	
Gas-Oil-Auto Upkeep	248.75	
Supplies	7.80	
Street Signs	140.00	
Equipment for Engineer	146.44	
" Paint Liner	18.50	
	<u>\$4,455.60</u>	

Disbursements Cont.

Refuse:	Trash: Labor	\$1,384.35	
	" Disposal	175.80	
	" Canvas Covers	37.40	
	" Gas-oil-auto upkeep	123.94	
	Garbage: Labor	1,054.30	
	" Gas-oil-auto upkeep	434.42	
	" Installing hose	62.43	
	Ashes: Labor ²	<u>517.85</u>	3,790.49
LIGHTS:	Street	576.83	
	Traffic	<u>9.34</u>	586.17
Police:	Salaries	1,731.00	
	Clothing Allowance	100.00	
	Gas-Oil-Auto Upkeep	332.60	
	Supplies-hardware	2.90	
	Office supplies	11.10	
	Typewriter repair	15.00	
	S.S. Volunteer Fire Dept.-Switchboard Chg.	35.15	
	Printing	18.75	
	Telephones-Lights-fuel	<u>49.86</u>	2,296.36
OFFICE:	Salaries	863.08	
	Rent	100.00	
	Telephones	46.31	
	Postage	9.83	
	Printing	17.80	
	Supplies	<u>9.80</u>	1,046.82
FIRE DEPT:	Salaries		
	Salaries	1,533.60	
	Supplies	24.62	
	Electric Wiring of Fire House	993.54	
	Clothing	509.00	
	Fuel-Telephone-Lights-Gas	182.72	
	General Expense	183.33	
	Gas-Oil-Auto upkeep	60.95	
	S.S. Vol. Fire Dept-Switchboard Chg.	<u>109.95</u>	3,597.171
PARKS & PLAYGROUNDS:	Sidewalk and filling in and leveling Park East-West Highway & Maple Ave.	<u>1,150.00</u>	1,150.00
ASSESSABLE IMPROVEMENTS:	Margaret Drive & Boston Ave.	192.00	
	Darwin Avenue Storm Sewer	144.00	
	Street Paving Project #1	15,155.72	
	" " " #2	<u>91.51</u>	15,583.23
MISCELLANEOUS: Mon	Montgomery County Police Tele.	12.00	
	Wrecking Spring Park Building	1125.00	
	Municipal Building Expense	53.43	
	Dog Expense	30.00	
	Dues-Maryland League of Municipalities	288.00	
	Corporation Counsel Compensation	80.00	

Disbursements Cont'd

Electrical Inspector Salary	50.00	
Building " "	83.33	
Health Officer Salary	41.67	
Henry Fields Retirement	25.00	
Justice of Peace-Prince Georges County	25.00	
" " " Montgomery County	25.00	838.43
		<u>\$33,344.81</u>

BANK STATEMENT

GENERAL ACCOUNT:

11/30/48 - On Hand Citz. Bank	\$80,889.73	
Deposits in Dec. 1948	<u>8,319.43</u>	
	89,209.16	
Withdrawn in Dec. 1948	<u>10,465.85</u>	
12/31/48 - On hand		\$78,743.31
11/30/48 - On hand Sub. Nat'l T. P.	\$37,706.25	
Deposits in Dec. 1948	<u>223.05</u>	
	37,929.30	
Withdrawn in Dec. 1948	<u>22,878.96</u>	
12/31/48 On hand		\$15,050.34
		<u>\$93,793.65</u>

REVOLVING FUND:

8/31/48 - Citizens Bank - Interest bearing Certification of Deposit	\$10,000.00	<u>10,000.00</u>
12/31/48 - Onhand in all banks		<u>\$103,793.65</u>

Bills were read by the Clerk and Treasurer. Councilman Nies moved the approval of bills in the amount of \$16,303.46 with the exception of three bills which are as follows: J. D. Bradshaw, \$350.00 for Drafting of Legislation; Columbia Tree Service, \$673.00 for removing trees Sickler Service, \$915.00 for Fire Department work. Seconded by Councilman Parkerson. Motion was carried.

COMMUNICATIONS: The Clerk and Treasurer read the following Communications:

Letter from Takoma Park Junior High School dated January 3, 1949.

"At the regular meeting of the Parent-Teacher Association of the Takoma Park Junior High School on December 8, 1948 it was unanimously voted to thank the City Council for its courteous reception of the delegation from this Association on November 15th. and its immediate and realistic handling of the question of a traffic light at Piney Branch Road and Philadelphia Avenue for the benefit of school children as well as other traffic passing the intersection.

Since the Council voted to have a traffic light installed "at once" at this busy highway crossing and subsequently made arrangements with the State Roads Commission for the State and the City to

share equally in the cost, it appears that the only delay now to be anticipated is the time required to procure and install the special signal equipment.

The Association hopes that the installation will not take long, and greatly appreciates the cooperation of the City Council in setting in motion the machinery which will effect a reduction in traffic hazards for children and other pedestrians at this point."

Letter from Bonham, Texas dated January 6th, 1949.

"Since I am a "shut in" my hobby is collecting jokes. I would like some jokes from every state in the Union. I have selected your City as a typical City from your State. Am sure you know some unusual, clever, interesting jokes as you are a man working with the people. Would you be so kind as to send me one or more of your favorites. It would give me an interest and I would appreciate it very much."

Letter from Mr. C. L. Risher dated January 9, 1949.

"Mrs. Maud Welsh admitted today to Building Inspector Roy Frye and Policeman C. H. Turner that she and her three grown sons Joe, Robert and Preston installed a second kitchen or house-keeping unit consisting of a stove, sink and frigidaire without any permits at 226 Cedar Avenue and in violation of the building, electrical, plumbing and zoning laws.

Therefore in accordance with the Clerk's letter of 19 August 1948, the Council's letter of 14 September 1948 and the Mayor's letter of November 16, 1948, requested that the Council direct:

1. Electrical Inspector Fetty to prosecute for lack of permit, improper wiring, etc.
2. The Building Inspector Frye to swear out a warrant for the arrest of the owner for violation of the zoning laws i.e. "converting a single family dwelling into a two family dwelling by the installation of a sink, etc." in a Residential "A" zone.
3. The Clerk to revoke Mrs. Welsh's permit dated 11 August 1948 in accordance with Ord. 693, Art. I, B-6.
4. The owner to remove the swimming pool for lack of permit, exceeding the lot building lines by seven (7) feet on three sides and as a hazard to life and limb, under penalty ord. 693 page 80, paragraph 6 sect. 11.

In an "A" Residence Zone, no building shall be used or altered except for single family dwelling.---sect. III paragraph A., Zoning Ordinance for the Maryland-Washington Regional District and Chap. 714 Md. '39.

Since the owner Mrs. Welsh told the Building Inspector in the presence of Policeman C. H. Turner that her three sons Joe, Robert & Preston committed the illegal installation, it is requested that the Inspector be directed to supply this information to the Sanitary Commission. That Commission informed the owner on 11 January that they will prosecute the installers under Chapter 122, Acts of 1918, Md. Sect. 21. and/or sect. 1297, 1325 & 1333 of the Sanitary Code.

Mrs. Welsh; An Inspection of the premises 226 Cedar Ave.,

Takoma Park, which property, we understand, is owned by you reveals that a sink has been installed by someone unknown to us and the installation is contrary to the plumbing regulations in effect in this District. The inspection was made by Plumbing Inspector R. W. Corridon, Jan. 9, 1949. I wish to call to your attention that the doing of any plumbing work by anyone except a properly registered master plumber is contrary to the plumbing rules and regulations which have been enacted pursuant to the provisions of Chap. 122, Acts of 1918 of the General Assembly of Maryland. Section 21 of this Act provides for the prosecution of persons who do work in violation of the provisions of the law."

Mayor Post presented letter from the President of Montgomery County Ministers Association which urged us to go on record as opposing the bill which entitles Veteran groups to sell hard liquor in their Club House. Mayor Post then ordered the matter referred to the Law & Ordinance Committee.

Mr. Walter Prichard, 110 Albany Avenue, addressed Council regarding the cutting down of trees in North Takoma Park. He stated that some very valuable trees had been cut down and that he had talked with three members on the Advisory Committee of this problem and they told him that they had never consulted in the matter. The matter was referred to Councilman Perring. He stated that he thought this had been an improvement, also stating it was his impression that we need more playground facilities, and that it is impossible to have both trees and playground facilities, and for this reason we were eliminating the trees. Councilman Perring also stated that they did not anticipate planting more trees and suggested that Mr. Prichard contract Mr. Bliss, Chairman of the Committee, and let his wishes be known so that Mr. Bliss could bring it up at the meeting which is being held this week in regard to this matter. Mr. Ellis stated he would take the responsibility for cutting down the trees. The particular trees were selected on the basis of being overcrowded, diseased, their location, and location of playground equipment which was to be installed in the Park.

Mrs. William Fischer, 112 N. Y. Avenue, addressed Council and stated a number of people had called her about the North Takoma Park Program opposing the cutting down of trees. Councilman Perring stated quite a few people called him also and thought it was a good idea.

Tom Kelly, 103 Dogwood Avenue, addressed Council and wanted to know what had happened to the proposed improvement on Dogwood Avenue. Although Mr. Kelly is opposed to having Dogwood Avenue paved, he was complaining about the holes in the street. He stated that they were made by the Suburban Sanitary Commission and Washington Gas Light Co. He wanted a decision immediately. Councilman Beville explained it took the entire Council to make a decision and when they did it would be announced, and that he was not going to be stampeded into making a decision.

Mrs. Conrad A. Nix, 7104 Central Avenue, addressed Council and stated that the lower end of Central Avenue was a forgotten street and she was making a personal plea to have it paved. She stated there were no street lights on Central Avenue and they needed a large "No thru Street" sign at the end of Central Avenue. Garland Avenue presented another problem as the water from this street pushed debris on Central Avenue and caused a terrible gully.

Mayor Post explained it was the desire of the Council to put in

streets and it is helpful for people like Mrs. Nix to come before Council. It is very discouraging for people like Mr. Kelly to come before Council and oppose improvement of streets. Over a period of time Takoma Park should be in excellent condition according to the present program. Councilman Beville stated we were opposed to paving Central Avenue at this late date in the winter and Garland Avenue is under a resurfacing program at the moment and have been attempting for two months to put surface on Garland Avenue but could not, due to weather. He stated we were actually only half through with the street. He told Mrs. Nix if she would care to circulate petition along her street and could secure 100% signatures it would expedite the paving of her street considerably.

Councilman Githens stated he had asked Council sometime ago about four lights being put on Sligo Creek Parkway between Flower and New Hampshire Avenue. Mr. Ellis stated there had been a unusual delay in getting up street lights requested, due to a bread down in the Administrative Department of Potomac Electric Power Company as far as work orders were concerned. He stated they were sending out one of their engineers to go through the city with him so that they could get the lights up.

Mr. R. L. Dunn, 616 Albemarle Avenue, addressed Council about Maple Avenue on the other side of Lincoln having two poles (4x4) stuck up along the curve. Car lights would not hit pole coming down hill, he suggested something should be done about widening the road. A lot of improvements should be made on Maple Avenue and Philadelphia toward Flower Avenue especially on Maple Avenue. Councilman Beville stated we had some pretty elaborate plans for this section. He asked Major Fischer to look into this and eliminate the hazard. Councilman Githens added that we do have a number of long range plans and the Citizen's Advisory Committee were considering how to engineer and finance the general improvements of Maple Avenue. They were considering making this an arterial street which Mr. Dunn was opposed to and said he hoped their plans were long range.

Mr. Fetty, Electrical Inspector, addressed Council and said they should take into consideration the building fees also. Mayor Post referred them to Mr. Nies and the Finance Committee. Councilman Githens stated we should look into the matter of duplication of Building Permits and it should be straightened out before we raise the fee.

EXECUTIVE MEETING

Mayor Post read communication from Mr. Bradshaw suggesting we get together with the Montgomery County Council. The date of February 9, 1949 was agreed upon for the meeting if convenient with the Montgomery County Council, if not, February 16th. was the alternative date. The Clerk was advised to write them a letter proposing the date.

Councilman McClenon moved the adoption of the following resolution:

RESOLUTION

RESOLVED, by the City Council of Takoma Park, that we recommend that the City of Takoma Park be included in the description of municipalities to which sections 1 and 2 (but not section 3) of Senator Storm's bill relating to the powers of municipalities in Frederick County and certain other counties are to apply; provided that (1) the work "town" wherever used in section 2 is amended so as to permit emergency appro-

priations to meet unanticipated contingencies, by the same vote required to divert the use of funds to purposes other than that for which appropriated and (3) the first part of section 2 will be construed as preserving all the powers granted by section 1193 of the charter of Takoma Park with respect to matters not covered by Senator Storm's bill; and be it further

RESOLVED, that copies of the above resolution be sent by the City Clerk to Senator Storm of Frederick County, to Senator Davis of Montgomery County, and to the chairman of the delegation from Montgomery County in the House of Delegates.

Motion seconded by Councilman Heffner. Mr. Hilliard stated that after receiving this proposed home rule bill from Senator Storm he talked with Dr. Ray. "I turned over a copy of the bill to Councilman McCleno to study and to make such recommendations as he deemed fit, as Senator Storm stated he would call me on Tuesday to get such recommendations as we had to make. In a conversation with Dr. Ray, he advised he was not in favor of the bill as written and suggested that I have a further discussion with him and he would point out the objectionable parts. Mayor Post stated he planned to go to Annapolis tomorrow with Dr. Ray and would discuss Senator Storm's bill with him so he thought it best for Councilman McCleno to withdraw his motion Councilman McCleno withdrew the motion and Councilman Heffner withdrew his second.

Mayor Post opened bid from Suburban Engineering Company and Councilman Beville moved that since only one bid was received that it be referred to the Department of Public Works for further study. Councilman Nies seconded the motion.

Councilman Beville read letter from Mr. Tayman in which it was asked that the City participate in the construction of storm drainage and other improvements on Elson Street. Mayor and Council extended an invitation to Mr. Tayman and such other Prince George's County officials as might be interested to participate in a full discussion of this matter.

Councilman Beville reported the need for emergency repairs on 2nd Avenue and moved the adoption of the following resolution:

RESOLUTION

In the matter of that portion of SECOND STREET beginning at the intersection of SECOND STREET AND WESTMORELAND STREET and terminating at the crossing of TAKOMA PARK BRANCH:

BE IT RESOLVED:

1. That the Mayor and Council authorize the emergency expenditure of not to exceed \$1,000.00 for the immediate repair of the undermined and collapsing road bed together with the ruptured storm drain
2. That this emergency repair constitutes a part of the general rehabilitation of streets and storm drains in connection with the old EASTERN AVENUE project to be accomplished in the Spring and Summer of 1949, and the cost thereof is to be added as a part of the assessments to be made against abutting properties at that time.

Motion seconded by Councilman Perring. Mayor Post ruled that the motion was out of order in that the Council could not plan to defer Assessments against property owners without public hearing. Council-

man Beville then moved the adoption of the following resolution:

RESOLUTION

In the matter of that portion of SECOND STREET beginning at the intersection of SECOND STREET AND WESTMORELAND STREET and terminating at the crossing of TAKOMA PARK BRANCH:

BE IT RESOLVED:

1. That the Mayor and Council authorize the emergency expenditure of not to exceed \$1,000.00 for immediate repair of the undermined and collapsing road bed together with the ruptured storm drain.

Motion seconded by Councilman Nies, and upon being put to question was carried. The repair of 2nd Avenue is to be executed as emergency work.

Councilman Beville referred letter from Washington Suburban Sanitary Commission to Corporation Counsel requesting their authority for billing the City for removing fire plugs and other appurtenances. Mayor Post referred this matter to the Finance Committee in the absence of Corporation Counsel.

Councilman Beville stated that Mr. Paul Kelly had addressed this Council sometime ago requesting action on the part of the City in the matter of storm sewer that should go down through his property draining Elwyn Court. Mr. Kelly will give us \$400.00 cash and right of way through his property, and since the technicalities have been completed with the exception of Corporation Counsel getting a Dedicatory Deed, I move (1) that Corporation Counsel be authorized to procure Dedicatory Deed for right of way from Ritchie Avenue to Elwyn Court and (2) upon completion of this right of way that portions of the storm sewer and catch basin should serve to drain the water through Mr. Kelly's property, that bids be secured for the construction of same. Seconded by Councilman Nies. Motion is carried.

Councilman Beville stated to Council that he had received a letter from the Joint Committee of Prince George-Takoma Park Civic Association, that they had received a letter from the State Highway Commission and consider it the responsibility of the City to take care of Approaches to State Highways in the City, after first receiving permit from them. After further discussion Councilman Beville moved that the Department of Public Works consult with the State Highways Commission regarding the paving of approaches to State Highways from City streets and to make the most favorable financial arrangements they can with the Commission of State Roads, and make recommendation as to what approaches could be done. Motion seconded by Councilman Perring and upon being put to question was carried.

With regard to proposed improvements on Lincoln Avenue, Councilman Beville reported that the Dedicatory Plats and descriptions had been prepared and were in the process of being forwarded to the owners. In the event the dedications are made, Dedicatory Deeds will be prepared by the City Council.

With regard to Flower Avenue improvements, Councilman Beville reported that Dedicatory Plats and descriptions had been prepared and were now being processed.

A resolution was proposed by Councilman Beville to purchase one 2 1/2 ton truck equipped with 12 foot stake body and heavy duty hydraulic lift and additional equipment as follows:

- 6 - 900 X 20 10 ply tires
- Auxiliary rear springs
- 5 speed transmission
- Right hand windshield wiper
- Windshield defrosting device

This truck is needed to relieve the present situation regarding trash. The matter was referred to the Finance Committee by Mayor Post for further consideration in connection with the proposed motion to purchase a new truck. The Takoma Park Motors made the following bids:

\$4,230.10	Cost of New Truck
<u>1,070.10</u>	Allowed on Old Police Car
3,160.00	Balance

MUNICIPAL SERVICE: Councilman Parkerson stated he and Dr. Githens had gone over the rules and regulations governing Police Department and with the exception of a few minor details, they were in perfect accord with Lt. Thomas. Councilman Nies did not approve of several items also the length of the rules and regulations and the English used in writing same. He suggested it was too much responsibility for one man. The matter was referred to Municipal Service Committee for further consideration.

CIVIC IMPROVEMENTS: Councilman Githens stated: Concerning request with the County Commissioners of Prince George's County to refund to the City that portion of the money which our citizens gave to it so as to have a single police force, the matter is coming along good.

Regarding changes of the Fire House Building, I have not had a report from Mr. Remsen as to whether or not the changes are feasible. Mr. Hilliard investigated places to put the Aerial Truck. Quimby's Garage is ot suitable.

City of Takoma Park's new street map program is being made. Will be available for the City of Takoma Park in a month. Financial arrangements regarding cost to us and price to be charged will be decided upon later.

Mayor Post stated the "Bethesda Record" wished to go on record as requesting press releases, and the Clerk was instructed to make material available to this newspaper.

The meeting was adjourned at 10:35 P. M.

MINUTES OF CLOSED SESSION OF CITY COUNCIL

January 24, 1949

Councilman Beville moved, and Nies seconded, that the bid received for the paving of Albemarle Alley be rejected as being too high, and that the City readvertise for bids. The motion was approved.

Following a discussion of several large bills based on financial commitments made by City employees apparently without

sufficient consultation with others, and of several bills approved for payment by City employees without sufficient description thereon of the items purchased, Councilman Nies recommended that the City institute a requisition or purchase-order system. By unanimous vote, the Council requested the Finance Committee to prepare and to submit for the Council's consideration a purchase-order and work-order system.

Councilman Nies moved, and McClenon seconded, that a bill for the drafting of legislative bills submitted by Mr. Bradshaw and a bill for tree removal by the Columbia Tree Service Company be approved for payment. The motion was adopted. Action on a Sickler Service bill for a \$915 hot water heater and a Ginn Company bill for \$70.64 for unspecified supplies was deferred, and the City Clerk was asked to get a full report from the Chief of the Fire Dept. on the authorization for the commitment in the first case and on the nature of the material in the second.

Upon recommendation of the City Clerk and Treasurer, Mr. Nies moved, and McClenon seconded, that the City accept the amount of \$7,355.00 from Montgomery County as the City's share of the auto license fees bought by car owners within the Montgomery County part of the City. The motion was adopted. Upon inquiry of Councilman Githens, Mr. Hilliard stated that he had not yet taken up this subject with Prince George's County.

Policy on law enforcement by City employees was then discussed. It was moved by Councilman Parkerson, and seconded by Githens that the Mayor be advised to remind all City employees that the Council is concerned only with policy making, and that when a violation of any sort comes to their attention, the City employees are expected to act on their own initiative and to press charges, without asking for Council approval. The motion was adopted unanimously.

Councilman Nies moved, and McClenon seconded, that rearrangement of the entrance end of the City Office, as suggested by Mr. Hilliard, be authorized. The motion was approved.

The resignation of J. Douglas Bradshaw as Corporation Counsel was presented and considered. Since it appeared that there was no alternative but to accept it, Councilman McClenon moved, and Beville seconded, that the resignation be accepted with regret and with an expression of appreciation for the services that have been rendered by Mr. Bradshaw as Corporation Counsel. Motion was approved.

It was reported that Messrs. Gingerick, Lamond and Shure had been asked whether they would consider the position of Corporation Counsel, and that only Mr. Lamond had expressed any interest. Therefore, Mr. Perring moved and Parkerson seconded, that the Law and Ordinances Committee be authorized to confer with Mr. Lamond in relation to his application. The motion was approved.

The resignation of Robert R. Ellis as Asst. Supt. of Public Works was presented. After discussion, Councilman McClenon moved, and Perring seconded, that the Council refer the matter of Mr. Ellis's resignation to the Mayor and Streets and Highways Committee for further consideration. The motion was approved.

Councilman Parkerson moved, and McClenon seconded, that all expenditures or financial commitments shall be submitted to the City

Clerk and Treasurer for advance approval, until a systematic purchase order system has been worked out; and that all department heads be so notified. A proposal that expenditures or commitments below some specified amount be exempt from this ruling, was defeated. The original motion was then passed unanimously.

The meeting was adjourned at 12:25 A.M.

Harold J. Hilliard, Jr.
Clerk

John C. Post
Mayor