

SPECIAL MEETING
MAYOR & COUNCIL
December 4, 1950

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The meeting was called to order at 7:10 p.m. Those present: Mayor Beville, Councilmen Eccleston, Klinck, ~~McClellan~~, Nies, Oosterhous, Parkhill and Perring. Absent: None. The Heads of the Departments were also present.

Mayor Beville turned the meeting over to Councilman Nies, Chairman of the Finance Committee, who discussed in detail a statement of expenditures to November 1, 1950, with relation to the 1950-51 Budget, and it was agreed that a strict adherence to the Budget for the balance of the fiscal year would not result in a deficit.

Mayor Beville brought up the subject of cost to the City of deductible insurance on our automobiles, trucks, fire apparatus, etc. After a short discussion, the matter was turned over to the Finance Committee for study and recommendation to Council.

At this point, Mayor Beville discussed group life insurance and hospitalization for City employees and requested the Finance Committee to investigate the feasibility of adopting this plan for the City employees.

The Finance Committee was also requested to make a study of the telephone charges to the City---it was thought that an automatic switch board, or a different system would result in a savings to the City on its telephone expenses.

Councilman Oosterhous, in referring to "Item 11-212L, Volunteer Fire Department Expense", suggested that the word "expense" be changed to "subsidize," or something appropriate other than the word "expense."

Councilman Nies then discussed the auditor's report of the City's accounts for fiscal year 1949-50, which was accepted by the Council. The publication of the Financial Statement in accordance with the Charter was authorized.

Councilman Oosterhous presented petition of Trustees of the First Evangelical and Reformed Church requesting the elimination, abandonment, or vacation of a dedicated cul-de-sac or turn around street adjacent to Lots 3 through 10, Block 3, New Hampshire Avenue Highlands, part of Original Block 30, Takoma Park, Prince George's County, Maryland.

Mayor Beville stated the Washington suburban Sanitary Commission and Maryland National Capital Park and Planning Commission had already agreed to the request contained in this petition. Councilman Oosterhous then moved that the City also agree to the abandonment or vacation of this dedication.

Councilman Eccleston seconded the motion.

Upon being put to question, the motion was carried.

Councilman Parkhill brought up the matter of the extra cost of heating, gas, electricity, and janitor service for the Community Center at the Fire House. After a discussion by Chief McBride and Mr. Hilliard, it was agreed that this expense would be adjusted on an equitable basis after the costs were determined and an appropriate item approved for application against the reserved fund.

Councilman Perring stated to the Council that the Public Safety Committee had made a study of the police situation in the City, and they recommended that the Policemen be given an increase in salary of \$100.00 beginning January 1, 1950, to the end of the fiscal year, June 30, 1951, and moved adoption of the following Ordinance:

ORDINANCE NO. 1033

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

Section 1. That the salaries of the members of the Police Department be increased \$100.00 for the balance of the fiscal year, ending June 30, 1951, or (equivalent of \$200.00 per year), to be paid on a semi-monthly basis as at present.

Section 2. AND FURTHER, that this increase is to become effective on January 1, 1951, and is applicable to all Policemen now employed through the rank of Sergeant.

Councilman Eccleston seconded the motion.

The motion was carried with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, ~~McClellan~~ Nies, Oosterhous, Parkhill and Perring. Nays: None.

Councilman Perring moved the immediate appointment of three police clerks at a starting salary of from \$1,800.00 to \$2,000.00 per annum, plus uniform gratuity.

The motion was seconded, and upon being put to question, was carried.

Councilman Perring moved that \$2400.00 be set up as a starting salary for Policemen with an increase to \$2600.00 after 6 months. This is not to apply to Police Clerks.

Councilman Eccleston seconded the motion.

Upon being put to question, the motion was carried.

Mr. Hilliard then reported to Council that he had contacted Commander McHugh of the Disabled American Veterans, and he stated they were having a meeting on Tuesday night, at which time he would submit the City's proposal for the employment of three police clerks.

Councilman Nies, Chairman of the Finance Committee was given the floor and he stated that he felt that inasmuch as we had granted an increase in the salaries of the Policemen that it would be only fair to grant a comparable increase in the salaries of the Firemen. Councilman Perring replied that he was heartily in favor of an increase to the firemen, and since the Chairman of the Finance Committee took the initiative, he moved the adoption of the following Ordinance:

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

Section 1. That the salaries of the members of the Fire Department be increased \$100.00 for the balance of the fiscal year, ending June 30, 1951, or (equivalent of \$200.00 per year), to be paid on a semi-monthly basis as at present.

Section 2. AND FURTHER, that this increase is to become effective on January 1, 1951, and is applicable to all Firemen now employed through the rank of Sergeant.

Councilman Eccleston seconded the motion.

The motion was carried with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, ~~Merrimack~~, Nies, Parkhill, and Perring. Nays: Councilman Oosterhus.

Councilman Klinck stated that he had one other matter he wished to get Council action on and that was the acceptance of the following streets in the Gorin Project:

- Wildwood Drive - Carroll to Annen being put to question,
- Anne St - Lockney to Cole
- Lockney Ave - Merrimack to Anne
- Merrimack Drive - Carroll to Lockney
- Hammond Ave - Lockney to Anne
- Kennewick Ave - Lockney to Anne

Ms. 1034A

Councilman Klinck stated that although these streets were far from what we desired or our specifications, that he was agreeable for acceptance of maintenance by the City provided that Gorin was notified by the Superintendent of Public Works that any future streets would have to be constructed in a more workmanship like manner before the City would agree to accept them for maintenance. The streets were accepted.

There being no further business to come before Council, upon motion properly seconded and carried, the meeting adjourned at 10:25 p. m.

Charles A. Villard Sr.
Clerk and Treasurer

Tom Deville
Mayor

STREET HEARING
MAYOR & COUNCIL
December 18, 1950

A special hearing was called to order at 7:30 P. M. by Chairman of Public Works Committee regarding the paving of sidewalk on Lee Avenue. Inasmuch as there were no property owners present to oppose the installation of this work, it was agreed to proceed with the work.

REGULAR MEETING
MAYOR AND COUNCIL
December 18, 1950

The meeting was called to order at 8:00 P.M. Those present: Mayor Beville, Councilmen Eccleston, Klinck, McClenon, Nies, Oosterhous, Parkhill and Perring.

Councilman McClenon advised the Council that the minutes of the Special Meeting on December 4, 1950 should be corrected to strike out his name as voting on Ordinances governing the increase of salaries for the Police and Fire Department, namely Ordinance No. 1033 and No. 1034, inasmuch as he was not present during the time these ordinances were passed.

Councilman Oosterhous moved that we dispense with the reading of the minutes of November 20, November 27 and December 4 and moved that they be accepted with exception of corrections as presented by Councilman McClenon.

Councilman McClenon seconded the motion.

Upon being put to question the motion was carried.

Councilman Nies moved that the bills amounting to \$17,469.25 be approved for payment. Bills of Internationsl Business Machine Co. for \$182.18 and Washington Suburban Sanitary Commission for \$1502.00 were not approved for payment.

Councilman McClenon seconded the motion.

Upon being put to question the motion was carried.

FINANCIAL STATEMENT

December 1950

RECEIPTS ESTIMATED BUDG. 7/1/51 TOTAL BUDGET

10/31/50	Cash on hand				
	Citizens Bank				
	Suburban Bank				
	Total				
		105,676.48	12,760.30		118,436.78

REVENUES

1.11	General Taxes	7,782.90			
	Less Disc.	9.84			
2.11	Licenses & Permits	511.91			
3.11	Fines & Forfeitures	8.50			
4.2	Use of Money & Property	-----			
5.9	Miscellaneous	92.90			
6.4	Comm. Trash Pickup	45.00			
	Total		8,433.37		126,868.15

DISBURSEMENTS

10.1	General Government	3,028.71			
11.1	Police Department	3,408.45			
11.2	Fire Department	1,969.71			
12.1	P/W Streets	7,970.61			
13.1	P/W Sanitation	6,371.60			
19.	Recreation	107.82			
21.	Miscellaneous	1,563.80			
	Bank Bal. 11/30/50	24,420.70			
11/30/50	Citizens Bank	89,312.51			
11/30/50	Sub. Bank	13,134.94			
11/30/50	Bal. Both Bks	102,447.45			
	Total		238,979.26	65,830.74	304,810.00

SPECIAL IMPROVEMENT ACCOUNT

10/31/50	Bal.	16,773.47
	Deposits	3,188.62
11/30/50	Bal.	19,962.09

COMMUNICATIONS: Letter from Zion Evangelical Church, N.H. Ave. and Kingwood Drive complimenting the Police Department on the cooperation given during their ground breaking. To be filed in Public Safety Committee.

Letter from Chief McBride inviting the Mayor and Council to attend a joint meeting between the City Council and the City Fire Board at 8:00 P. M., Saturday, December 30, 1950 for the purpose of discussing Fire defense problems.

Letter from Nell H. Hunter regarding drainage condition in front of her home, 202 Maple Ave. This was referred to Public Works Committee.

Letter from Harry A. L. Barker, Chairman, Montgomery Prince Georges County Rent Advisory Board concerning expiration of Rent Control Law. This was referred to Civic Improvement Committee.

Councilman Oosterhous suggested that letters of regret be sent to all police officers who have resigned.

OPEN MEETING: Mr. Roy C. Potts, 210 Maple Avenue, addressed the Council offering appreciation in behalf of the Chamber of Commerce for the use of the Community Center on December 13, 1950 for the Chamber of Commerce dinner and asked permission to distribute cards of inquiry to be filled in and returned to him.

Mr. Howard Duckett, representing Mr. Joseph F. Horning, presented the proposal to rezone Parcel B, University Lane and Anne Avenue Chillum District from R55 to C-1, for the purpose of erecting stores and parking.

Mr. Blair Lee, III, presented a map concerning the renaming and renumbering and also a few minor changes to the recommendations as presented by the Chamber of Commerce.

Councilman Oosterhous moved that we adopt the "grid system" of renumbering in principle as recommended, subject to minor changes.

Councilman Nies seconded the motion.

Upon being put to question the motion was carried.

Councilman Oosterhous moved that the City Council inform the Maryland Park & Planning Commission that petition No. A-1593 would not be opposed and that it would be approved with the understanding that there is in view a 30 ft. planting strip at the west end of the development.

Councilman Klinck seconded the motion.

Upon being put to question the motion was carried.

Mr. Thomas McNeill addressed the Council in behalf of Mr. Linkens regarding the paving of Larch Avenue.

Councilman Klinck moved that the Council permit Mr. Linken to proceed to construct curb & gutter & 8 inch gravel base on Larch Avenue to line opposite Lot 8, provided he signs an agreement to proceed at once with necessary engineering and construction of 3 catch basins and manhole and necessary piping to make same operative and then to install curb & gutter and required gravel base to completed intersection. All above work to be satisfactorily completed before permit will be granted for the finished asphalt surface is applied to any part of Larch Ave. and that an exception in the present required street width of 30 feet be made and permit the installation of a street width of 26 feet from curb face to curb face.

Councilman Parkhill seconded the motion.

Upon being put to question the motion was carried.

Councilman McClenon moved that the previous motion for the paving of Larch Avenue be amended to change the width of the street from curb face to curb face to 30 ft.

Councilman Oosterhous seconded the motion.

Upon being put to vote the motion was carried with a vote recorded as follows: In favor-Councilmen Eccleston, McClenon, Oosterhous, Parkhill and Perring. Opposed- Councilmen Klinck and Nies Absent: None

EXECUTIVE SESSION:

PUBLIC SAFETY: Councilman Perring presented the following names of new police officers whose appointments were unanimously approved:

Thomas Aquinas O'Connell, 4511 20th St., N.E.

Andrew Paulas, 3304 Perry St., Mt. Rainier, Md.

Councilman Perring moved that Thomas Aquinas O'Connell be appointed as a police private at a yearly salary of \$2400.00.

Councilman Eccleston seconded the motion.

Upon being put to question the motion was carried.

Councilman Perring moved that Andrew Paulas be appointed as a police private at a yearly salary of \$2400.00.

Councilman Eccleston seconded the motion.

Upon being put to question the motion was carried.

✓ Councilman Perring presented a Civil Defense program and moved that this chart be adopted for Civil Defense in Takoma Park and suggested that the Mayor be authorized to appoint heads of these various committees so that we might have a developed Civil Defense Plan.

Councilman Parkhill seconded the motion.

Upon being put to question the motion was carried.

Councilman Oosterhous and Mayor Beville recommended appointment of William Ward, 7305 Glenside Drive as special police officer.

Councilman Eccleston seconded the motion.

Upon being put to question the motion was carried.

Councilman Parkhill recommended appointment of Charles Smith, 33 Columbia Avenue as special police officer.

Councilman Eccleston seconded the motion.

Upon being put to question the motion was carried.

LAW & ORDINANCE: Councilman Perring moved that the Dog Ordinance be amended to read that dogs running at large without leashed be impounded for 5 days instead of 3 days and to add in Section 2 after Five (\$5.00) Dollars "and in default of the fine so imposed."

Councilman Eccleston seconded the motion.

The motion was adopted with a roll call vote as follows: Yeas: Councilmen Eccleston, Klinck, McClenon, Nies, Parkhill and Perring. Nays: Councilman Oosterhous Absent: None

Councilman McClenon moved the adoption of the following Ordinance:

ORDINANCE NO. 1035

531B
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

Police
Section 1. That Section 1 of Article 7 of Ordinance No. ~~532~~ of the City of Takoma Park, titled "Traffic Regulations" sub-titled "Dogs and Cats", be, and it is hereby repealed and re-ordained to read as follows:

Section 1. It shall be unlawful for any person to own or harbor a dog over the age of four (4) months within the City of Takoma Park unless such dog is licensed as provided by ordinances and regulations of the Counties of Montgomery and Prince George's,

said ordinances and regulations of the respective Counties of Prince George's and Montgomery to be applicable to the Montgomery and Prince George's County sections of the City of Takoma Park in which the owner may reside or the dog may be harbored.

531B

Section 2. That Section 2 of Article 7 of Ordinance No. 532 of the City of Takoma Park, titled "~~Traffic~~ *Police* Regulations"; sub-titled "Dogs and Cats", be, and it is hereby repealed and re-ordained to read as follows:

*Proposed by
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Section 2. That it shall be the duty of every owner of a dog either (a) to confine securely his dog on his private property so that it cannot escape therefrom or (b) to have the dog on a leash not more than six (6) feet long when walking the dog on public property, sidewalks, streets, public parks and playgrounds. Dogs running at large without such a leash shall be impounded for a period of five (5) days and if not released by the end thereof upon the payment of an impounding fee of Two (\$2.00) Dollars and being equipped with a proper leash shall be disposed of. Failure to comply with the provisions of this section will subject the owner or harbinger of the dog to a fine not exceeding Five (\$5.00) Dollars, and in default of the fine so imposed three (3) days' imprisonment for each violation.

Section 3. That Section 6 of Article 7 of Ordinance No. 532 of the City of Takoma Park, titles "Traffic Regulations" sub-titled "Dogs and Cats", be, and it is hereby rescinded.

Section 4. This Ordinance to be effective on January 1, 1951.

Councilman Eccleston seconded the motion.

The Ordinance was adopted with a roll call vote as follows:
Yeas: Councilmen Eccleston, Klinck, McClenon, Nies, Oosterhous
Parkhill and Perring. Nays: None Absent: None

Councilman McClenon moved the adoption of the following Ordinance:

ORDINANCE NO. 1036

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

Section 1. No person shall drive any vehicle in the City of Takoma Park in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property.

Section 2. Any person violating any of the provisions of this ordinance shall be guilty of careless driving and on conviction thereof be punished by a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-Five (\$25.00) Dollars, for each violation, and in default of any fine so imposed may be imprisoned for a period not to exceed thirty (30) days, for each violation.

Councilman Eccleston seconded the motion.

The motion was adopted with a roll call vote as follows: Yeas: Councilmen Eccleston, Klinck, McClenon, Nies, Oosterhous, Parkhill and Perring. Nays: None Absent: None

Councilman Perring moved to amend the Ordinance on certain streets which are to be designated as "School Zone" to enforce the speed of 15 mile per hour only during the time that signs are placed in the street.

Councilman Oosterhous seconded the motion.

The motion was adopted with a roll call vote as follows: Yeas: Councilmen Eccleston, Klinck, McClenon, Nies, Oosterhous, Parkhill and Perring. Nays: None Absent: None

Councilman McClenon moved the adoption of the following Ordinance:

ORDINANCE NO. 1037

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

Section 1. That Philadelphia Avenue from the intersection of Holly Avenue to the intersection of Denwood Avenue; that Philadelphia Avenue from the intersection of Chicago Avenue to the intersection of Takoma Avenue; that Flower Avenue from the intersection of Carroll Avenue to the intersection of Division Avenue; and that New Hampshire Avenue from the intersection of Kentland Avenue to the intersection of Linden Avenue, all within the City of Takoma Park, shall be declared "School Zone".

Section 2. That between the hours of 8:00 A.M. and 4:00 P. M. on days that the school is in session and while signs have been placed in the area, the speed limit within the school zone or area shall be 15 mile per hour.

Section 3. That violation of this ordinance shall, on conviction thereof, be punished by a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-Five (\$25.00) Dollars, and in default of any fine so imposed may be imprisoned for a period not to exceed thirty (30) days, for each violation.

The Ordinance was adopted with a roll call vote as follows:
Yeas: Councilmen Eccleston, Klinck, McClenon, Nies, Oosterhous,
Parkhill and Perring. Nays: None Absent: None

Councilman McClenon moved that the following amendment to the City Charter be passed to the delegation to be presented to the Legislature in respect to the substitute Mayor:

An Act to amend Section 1189 (M) of the Montgomery County Code (1947 Edition-being Section 1295 of the Prince George's County Code, 1943 Edition), and to provide for an Acting Mayor in the City of Takoma Park in case of the absence or disability of the Mayor.

Be it enacted by the General Assembly of Maryland, that Section 1189 (M) of the Montgomery County Code (1947 Edition-being Section 1295 of the Prince George's County Code) is amended by adding at the end thereof the following sentence: "As soon as practicable after taking office, the Mayor shall, subject to the approval of the Council, designate a Councilman to perform all the duties of Mayor at such times as the Mayor is incapacitated or is absent from the City for more than three days consecutively. Such designation may, with the consent of the Council, be terminated at any time and **another** Councilman designated instead".

Councilman Perring seconded the motion.

Upon being put to question the motion was carried.

Councilman McClenon moved that the following amendment to the City Charter be passed to the delegation to be presented to the Legislature in respect to the discount on tax bills:

An Act to amend Section 1196 (f) of the Montgomery County Code (1947 Edition-being Section 1302 (F) of the Prince George's County Code, 1943 Edition), and to modify the discount allowed for the prompt payment of taxes in the City of Takoma Park.

Be it enacted by the General Assembly of Maryland, that Section 1196 (F) of the Montgomery County Code (1947 Edition-being Section 1302 (f) of the Prince George's County Code, 1943 Edition) is amended by striking out so much of the second section as follows the colon therein, and inserting in lieu thereof the following: "Taxes paid during July, two per cent (2%); and during August and September, one per cent (1%)."

Councilman Perring seconded the motion.

Upon being put to question the motion was carried.

Councilman McClenon moved that the following amendment to the City Charter be passed to the delegation to be presented to the Legislature in respect to zoning:

An Act to give to the City of Takoma Park, Maryland, an incorporated municipality, certain powers with respect to zoning.

Be it enacted by the General Assembly of Maryland, that every application for change in zoning classification within the area of the corporate limits of the City of Takoma Park, Maryland, shall be submitted to the City Council for a recommendation. In case the City Council shall recommend that any such application be denied, such application shall not be granted except by unanimous vote of all members of the regional zoning board.

Councilman Oosterhous seconded the motion.

Upon being put to question the motion was carried.

Councilman McClenon moved that the City Manager Bill be submitted to the delegation to be presented to the Legislature.

Councilman Perring seconded the motion.

Upon being put to question the motion was carried.

(Refer to opposite page for City Manager Bill)

CITY MANAGER BILL

AN ACT to repeal Section 1192 of the Montgomery County Code (1947 Edition--being Section 1298 of the Prince George's County Code, 1943 Edition), as amended, being also Articles 16 and 17 of the Code of Public Local Laws of Maryland, and to enact a new Section 1192 in lieu thereof, providing for the establishment of the City Manager form of government in the City of Takoma Park, and delineating the duties of the City Manager and the manner of his appointment and removal from office; providing for the establishment of departments and offices in the City Government and the manner of appointment of department heads as well as all City employees; providing regulations governing the financial affairs of the City and the duties of the heads of the various departments and offices; and providing for a referendum on the question of the adoption of this Act.

Section 1. Be it enacted by the General Assembly of Maryland, that Section 1192 of the Montgomery County Code (1947 Edition -- being Section 1298 of the Prince George's County Code, 1943 Edition), as amended, being also Articles 16 and 17 of the Code of Public Local Laws of Maryland, be and the same is hereby repealed, and that a new Section 1192 be and it is hereby enacted in lieu thereof to read as follows:

1192 (1298). Administrative and Fiscal Structure.

A. (The City Manager.) The Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer and the head of the administrative branch of the City government. The City Manager shall be chosen by the Council on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. At the time of his appointment he need not be a resident of the City or State, but within a reasonable time after taking office he shall reside within the City of Takoma Park. No person elected as Mayor or Councilman shall be eligible for appointment as City Manager until one year has elapsed following the term for which he was elected. The City Manager, with the consent of the Council, may designate some other officer or employee of the City to perform his duties in case of his absence or disability.

The City Manager may be removed at any time by a vote of not less than a majority of all the members of the Council, but he shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the Council, stating the Council's intention to remove him and the reasons therefor.

B. (Duties of the City Manager.) 1. (In general.) It shall be the duty of the City Manager to supervise and be responsible to the Council for the administration of the affairs of the City; to see that the ordinances of the City and the laws of the State and of Montgomery or Prince George's County are enforced; to make such recommendations to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised as to the financial condition and future needs of the City; to prepare and submit to the Council such reports as may be required by that body; to supervise all duties assigned to administrative officers other than the Corporation Counsel by this charter or by ordinance; and to perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the Council not inconsistent with this charter.

2. (Purchases and Contracts.) It shall be the duty of the City Manager to control the purchase, storage and distribution of all supplies, materials, equipment and contractual services required by the City or any officer thereof; to establish and enforce standard specifications with respect to such supplies, materials and equipment, and to determine their quality, quantity and conformance to specifications; and to transfer to or between City offices or departments or to sell surplus, obsolete or unused supplies, materials and equipment, with the approval of the Council. Before making any purchase or contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Council may by ordinance

prescribe. Whenever any work of any nature is to be performed by contract or materials of any nature are to be purchased, the estimated cost of which work or materials exceeds \$1,000, the estimate thereof shall be entered on the minutes of the Council and two weeks' notice shall be given by posting in the City Office, and by publication at least twice during the said two weeks period, in some newspaper of general circulation in the City, that bids will be received by the City Manager for the performance of said work or the purchase of said materials. If the estimated cost of such work or materials does not exceed \$1,000, the contract therefor may be let by the City Manager without previous posting and publication of notice. The City Manager may reject any or all bids and proceed to readvertise. All contracts involving an expenditure of \$2,500 or more shall be approved by the Council. When in the opinion of the City Manager work can be performed more economically by the City than by contract, the Council may authorize him to proceed accordingly.

3. (Departments and Offices.) The administrative branches of the City government shall include the departments of finance, police, fire, and public works, and the office of the Corporation Counsel, except that the Council may by ordinance (a) combine any of the above; (b) provide that the City Manager shall without additional pay perform the functions imposed on the head of any one or more of the various departments or offices; or (c) amend or repeal any ordinance adopted under the authority herein granted. The Council shall not have power to discontinue any function or duty assigned by this charter to any department or office, or to assign it to any other department or office except as provided in clause (a) of this paragraph. The City Manager shall be responsible to the Council for the proper administration of all departments and offices of the City government, except the office of the Corporation Counsel.

4. (Personnel.) The officers and employees of the City, other than the Mayor and Councilmen, shall be appointed and may be removed as follows:

- (a) the City Manager and the Corporation Counsel, by the City Council;
- (b) other heads of departments, by the City Manager, with the consent of the Council; pending action by the Council, the City Manager may suspend the head of any department from active duty, but must report such action, with his reasons therefor, to the next meeting of the Council, which may confirm the suspension or reinstate such officer;
- (c) all other officers and employees, by the City Manager, subject to the following provisions of this paragraph.

All appointments shall be on the basis of executive and administrative ability or of training and experience with respect to the work to be performed. All appointments, except in the case of provisional, temporary or emergency service, shall be without definite term. No discrimination shall be made in favor of or against any employee or applicant for appointment on account of political or religious opinions or affiliations or membership or nonmembership in any lawful organization.

The Council shall prescribe the compensation of all officers covered by clauses (a) and (b) of this paragraph, and shall classify all positions covered by clause (c), and establish a schedule of maximum and minimum compensation rates for each class, which rates shall be uniform for like services in the different departments and offices. Subject to such schedule, the City Manager shall fix the compensation of each employee on the basis of his performance, including such factors as length and character of service.

Any employee removed by the City Manager shall have the right of appeal to a board of appeals named by the Council, which board shall report to the Council its opinion as to whether or not the removal was justified; the Council shall have power to direct the reinstatement of the employee.

C. (Prohibitions.) Neither the Mayor nor any Councilman shall, during the term for which he was elected, be appointed to any office or position in the service of the City. No appointive officer or employee in the service of the City shall continue in such position after becoming a candidate for election to any City office. No person seeking appointment to or promotion in the service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion. Neither the Mayor nor any Councilman nor any officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services; any violation of this provision, with the knowledge, express or implied, of the person or corporation contracting with the City, shall render the contract voidable by the City Manager or the Council. Neither the Mayor, the Council, nor any Councilman shall give orders to any subordinate of the City Manager. Any willful violation of any provision of this subsection shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office or position. The Corporation Counsel shall prosecute all violations of this subsection.

D. (Rights of Manager and Other Officers in Council Meetings.) The City Manager, the Corporation Counsel, and all other officers of the City shall be entitled to attend all regular meetings of the Council. The City Manager shall have the right to take part in the discussion of all matters coming before the Council, heads of departments and agencies shall have the right to take part in all discussions of the Council relating to their respective departments and agencies.

E. (Investigations by Council or City Manager.) The Council, the City Manager, or any person or committee authorized by either of them for the purpose, shall have power to inquire into the conduct of any office or officer of the City and to make investigations as to municipal affairs, and for that purpose may demand the production of books, papers and other evidence. Failure to produce the books, papers or other evidence so demanded shall constitute a misdemeanor and shall be punishable by a fine of not over one hundred dollars or by imprisonment for not over thirty days, or both.

F. (Qualifications and Duties of Corporation Counsel.) The Corporation Counsel shall be appointed by the Council and shall serve at its pleasure. His compensation shall be fixed by the Council. He shall be an attorney at law who shall have been admitted to practice before the Maryland Bar, but need not be a resident of Takoma Park. He shall be the chief legal adviser and attorney for the City and all officers thereof in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his office; to attend all meetings of the Council, except when excused by the Mayor from so attending; to give advice in writing, when so requested, to the Council or the City Manager; to prosecute or defend, as the case may be, all suits or actions to which the City may be a party; to prosecute all offenses against the ordinances of the City and such offenses against the laws of the State or County as may be required of him by law or by direction of the City Council; to prepare all contracts, bonds and other written instruments in which the City is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the Council may by ordinance require.

G. (Powers and Duties of Head of Finance Department.) The head of the Finance Department shall be responsible to the City Manager for the administration of the financial affairs of the City, and to that end he is authorized and directed:

1. To prepare the budget under the direction of the City Manager, as hereinafter outlined, and assist the City Manager in the execution of the budget after its approval by the Council.

2. To maintain accounting control over the finances of the City government, and perform such other duties pertaining to the financial records of the City government as the Council or the City Manager may direct.

3. To collect, receive, have custody of, and disburse all taxes, assessments, licenses, fees and other moneys belonging to the City, subject to the provisions of this charter and ordinances enacted hereunder; to have custody of all investments and invested funds of the City or in possession of the City in a fiduciary capacity, and to keep a record of such investments, and to have custody of all bonds and certificates of City indebtedness, including such bonds and certificates unissued or canceled, and the receipt and delivery of City bonds and certificates for transfer, registration, or exchange.

4. To perform such additional duties as may be prescribed by the Council or by the City Manager.

H. (Fiscal Year.) The fiscal year of the City Government shall begin on the first day of July and end on the last day of June. Such year shall constitute the budget year of the City Government.

I. (The City Budget.) 1. (Scope of the Budget.) The budget for the City government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation, and maintenance of all offices and agencies of the City government and any other agency for which appropriations are required to be made or taxes levied by the City government; all expenditures for capital projects to be undertaken or executed during the fiscal year; all interest and debt redemption charges during the fiscal year; and any actual or estimated operating deficits from prior fiscal years. In addition thereto the budget shall set forth the anticipated income and other means of financing the total proposed expenditures of the City government for the fiscal year.

2. (The Budget Document.) The Budget document shall consist of two parts, as follows:

Part I shall contain (1) a budget message prepared by the City Manager, which shall outline a fiscal program for the City government, describing therein the important features of the budget with reference both to the proposed expenditures and to anticipated income; (2) a general budget summary, which shall exhibit the aggregate figures of the budget in such manner as to show the relation between the total proposed expenditures and the total anticipated income for the fiscal year covered by the budget, and compare these figures with the corresponding figures for the last completed year and the year in progress.

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current year and the preceding fiscal year, with explanations of increases or decreases recommended as compared with appropriations for the current fiscal year; the total of the proposed expenditures shall not exceed 90% of the estimated revenues of the City, including the balance from the preceding fiscal year; the remaining 10% of said estimated revenues shall be set aside as a reserve fund to meet extraordinary or unanticipated expenditures as the Council may direct; (2) detailed estimates of anticipated revenues based on a recommended tax rate, and other income; (3) a statement as to the delinquent taxes, if any, for the current and preceding fiscal years, indicating the percentages collectible; (4) a statement of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds, if any, and the borrowing capacity of the City.

3. (The Preparation and Adoption of the Budget). At least 60 days prior to the beginning of the fiscal year the heads of the departments and agencies of the City government shall transmit estimates of their budgetary requirements to the head of the Finance Department, who shall, under the direction of the City Manager, prepare a budget in the form required by the preceding paragraph. The City Manager shall transmit the budget to the Council at least 30 days before the beginning of the fiscal year. The Council shall

arrange for and hold at least one public hearing on the budget not less than one week before its adoption. The Council may revise, alter, increase, or decrease any item of the budget, provided that when it shall increase the total proposed expenditures it shall also provide for increasing the total income of the City so as to at least equal the aggregate proposed expenditures, including the 10% reserve. When the Council shall make such changes, it shall issue a statement explaining its action. At least ten days before the beginning of the fiscal year, the Council shall adopt the budget and enact the appropriation ordinance and the ordinance prescribing the tax rate.

4. (Money to be drawn from Treasury in Accordance with Appropriation.) No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditures of money be incurred, except in pursuance of the annual appropriation ordinance or any revision thereof. At the close of each fiscal year any unobligated balance of an appropriation shall revert to the fund from which appropriated, but shall be subject to reappropriation; except that appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of improvements or other works or objects which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

5. (Work Program and Allotments.) Immediately before the beginning of the fiscal year, the head of each department or agency of the City government shall submit to the City Manager a work program for the year, which program shall include all appropriations for the operation and maintenance of the department or agency, and for acquisition of property therefor, and shall show the requested allotments of said appropriations for such department or agency by months for the entire fiscal year. The City Manager, with the assistance of the head of the Finance Department, shall review the requested allotments in the light of the work program of the department or agency concerned, and may, if he deems it necessary, revise, alter, or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said department or agency for the fiscal year. The head of the Finance Department shall authorize all expenditures for the departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the City Manager, subject to the approval of the Council.

J. (Custody of City Moneys.) All moneys received by any department or agency of the City for or in connection with the business of the City shall be paid promptly into the treasury, and be deposited with responsible banking institutions, which shall be designated by the City Manager in accordance with regulations established by ordinance. These depositories shall be subject to such requirements as to security for deposits and interest thereon, by bond or otherwise, as may be established by law or ordinance. All interest on moneys belonging to the City shall accrue to the City.

K. (Independent Audit.) As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the City government by a qualified public accountant or accountants, selected by the Council. He or they shall have no personal interest directly or indirectly in the financial affairs of the City government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the Council may accept such State audit as fulfilling the requirements of this subsection.

L. (Bond of Officers.) The Council may require any of the officers of the City to give bond in such penalty and with such sureties as it may deem necessary, conditioned for the faithful performance of their duties. The Council shall require the custodian of the City's funds to be bonded in an amount equal to not less than 20% of the total estimated receipts of the City for the ensuing fiscal year. The custodian's bond shall be filed with the Mayor.

M. (Police Department.) The Chief of Police shall be the head of the Police Department; he shall act under the immediate direction of the City Manager, and shall perform such duties, in addition to those herein prescribed, as the Council or the City Manager may direct. The Chief of Police and all other police officers of the City shall preserve the peace and enforce or cause to be enforced within the corporate limits of the City all ordinances and police regulations of the City and all State and County laws, and shall make or cause to be made all lawful arrests for violations of the ordinances and police regulations of the City or of any law of the State of Maryland or of Montgomery or Prince George's County, committed within the corporate limits of the City, and shall swear out all necessary warrants therefor. The Chief of Police and all other police officers of the City shall serve notices and processes required by this charter or by any ordinance passed by virtue thereof, but shall receive no fees therefor in addition to the compensation fixed by the Council.

The City Manager, in cases of emergency, may appoint special police officers for periods of not over 30 days, as he may deem necessary.

N. (Fire Department.) The Chief of the Fire Department shall act under the immediate direction of the City Manager. He and all firemen employed in the department shall extinguish fires within the City, and report to the City Manager any violation of the laws, regulations and ordinances pertaining to the prevention and extinguishment of fires, and perform such additional duties as may be prescribed by the Council or by the City Manager. The Chief of the Fire Department shall keep adequate and complete records of all the physical property of the department, and shall whenever called upon by the City Manager make written reports pertaining to the affairs of his department.

O. (Department of Public Works.) The Superintendent of Public Works shall be the head of the Department of Public Works. He shall, under the direction of the City Manager, have charge of all engineering work of the City, the collection and disposal of garbage, trash and ashes, and all other public work of the City assigned to the Department of Public Works; he shall have charge and direction of the employees of the department, and shall oversee any work performed under contract, and perform such other duties as may be prescribed by the City Council or by the City Manager; he shall attend the meetings of the Council, and shall advise the Mayor and Council as to the condition of the public work under his charge.

P. (Property of the City.) Every head of a department or agency of the City shall, under the direction of the City Manager, be custodian of the property and equipment issued to his department or agency, and be responsible for its care, use and upkeep.

Q. (Publicity of Records.) All records and accounts of every department and agency of the City shall be open to inspection by any adult citizen of Takoma Park or by any representative of the press, at all reasonable times and under reasonable regulations established by the City Manager, except where disclosure would tend to cause undue injury to any individual in his private capacity.

R. (Oath of Office.) The Mayor, each Councilman, the City Manager, and every other officer or employee of the City shall, before entering upon his official duties, take an oath that he will support the Constitutions of the United States and of the State of Maryland, and this charter, and that he will diligently and faithfully discharge the duties of his office or position, without favor, partiality, or prejudice.

The Mayor shall take the oath of office before the Clerk of the Circuit Court for Montgomery or Prince George's County, or before one of the deputies of such Clerk.

Section 2. And be it further enacted, that, notwithstanding any other evidence of legislative intent, it is hereby declared to be the legislative intent that, if any provisions of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 3. And be it further enacted, that all laws or parts of laws inconsistent herewith, whether public general or public local, are hereby repealed to the extent of such inconsistency.

Section 4. And be it further enacted, that this Act shall not become effective unless and until it shall be submitted to the registered voters of the City of Takoma Park, and approved by a majority of such voters voting thereon.

The said question shall be submitted by the Mayor and Council for decision at the regular City election to be held in March, 1952, and shall appear on the ballot or voting machines in the form "Shall the City of Takoma Park adopt the City Manager form of government?", followed by the words "Yes" and "No" with a square after each, in the event that paper ballots are used, and with an appropriate arrangement of the levers, if voting machines are used, so that the voter may by making a cross-mark (X) in the square opposite the word expressing his judgment, if paper ballots are used, or by manipulating the levers, if voting machines are used, express his judgment for or against the adoption of the proposal.

If a majority of those voting on the question shall vote "Yes", then the provisions of Section 1192 (1298) as set forth above shall become effective at the beginning of the next fiscal year (July 1, 1952); but if a majority of those voting on the said question shall vote "No", or if the votes are equally divided, then said Section 1192 as contained in the 1947 Edition of the Montgomery County Code (Section 1298 of the 1943 Edition of the Prince George's County Code) shall continue in force as though this Act had not been enacted.

Councilman Klinck moved the adoption of the following Ordinance:

ORDINANCE NO. 1038

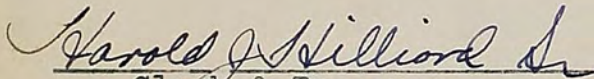
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

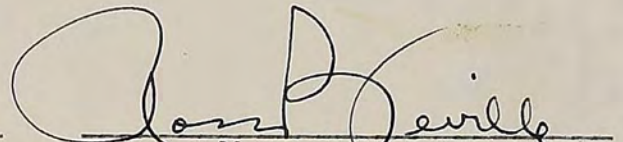
Section 1. That the superintendent of Public Works be authorized to proceed with the construction of a 4' concrete sidewalk on Lee Avenue abutting Lots 12, 15 and 16, Section 3, S.S. Carrol's subdivision and that the cost of the work be assessed against the abutting property owners in accordance with section on 1198C of the City Charter.

Councilman Perring seconded the motion.

The motion was adopted with a roll call vote as follows: Yeas: Councilmen Eccleston, Klinck, McClenon, Nies, Parkhill and Perring. Nays: None Absent: Councilman Oosterhous

There being no further business to come before the Council, upon motion properly seconded and carried, the meeting adjourned at 11:00 P. M.


Clerk & Treasure


Mayor