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REGULAR MEETING
MAYOR & COUNCIL
August 27, 1951

The meeting was called to order at 8:00 p.m. Those present: Mayor Beville, Councilmen Eccleston, Klinck, McClenon, Oosterhous, Parkhill and Perring. Absent: Councilman Tymeson.

Councilman Parkhill moved that we dispense with the reading of the minutes of July 23, 1951.

Councilman McClenon seconded the motion.

Upon being put to question, the motion was carried.

The Clerk and Treasurer presented the Financial Statement for the month of July as follows:

FINANCIAL STATEMENT
Summary, July 1951

		Revenue to	Bal. Budget	Total
		7/31/51	7/31/51	Budget
Cash on				
Hand 6/30/51	Citz. Bank	6476.10		
	Sub. Nat'l	<u>1000.00</u>		
<u>REVENUES</u>		<u>7476.10</u>		
1.0	General Tax	136,632.44	138,847.34	128,580.06
2.0	Lic. & Permit	485.99	485.99	19,439.01
3.0	Fines & Forfeitures	25.00	25.00	1,775.00
4.00	Use of Money & Property			125.00
5.0	Rev. from other sources	154.36		23,205.00
6.0	Serv.chg. for current serv.	69.00	69.00	1,131.00
		<u>137366.79</u>	<u>139,427.33</u>	<u>174,255.07</u>
		144842.89		313,682.40
<u>DISBURSEMENTS</u>				
10.	Gen'l. Govt.:			
	Clerk's office	2,360.45	2,360.45	21,234.55
	Govt. Bldg.	427.16	427.16	13,532.84
	PW Repair Shop	586.17	857.88	11,947.12
	Police Dept.	3,772.66	3,896.28	43,031.22
	Fire Dept.	6,044.38	6,076.56	32,668.44
	P.W.Dept.:			
	Office	1,370.26	1,442.56	7,812.44
	Highways	3,582.40	3,582.40	30,667.60
	Oth. "	538.50	538.50	20,961.50
	St.Lighting	677.07	677.07	7,102.93
	Sanitation	3,203.51	3,203.51	45,996.49
	Recreation	417.38	417.38	7,325.62
	Cultural Library			9,600.00
	Miscellaneous	2,232.73	1,578.56	5,555.10
		<u>25212.67</u>	<u>25,058.31</u>	<u>257,435.85</u>
		119630.22		282,494.16
7/31/51	Bal. Citz. Bank	111,617.27		
"	" Sub. Nat'l	<u>8,012.95</u>		
		<u>119,630.22</u>		

CORRESPONDENCE: Zoning Petition No. A-819 forwarded to us from the Park and Planning Commission for an appropriate recommendation thereon. Referred to the Executive Session.

Zoning Petition No. A-813 forwarded to us from the Park and Planning Commission for an appropriate recommendation thereon. Referred to the Executive Session.

Letter from Mrs. L. D. Bliss complaining of the deplorable condition in the North Takoma area. Referred to Public Works Committee.

Petition signed by ten property owners to lay an asphalt street beginning at Wildwood Drive and running through the 1100 block of Holton Lane to connect with the asphalt pavement already on Holton Lane. Referred to Public Works Committee.

Letter from Mr. Gordon Cole, General Chairman of the Fourth of July Celebration, extending appreciation to the Mayor and City Council for the splendid cooperation of both the administration and City departments. To be filed.

Letter from Mr. Lee R. Grabill proposing certain recommendations in regard to the plans of the Council for improving Maple Avenue and the parking area on the other side of Maple Avenue in connection with extension of Grant Avenue, and improvement of recreational area along the lower part of Brashears Creek.

Letter from Suburban Trust Company expressing appreciation for the efficient manner in which the Police Department conducted the investigation of the forcible entry of the Takoma Park Office, Suburban Trust Company, on Saturday morning, July 28, 1951. To be filed.

OPEN MEETING: Mrs. Gertrude Rothman, 707 Garland Avenue, representative of the Takoma Park Cooperative Nursery School, addressed Council regarding their unsuccessful efforts to obtain new quarters for their school, and asked that Council give them permission to start their school in September; meanwhile, they have hopes of finding new quarters. Referred to Executive Session.

Mr. Ralph G. Shure, Agent on behalf of Herbert Beck and Hester E. Beck, owners of Lots 35 and 36, Block 45, Carroll Manor Addition to Takoma Park, addressed Council regarding the reclassification of these two lots from Residential "A" Zone to Commercial "D" Zone. Mr. Shure stated that the corner lot (35) will be used as commercial (for office building or dress shop) and the lot next to it (36) will be used for off-street parking. Mr. Shure stated that this area had been up for rezoning before, and at that time, the Planning Engineer of the Park and Planning Commission recommended that it be rezoned, but the County Council turned it down on the ground that the need for further commercial development in this area did not exist.

Mr. Bullard, owner of Lot 30, Block 45, Carroll Manor, stated the property owners felt that this rezoning would deteriorate their property. Also, no commercial building had been built in this area since 1927, at which time the filling station was built on the corner of Ethan Allen and Carroll Avenues, and that this corner could not be used for anything other than a filling station. He further pointed out that commercial development is precluded on Carroll Avenue due to elevation.

Mr. A. J. Tool, 305 Carroll Avenue, stated this property was not suitable for commercial as there was not enough room for parking, but if any portion of this block should be rezoned commercial, the whole block should be rezoned the same.

Dr. Teasdale, owner of Lot 27, Block 45, Carroll Manor, stated he was opposed to this rezoning and thought we should protect the neighbors, and his objection to this rezoning was based on fear of what might be built there after it is rezoned.

After discussion, Councilman Oosterhous moved that the Council inform the Park and Planning Commission that we feel in view of the lateness with which we received this petition and the fact that we are presently negotiating with the Park and Planning Commission with regard to getting in the near future that part of the Master Zoning Plan that concerns the projected commercial developments in Takoma Park, that consideration of this petition be postponed at least until the next meeting of the Commission.

Councilman Parkhill seconded the motion.

The motion was carried with Councilman Perring voting Nay.

In regard to Zoning Amendment Petition No. A-813, Lots 28 and 29, Block 49, Gilbert's Addition to Takoma Park, Councilman Oosterhous moved that we inform the Park and Planning Commission that we have no objection to rezoning this area from Residential A to Residential C.

Councilman Eccleston seconded the motion.

Upon being put to question, the motion was carried.

EXECUTIVE SESSION: Councilman Klinck stated that we advertised for bids on the storm drainage construction and paving of Second Avenue and having received only one bid, moved that bids received from previous advertising be rejected and that we advertise anew.

Councilman Parkhill seconded the motion.

Upon being put to question, the motion was carried. Councilman Perring suggested that a courteous letter be sent to the bidder requesting that he bid again.

Councilman Klinck also moved that we authorize the readvertising for bids on the storm drainage construction and street paving of Second Avenue in accordance with the specifications submitted which are available for contractors to bid on.

Councilman Eccleston seconded the motion.

Upon being put to question, the motion was carried.

Councilman Klinck stated that after duly advertising for purchase of a used stake body truck, we received only one bid; therefore, he moved the adoption of the following ordinance whereby the bid received from Handley Motor Company for a 1949 Ford Stake Body Truck be accepted in the total amount of \$1,350.00.

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

Section 1. THAT after having duly advertised according to law for the purchase of one (1) used stake body truck for use of the Public Works Department in the City of Takoma Park, and after having received only one bid, the Mayor and Council do hereby accept the bid of Handley Motor Company, and

Section 2. BE IT FURTHER ORDAINED that the contract for the purchase of this 1949 Ford Stake Body Truck be and is hereby awarded to the Handley Motor Company for a price of \$1350.00.

Councilman Perring seconded the motion.

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

Councilman Klinck moved that the Corporation Counsel be directed to take whatever steps he deems necessary in an attempt to have the Francis O. Day Contractors properly complete the paving of the Hancock Avenue and Sheridan Avenue projects.

Councilman McClenon seconded the motion.

Upon being put to question, the motion was carried.

Councilman Klinck stated that the annual meeting of the Public Works Association will be held September 16 through 19 in Detroit, and moved that he and the Superintendent of Public Works be granted permission for expenditure of an amount up to \$230.00 to defray the expenses of attendance at this conference.

Councilman Oosterhous seconded the motion.

Upon being put to question, the motion was carried.

Corporation Counsel Gingerich reported that he had written every absentee property owner in regard to dedication for the widening of Carroll Avenue, and from some of the answers, he thought we would have to condemn rather than get dedications.

Mayor Beville asked Corporation Counsel Gingerich to investigate whether or not the City's portion of the cost of widening Carroll Avenue, including condemnation, could be assessed against the abutting owners.

Councilman Oosterhous presented tentative plans for the renovation of 8 Columbia Avenue, and stated it was the concensus of opinion to eliminate the kitchen and replace it with a lady's lounge, and have a small office for the Mayor. After discussing the various aspects and methods of preserving the vital records of the City office, Councilman Oosterhous moved that a portable safe rather than a built-in vault be authorized.

After being duly seconded, the motion was carried with Councilman Perring voting nay.

After a lengthy discussion regarding the use of the space, Councilman Oosterhous moved that the Superintendent of Public Works prepare a plan to scale incorporating the agreed outline of the space that was discussed tonight, and then give it to the Mayor and members of the Council for their check, and that it also be given to Mr. Senseman for his overall consideration; provided that consultation may be obtained without the ten per cent fee on the total cost of construction and that, subsequent to the approval of the plan by the architect, bids be obtained for the renovation.

Councilman Eccleston seconded the motion.

Upon being put to question, the motion was carried.

Mayor Beville then informed Mrs. Rothman, representative of the Takoma Park Cooperative Nursery School, that the above action precludes any future use of 8 Columbia Avenue by that school. After further discussion, Councilman Perring moved that the Nursery be allowed to remain at 8 Columbia Avenue until such time as the work is started, with the understanding that when the workers start on the building, they must get out immediately.

Councilman McClenon seconded the motion.

Upon being put to question, the motion was carried.

Councilman Oosterhous brought up the matter of health standards in the City of Takoma Park that are being violated, and moved that the Council authorize the City Clerk to get in touch with Mr. Thomas of the Department of Inspection and Licenses of Montgomery County, and the County Health Officer of Prince Georges County, and ascertain what the health and sanitary standards are for houses, and such standards be enforced immediately in the City of Takoma Park.

Councilman McClenon seconded the motion.

Upon being put to question, the motion was carried.

Mayor Beville stated we have an admitted number of violations of the zoning ordinance in Takoma Park as to houses. Some of these houses are sub-standard as to health; others are just overcrowded, but do not violate the health standards, and there is no point at this time in permitting further violations of sub-standard health conditions. Also, there is an unfair distribution of the tax load as a result of the large number of people moving in. As a possible solution to this, Mayor Beville suggested the City should require permits for owners of apartment houses and rooming houses. We are not charged with the responsibility of enforcing the zoning ordinance; therefore we must assume that the agency charged with this responsibility has done its job and that all of these multiple units are legal.

Mayor Beville asked that Corporation Counsel Gingerich report to Council the definition of a rooming house and just where the dividing line is.

After further discussion, Councilman Perring moved that the Law and Ordinance Committee be instructed to draw up adequate legislation for the licensing of multiple unit dwellings.

Councilman Oosterhous seconded the motion.

Upon being put to question, the motion was carried.

Councilman Klinck stated that consideration should be given to new apartment houses being built on properly zoned land.

Councilman Parkhill stated that in view of the above motion, he would hold in abeyance his intention to work on sanitation for the commercial business houses until such time as the Law and Ordinance Committee can prepare a proposed ordinance in connection with the licensing of multiple unit dwellings.

Councilman McClenon moved that upon notice from the Police Department to the Fire Department that a signal light is defective, the Fire Department shall furnish a ladder truck and make the necessary repairs within their ability.

After being duly seconded, the motion was carried.

Mayor Beville recommended that the Council employ the firm of Willis and O'Connell, certified public accountants, to audit the books of the City of Takoma Park.

Councilman McClenon so moved.

Councilman Parkhill seconded the motion.

Upon being put to question, the motion was carried.

Councilman McClenon stated the Law and Ordinance Committee made the following recommendations regarding the matter of codifying the ordinances:

1. There should be a complete codification of all general ordinances in force January 1, 1952.

2. The Ordinances should be arranged in the following groupings:

- I The City Government
- II Streets
- III Building Regulations
- IV Licenses
- V Offenses
- VI Miscellaneous

3. Within the above groupings the chapters should be, where feasible, arranged alphabetically.

4. Sections should be numbered consecutively within each chapter, to be cited with the chapter number followed by a dash; thus, section 13 of chapter 7 would be cited 7-13.

5. Local provisions relating to one-way streets, parking, stop signs, etc., should be included in the codification. Local provisions relating to subdivisions of property or dedication of streets should not be included in the text, but should probably be listed in an appendix.

6. In case the codification is published, the publication should include the City Charter as amended through 1951, but no other provisions of the Constitution or laws of Maryland, unless relating exclusively to the City of Takoma Park.

Councilman McClenon moved that we approve this plan in principle.

Councilman Parkhill seconded the motion.

Upon being put to question, the motion was carried.

Councilman McClenon moved the adoption of the following Ordinance:

ORDINANCE NO. 1065

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

Section 1. The following ordinances are hereby repealed (references in parentheses being to the volume and page of the minute book showing the passage of the ordinance):

- No. 7, Sept. 2, 1890 (1:29)
- No. 11, Sept. 9, 1890 (1:37)
- Nos. 13 and 14, Sept. 30, 1890 (1:41)
- No. 30, Jan. 20, 1893 (1:151-155)
- No. 32, April 11, 1893 (1:163-167)
- Nos. 35 and 35A, June 12, 1893 (1:177, 178)
- No. 42, June 18, 1894 (1:236-240)
- No. 44, Oct. 15, 1944 (2:5)
- No. 49, Feb. 15, 1896 (2:110-114)
- Nos. 53A and 53B, Aug. 14, 1896 (2:159-161)
- No. 53C, Sept. 14, 1896 (2:165-166)
- No. 60, Feb. 7, 1898 (3:42-43)
- No. 69A (originally numbered 70, then 65, renumbered 69A by authority of the Council given June 12, 1951, 20:218), July 3, 1899 (3:132).
- No. 80, Feb. 13, 1901 (3:354).
- Nos. 81A and 82, April 1, 1901 (3:370, 371)
- No. 84, May 6, 1901 (4:5)
- No. 95, Aug. 4, 1902 (4:91)
- No. 97 $\frac{1}{2}$, May 4, 1903 (4:138)
- No. 102, Dec. 7, 1903 (4:184)
- Nos. 131-133, and 136, June 1, 1906 (4:387-389)
- No. 139, March 11, 1907 (5:44)
- No. 154, June 8, 1908 (5:120)
- No. 157, July 13, 1908 (5:128)
- No. 171, June 16, 1909 (5:189)
- No. 171 $\frac{1}{2}$, July 12, 1909 (5:195)
- No. 175, Nov. 8, 1909 (5:214-215)
- No. 176, Nov. 18, 1909 (5:216)
- No. 186A, March 29, 1911 (5:280)
- No. 191, June 28, 1911 (5:294-295)
- No. 195, Sept. 11, 1911 (5:307)

Section 2. Nothing contained in section 1 shall in any way affect any right, obligation, or liability now existing by reason of any provision of any of the ordinances therein repealed; but all such rights, obligations, and liabilities shall continue and may be enforced in like manner as if the ordinances had not been repealed.

Councilman Klinck seconded the motion.

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

In explanation of the above ordinance, the Law and Ordinances Committee expressed the view that all the ordinances repealed are completely obsolete and should therefore be removed from the statute books. The reasons for this opinion are, in detail:

No. 7 (Animals running at large). This was clearly superseded by Ordinance No. 60.

No. 11 (Removal of sand, etc., from streets). This is adequately covered by the Police Regulations, Article 17, Section 1.

No. 13 (Carrying concealed weapons). This is adequately covered by the Police Regulations, Article 10, Section 32.

No. 14 (Imprisonment of tramps). This is adequately covered by the Police Regulations, Article 30, Section 1.

No. 30 (Right-of-way). This relates to non-existent railway tracks.

No. 32 (Dog regulations). This is adequately covered by the Police Regulations, Article 7 and recent amendments thereto.

No. 35 (Movement of animals on a sidewalks, etc.). This is adequately covered by the Police Regulations, Article 32, Section 5.

Nos. 35A and 42. These are amendments to No. 32 above, and should be repealed for the same reason as No. 32.

No. 44 (Fire Department). This was undoubtedly intended to be completely superseded by No. 915.

Nos. 49, 53A, 53B, 53C (Right-of-way). These relate to non-existent railway tracks.

No. 60 (Animals running at large). This is adequately covered by the Police Regulations, Article 6.

No. 69A (Dog regulations). This is adequately covered by the Police Regulations, Article 7 and recent amendments thereto.

No. 80 (Permit to operate a telephone line). The line referred to is undoubtedly non-existent.

No. 81A (Right-of-way). This relates to non-existent railway tracks.

No. 82 (Sale of liquor in Prince Georges County). This is clearly covered by the broader provisions of Ordinance No. 130.

No. 84 (Pollution of water supply). This is no longer in effect, because none of the water supply is now taken from streams within the City limits.

No. 95 (Use of water). This is clearly superseded by the Police Regulations, Article 26.

No. 97 1/2 (Right-of-way). This relates to non-existent railway tracks.

No. 102 (Use of water). This is clearly superseded by the Police Regulations, Article 26.

No. 131 (Disorderly conduct, etc.). This is adequately covered by the Police Regulations, Article 9, Section 11.

No. 132 (Deposit of refuse in streets, etc.). This is adequately covered by the Police Regulations, Article 8.

No. 133 (Discharge of firearms, etc.). This is adequately covered by the Police Regulations, Article 10, Section 1.

No. 136 (Dogs running at large). This is adequately covered by the Police Regulations, Article 7 and recent amendments thereto.

No. 139. This is an amendment to No. 95, above, and should be repealed for the same reason as No. 95.

No. 154 (Animals running at large). This is adequately covered by the Police Regulations, Article 6.

No. 157. This is an amendment to No. 95, above, and should be repealed for the same reason as No. 95.

No. 171 (Discharge of firecrackers, etc.). This is adequately covered by the Police Regulations, Article 10, Section 1.

No. 171 $\frac{1}{2}$. This is an amendment to No. 95, above, and should be repealed for the same reason as No. 95.

No. 175 (Use of water). This is clearly superseded by the Police Regulations, Article 26.

No. 176 (Right-of-way). This relates to non-existent railway tracks.

No. 186A. This is an amendment to No. 132, above, and should be repealed for the same reason as No. 132.

No. 191 (Right-of-way). This relates to non-existent railway tracks.

No. 195 (Keeping of fowls). This is adequately covered by No. 914.

Councilman McClenon moved adoption of the following Ordinance whereby we give a quit claim deed to this land.

ORDINANCE NO. 1066

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

WHEREAS Montgomery County Commissioners conveyed to the City of Takoma Park a deed to 130.5 square feet of land known as Lot 14, Block 50, B. F. Gilbert's Subdivision, recorded March 9, 1948, representing the sale of part of Lot 17, Block 50, B. F. Gilbert's addition to Takoma Park as described in deed recorded in liber 312 at folio 499, and

WHEREAS the legality of the title conveyed to the City appears to be questionable, and

WHEREAS the City has levied and collected taxes on this parcel of land by reason of the metes and bounds for a number of years;

THEREFORE, the City does hereby direct the Corporation Counsel to execute a quit claim deed in favor of Herbert Fuller and Mildred Fuller, the present owners of this property.

Councilman Parkhill seconded the motion.

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

There being no further business to come before Council, upon motion properly seconded and carried, the meeting adjourned at 12:00 midnight.

Harold Williams
Clerk and Treasurer

John Beville
Mayor

EXECUTIVE MEETING
MAYOR & COUNCIL
Sept. 17, 1951

The meeting was called to order by Mayor Beville at 8:45 p. m.
Thos present: Councilmen Eccleston, McClenon, Oosterhous and Tymeson.
Absent: Councilmen Klinck, Perring and Parkhill.

Councilman McClenon presented a copy of the outline of the proposed municipal code which he feels should be revised. In this respect the Mayor stated that he felt the City should have their own building and sanitary codes and fire regulations.

Mayor Beville stated that it is the Council's purpose to re-enact Ordinance #884 of June 16, 1947, amended by Ordinance #914 of March 15, 1948 pertaining to the keeping of horses, cows and pigs, at an open meeting on October 22, 1951.

Councilman Tymeson presented chart showing that the people of Takoma Park paid more than 1/2 of their taxes during the month of July.

Councilman Tymeson moved that the bills as presented at the last meeting of the Mayor and Council be approved.

Councilman McClenon seconded the motion.

Upon being put to question the motion was carried.

Councilman Eccleston moved that the secretary be instructed to pay the balance due on Hancock, Sheridan and Lincoln Avenues, to the F. O. Day Co.

Councilman McClenon seconded the motion.

Upon being put to question the motion was carried.

Councilman Oosterhous moved that the City Council authorize the drawing up of material specifications for the renovation of 8 Columbia Avenue and then advertise for bids.

Councilman Eccleston seconded the motion.

Upon being put to question the motion was carried.