

EXECUTIVE MEETING
MAYOR AND COUNCIL
November 10, 1952

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

Mayor Beville referred letter from Gorin Bros. requesting that the Council schedule street hearing for paving, curb and gutter in the 7800 block of Kenewick Avenue with entire cost to be assessed against abutting properties, to the Public Works Committee.

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Parkhill moved that the minutes of October 28, referring to study of the Library be corrected to read as follows: Councilman Parkhill reported that his committee has made a careful study with regard to the Library's request for more adequate quarters. They have conferred with architects, and they have been advised not to add a wing to 8 Columbia Avenue for the purpose of housing the Library. The favored suggestion is that when the City considers the development of the property known as 11 Columbia Avenue as a Community Center, further consideration will be given to the Library Association's request at that time. Such a proposal will have to be considered along with next year's budget.

Councilman Parkhill moved the adoption of the following Ordinance:

ORDINANCE NO. 1158

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

Section 1. THAT the Plat of resubdivision of part of Lots 3 and 4 and Outlot Block 71, Takoma Park Loan and Trust Co. into Lots 28, 29, 30 and 31, Block 71C, Takoma Park Loan and Trust Co. conveyed by Emanuel Baskin, unmarried, is hereby approved subject to conditions as set forth in Ordinance No. 920 adopted by the Mayor and Council at a Special Meeting on January 5, 1949.

Councilman Kramer seconded the motion.

The Ordinance was adopted by a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, McClenon, Parkhill and Tymeson. Nays: None. Absent: Councilman Lucas.

Councilman Parkhill moved the adoption of the following Ordinance:

ORDINANCE NO. 1159

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

Section 1. THAT the Plat of resubdivision of Lots 16, 17, and 18, Block B, Cunningham's Subdivision, into Lot 26, Block B, Cunningham's Subdivision, conveyed by Elmer D. Snook, and Anna E. Snook, his wife, is hereby

approved subject to conditions as set forth in Ordinance No. 920 adopted by the Mayor and Council at a Special Meeting on January 5, 1949.

Councilman Kramer seconded the motion.

The Ordinance was adopted by a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Kramer, McClenon, Parkhill and Tymeson. Nays: None. Absent: Councilman Lucas.

The Mayor requested that Earl Thomas, Superintendent of Public Works, advise the various engineers as he has daily contact with them to be sure that all Plats are properly signed before presenting them to the Council for approval.

FINANCE COMMITTEE:

Councilman Tymeson informed the Council that the banks stated their desire for a 30 minute limit on the meters instead of a 20 minute limit. Therefore, Councilman Tymeson moved that the three meters in front of the Citizens Bank and three meters in front of the Suburban Trust Company be geared for 30 minute parking.

Upon being seconded and put to question, the motion was carried.

Councilman Tymeson reported that the merit system is still under study by the committee.

In regard to the study of the resolution regarding pay schedule for policemen and firemen, Councilman Tymeson stated that the Heads of Departments will shortly receive a questionnaire to be filled in.

Regarding payment of bill for Bright Shepherd of \$17,496.59 which was an overestimate of the original bill, Earl Thomas, Superintendent of Public Works, explained to the Council the reason for this difference pointing out the necessities which arose for additional work and the manner in which the work was done on this project.

Councilman Parkhill suggested that the Finance Committee should present suggestions to alleviate the problem of misplaced correspondence.

PUBLIC WELFARE COMMITTEE:

Councilman Eccleston reported that he and Councilman Parkhill are going to arrange to meet with Mr. Koch, Health Inspector for Montgomery County.

PUBLIC SAFETY COMMITTEE:

Chief McBride stated that he had written to the County regarding inspection at 7511 Carroll Avenue and to date he has had no answer.

ORDINANCE NO. 1759A

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

Section 1. THAT in the interest of expediting and regulating parking in front of the Citizens Bank and the Suburban Trust Company in Takoma Park and upon the request of the officials of these institutions, the Council desires to provide maximum service to the citizens as well as these financial institutions, and therefore

Section 2. THREE parking meters directly in front of each of these banks shall be calibrated to provide for the deposit of five cents (5¢) only for a 30 minute time limit.

Section 3. THESE meters shall be placed in consecutive order running from a point as indicated by signs and situated in front of both banks.

Section 4. AND FURTHER that the penalties for the violation of this Ordinance shall be the same as prescribed by Ordinance establishing the Parking meter law in the City of Takoma Park.

Adopted by Mayor and Council
November 10, 1952

HAROLD J. HILLIARD, SR.
Clerk and Treasurer

repealed by 1205

properties shall be made one way in an easterly direction.

Section 2. AND that the Public Works Department is hereby authorized to proceed with the erection of the necessary sign.

Section 3. AND FURTHER that the penalties for the violation of this Ordinance shall be the same as prescribed by Ordinance governing traffic regulations in the City of Takoma Park.

Councilman Klinck seconded the motion.

The Ordinance was adopted by a roll call vote recorded as follows:
Yeas: Councilmen Eccleston, Klinck, Kramer, McClenon, Parkhill and Tymeson. Nays: None. Absent: Councilman Lucas.

Regarding the parking at Erie and Flower Avenues, it was pointed out that Mr. Graham of the G & H Food Store advised the Council that he would have lines painted for angular parking so that the cars will

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Mr. Hilliard advised the Council that Mr. Scullan has written the property owner of 7511 Carroll Avenue giving existing conditions which were in violation of the Building and Electrical Codes of Montgomery County, and requested that they be corrected or removed within 30 days.

Chief McBride was instructed by the Council to proceed against the property owner in accordance with the Fire Code.

After a lengthy discussion regarding the enforcement of the ordinances, the Mayor stated that the various codes of the City were tied together and it is a question as to whether the Council wants to hire a person to make these inspections and to enforce the codes.

Regarding the clothing bill for Special Police, Councilman Kramer moved that the Clerk be directed to collect the amount in excess of \$200.00 from the Special Police Association.

The motion was seconded by Mayor Beville, and upon being put to question, the motion was carried.

The Superintendent of Public Works was instructed to place proper signs in front of Grace Methodist Church on Kentland Avenue to comply with Ordinance 1097 adopted December 17, 1951, which calls for "No Parking--9 a.m. to 1 p.m.--Sundays only."

In regard to making the alley on New Hampshire Avenue to University Lane one way, Councilman Kramer moved the adoption of the following Ordinance:

ORDINANCE NO. 1160

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

*Repealed by 1205
P. 173*

Section 1. THAT the alley described herein originating on New Hampshire Avenue between the properties known as 7661 and 7663 New Hampshire Avenue and continuing easterly to a point in the rear of the above described properties shall be made one way in an easterly direction.

Section 2. AND that the Public Works Department is hereby authorized to proceed with the erection of the necessary sign.

Section 3. AND FURTHER that the penalties for the violation of this Ordinance shall be the same as prescribed by Ordinance governing traffic regulations in the City of Takoma Park.

Councilman Klinck seconded the motion.

The Ordinance was adopted by a roll call vote recorded as follows:
Yeas: Councilmen Eccleston, Klinck, Kramer, McClenon, Parkhill and Tymeson. Nays: None. Absent: Councilman Lucas.

Regarding the parking at Erie and Flower Avenues, it was pointed out that Mr. Graham of the G & H Food Store advised the Council that he would have lines painted for angular parking so that the cars will

not protrude over the sidewalk. The Council agreed to let this be done to see how the sign works out.

LAW AND ORDINANCES COMMITTEE:

Regarding the appointment of a new Justice of the Peace, it was stated that letters had been written to the Republican State Central Committee and also to Governor McKeldin recommending H. Earle Russell to replace Rev. H. R. Hodgson as Justice of the Peace for Prince George's County. To date no reply has been received from either of these communications.

With reference to the refunding of taxes to Gude and Abrams, Corporation Counsel Gingerich recommended to the Council that they not refund the money.

Councilman McClenon brought to the Council's attention several recommendations to be presented at the next session of the legislature. They were as follows:

1. Give the Council general powers to enact and provide for the enforcement of ordinances with respect to municipal affairs.

Following a lengthy discussion on this, Corporation Counsel Gingerich stated he did not favor making any amendments to the City Charter in this respect.

At this point Councilman Parkhill moved that this particular proposal be dropped.

Councilman Kramer seconded the motion.

Upon being put to question, the motion was carried with Councilman McClenon voting nay.

2. Provide that the voters of the City can make amendments to the Charter either by proposal of Council or by petition of 15% of the registered voters; Councilman McClenon so moved.

Councilman Eccleston seconded the motion, and upon being put to question, the motion was carried.

3. Proposed amendment giving veto power to the Mayor. After discussing the question, Councilman McClenon so moved.

Councilman Kramer seconded the motion.

The motion was carried with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, McClenon, and Tymeson. Nays: Councilmen Klinck and Parkhill. Absent Councilman Lucas.

4. Budget items that were included in the City Manager bill. After lengthy discussion on this matter Councilman McClenon moved that the procedure as outlined in the proposed amendment be passed to the Finance Committee for study and their recommendation.

Upon being seconded and put to question, the motion was carried.

Councilman McClenon moved that the reserve fund be reduced from 10% to 5%. Councilman Kramer seconded the motion. Following a lengthy discussion on the question the motion failed with a vote recorded as follows:

Yeas: Councilmen Kramer and McClenon. Nays: Councilmen Eccleston, Klinck, Parkhill and Tymeson. Absent: Councilman Lucas.

5. Amendment providing for the authorization of the Council to levy taxes on any person or corporation for any part of a taxable year on improvements created during the year. Councilman McClenon so moved!

Upon being seconded and put to question, the motion was carried.

6. To set up sinking fund not subject to 10% reserve fund to provide payment for public debt and for obsolescence and depreciation. Councilman McClenon moved that a vote be taken on this matter and that Councilman Tymeson be directed to set up draft on same.

Upon being seconded and put to question, the motion was carried.

Councilman McClenon moved that the above matter be made subject to referendum. The motion failed for lack of second.

A suggestion for overlapping terms of Councilmen was discussed whereby Councilmen would be elected for a four year term to facilitate such; or maintain the present two year term which would necessitate annual elections.

Councilman McClenon moved that the Councilmen have overlapping terms.

Councilman Kramer seconded the motion. Upon being put to question, the motion failed with a vote recorded as follows: Yeas: Councilmen Kramer, McClenon, and Tymeson. Nays: Councilmen Eccleston, Klinck, Parkhill and Mayor Beville. Absent: Councilman Lucas.

PUBLIC WORKS COMMITTEE:

Councilman Klinck moved that the City Clerk be authorized to pay the balance of \$7,496.59 due on the bill of the Bright Shepherd Co., to be paid from the reserve fund.

Councilman Tymeson seconded the motion.

Upon being put to question, the motion was carried.

Councilman Klinck brought to the attention of the Council the matter of a stream being stopped causing a flooding condition over the back yard at one of the properties at Holly and Dogwood Avenues, and recommended that enclosures be made up to Holly Avenue. After further discussion on this matter, Councilman Klinck moved that the City proceed to enclose this stream up to Holly Avenue as soon as possible.

Upon being seconded and put to question, the motion was carried.

Mayor Beville made mention of the surfacing of Cockerille Avenue from Spring Avenue to First Street, and stated that he felt there should be

a public hearing for this improvement as soon as possible.

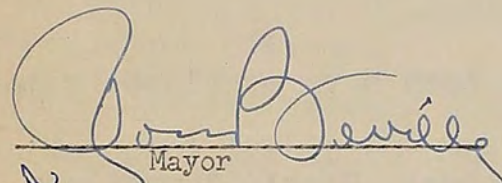
Councilman Klinck moved that the Superintendent of Public Works be instructed to install barricades on Hayward and Larch Avenues, and that the barricade be properly marked with a sign.

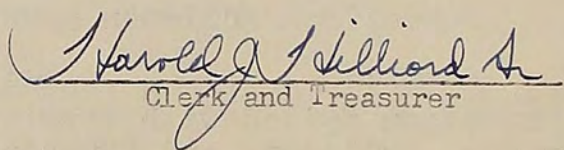
Upon being seconded and put to question, the motion was carried.

Councilman Klinck read a letter from the Washington Suburban Sanitary Commission regarding the storm drainage problem which exists along Brashears Branch between Philadelphia Avenue and Niagara Avenue in which the Commission agrees to contribute approximately \$80,000.00 toward this project.

Councilman Klinck requested that the City Clerk be directed to address a letter to the Sanitary Commission acknowledging receipt of this letter and express our sincere appreciation for their study and for their efforts in an attempt to clear up this condition existing in our City and we will immediately proceed to see what steps can be taken to obtain sufficient funds to make this a reality.

There being no further business to come before the Council, upon motion made, seconded and put to question, the meeting adjourned at 12:15 a.m.

independ

Mayor


Clerk and Treasurer

REGULAR MEETING
MAYOR AND COUNCIL
NOVEMBER 24, 1952

Mayor Beville called the meeting to order at 8:00 p.m. Those present: Councilmen Eccleston, Klinck, Lucas, McClenon, Parkhill and Tymeson. Absent: Councilman Kramer.

Councilman McClenon corrected the minutes of October 28 and November 10 as follows:

1. October 28, Page 5, paragraph 1 (b): The last sentence of this paragraph is corrected to read as follows: "This amendment to the Charter not to become effective until after it has been submitted to a referendum of the voters of Takoma Park."

2. November 10, Page 4, in the third paragraph, the word "necessitate" is misspelled.

Councilman Parkhill moved that we dispense with the reading of the minutes and that the minutes be approved as corrected.

Upon being seconded and put to question, the motion was carried.

Mr. Hilliard presented the financial statement of the month of October as follows:

FINANCIAL STATEMENT
October 1952
Summary

	Revenues Oct.1952	Revenues to 10/31/52	Bal.Bud. to 6/30/53	Total Budget
Cash on Hand Citiz. Bk. 9/30/52	95124.44			
Cash on Hand Sub. Tr. 9/30/52	20406.75			
Balance in both Banks 9/30/52	<u>115531.19</u>			

Revenues

1.0 Taxes: General	21788.60	237235.57	60927.00	298162.57
Penalties & Interest	9.13	222.12	527.88	750.00
2.0 Licenses Permits	419.75	14094.57	7655.43	21750.00
3.0 Fines- Forfeitures	.00	2107.15	892.85	3000.00
4.0 Use of Money-Prop.	.00	30.00	270.00	300.00
5.0 Rev. from other sour.	1920.40	940.33	31213.67	32154.00
6.0 Service Charges	230.00	629.50	720.50	1350.00
Accounts Recv'd.	69.50			
	<u>24437.38</u>	255259.24	102207.33	357466.57
Less Discount	42.14	<u>24395.24</u>		
		139926.43		

Disbursements

		Disburse. to 10/31/52	Bal.Bud. to 6/30/53	Total Budget
10. Gen'l Govt. Clks. Off	2396.04	10524.62	19339.16	29863.78
10. " " Govt. Bldgs	1010.67	2304.59	6355.41	8660.00
10. " " P/W Rep. Sh.	1120.56	5679.43	8335.57	14015.00
11.1 Police Dept.	4052.10	17745.57	37874.43	55620.00
11.2 Fire Dept.	3578.01	15452.41	37227.59	52680.00
12.1 P/W Dept: Office	1196.11	3555.32	4989.68	8545.00
12.2 " " Highways	3660.87	11791.99	28861.34	40653.33

12.5 P/W Dept: St. Lights	784.80	2264.17	7185.83	9450.00
12.6 " " Contingent Fund	.00	217.13	682.87	900.00
13.2 " " Sanitation	5702.20	20417.27	24032.73	44450.00
13.3 " " Recreation	686.23	6966.27	827.73	7794.00
19.4 Cultural: Library	.00	7738.81	3261.19	11000.00
21.1 Miscellaneous	2278.18	2828.07	7171.93	10000.00
22.1 Capital Budget	2494.28	22323.66	42450.55	64774.21
23.1 Insurance	1947.73	3100.67	1791.46	4892.13
Accounts Received	373.72	31281.50		
10/31/52 Bal. per Bk.Statement		108644.93	230387.47	363297.45
		132909.98		
Adjust Deposits July 1952	73.85			
10/31/52 Bal. as per our books	108571.08			
Certificate of Deposit	20000.00			

CORRESPONDENCE:

1. Letter from Mr. & Mrs. Franklin G. Connor, offering to dedicate to the City of Takoma Park that portion of Lot 8 which is now used as Holton Lane in order that curb and gutter might be installed. Referred to Civic Improvements Committee. Mayor Beville requested Chairman Parkhill to talk with these property owners in an attempt to solve this problem.
2. Letter from Theodore McKeldin, Governor of Maryland, advising that H. Earle Russell has been appointed Justice of the Peace of the State of Maryland for Prince George's County. Referred to Law and Ordinances Committee files.
3. Letter from Ellery Denison, Chairman of the Joint Committee, regarding the pending matter of the proposed tenure of office plan. Referred to Councilman Tymeson's special committee which is studying this, as well as other similar questions.
4. Letter from Eric Fischer suggesting the installation of a traffic light at the crossing at Piney Branch Avenue and Eastern Avenue. Mayor Beville instructed the City Clerk to write to Mr. Fischer, informing him that this intersection is not within the jurisdiction of the City of Takoma Park, and advising him to address his request to the District Commissioners.
5. Letter from A. J. Scullen, Jr., advising that the owner of 7511 Carroll Ave, Mr. John E. McKinney, has secured services of an architect to prepare drawings required by the Office of Licenses and Inspections. Referred to Civic Improvements Committee.

OPEN MEETING:

Mr. Frank Calcara, Bethesda, Maryland, addressed the Council in regard to the submission of subdivision plats to the City for approval. Mr. Calcara suggested that the City review the possibility of approving subdivision plats prior to the Washington Suburban Sanitary Commission's approval, provided that the plat does not involve any change in street, grade, or profile. The reason for this request, as explained by Mr. Calcara, is that in weather such as we have been having during the last few months, a day or two can make a great deal of difference to a builder. The Commission and the City Council have set dates on which

they meet, and consequently the breaking of ground for construction is often delayed many days, even weeks, during the interim between the Commission's approval of the plat and the date on which the City Council sits to pass upon the same.

Mayor Beville replied to Mr. Calcara that the City has no way of telling whether a change in street, grade or profile will be required from studying the plat. They depend upon the Sanitary Commission for this information. However, Mayor Beville stated that the City will give consideration to Mr. Calcara's request, as it is always their desire to find a better way of doing business.

EXECUTIVE SESSION:

Civic Improvements Committee:

Councilman Parkhill presented the plat of Mr. Frank Calcara. He moved the adoption of the following Ordinance:

ORDINANCE NO. 1161

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

Section 1. THAT the Plat of the resubdivision of Parts of Block 8, and Part of 18, New Hampshire Gardens and Block 1 and 2, Green Hill Farms, into Parts of Block 8, 10 & 18, New Hampshire Gardens, conveyed by Max Gorin and Gussie Gorin, his wife, Harry Gorin and Selma Gorin, his wife, Louis Gorin and Esther Gorin, his wife, Frank Calcara and Jennie Calcara, his wife, is hereby approved subject to conditions as set forth in Ordinance 920 adopted by the Mayor and Council at a Special Meeting on January 5, 1949.

Councilman Eccleston seconded the ordinance.

The Ordinance was adopted by a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Klinck, Lucas, McClenon, Parkhill and Tymeson. Nays: None. Absent: Councilman Kramer.

In regard to the master zoning plan for the City of Takoma Park, Councilman Parkhill reported that the County Council was planning to consult with the Park and Planning Commission.

Mayor Beville stated that in conversation with an enforcement official of the County the problem of what to enforce has arisen. He said that the question is whether to enforce with respect to the new plan, in accordance with the old regulations, or enforce only upon complaint.

Councilman McClenon reminded the Council that the new plan has no legal effect, as it has not as yet been adopted, and that it would be impossible to enforce anything but the existing law. Councilman Klinck suggested that enforcement be based upon complaints from the City, but Mayor Beville believed that this would be discriminatory.

In the course of the discussion, the question arose as to whether the Council has been receiving from the Park and Planning Commission all the zoning applications for the City of Takoma Park, for the Council's recommendation. Councilman Parkhill stated that he had not seen such an application for over two months. After further discussion on this matter, Councilman Parkhill moved that the Law and Ordinances

Committee be directed to draft a resolution for submission to the Joint Delegation to the General Assembly, requiring the Park and Planning Commission to submit all zoning applications involving property in the City of Takoma Park, to the City Council for its recommendation.

Upon being seconded and put to question, the motion was carried.

Councilman Parkhill reported that the work on 11 Columbia Avenue has been at a stand still for some time. He moved that the Contractor be informed that the work must be completed by December 15, 1952, in order that said work be considered satisfactory, from a legal standpoint.

Upon being seconded and put to question, the motion was carried.

PARKS AND RECREATION COMMITTEE:

Councilman Lucas reported that the filling in of the lily pond in Spring Park is about one-half completed. Mayor Beville requested the Superintendent of Public Works Thomas to finish up this work as soon as possible.

Councilman Lucas explained that the sodding of Spring Park had not been completed in spite of the fact that the sod had been ordered some months ago. He stated that the sod work was being turned over to a Mr. Anderson, who had been recommended to him by Councilman Klinck. Mayor Beville also recommended Mr. Anderson.

PUBLIC WORKS COMMITTEE:

Councilman Klinck informed the Council that during the recent rain a top slab collapsed on a storm sewer in the rear of 7511 Allegheny Avenue. He showed pictures of the situation, and stated that the Public Works Department would go ahead with the repair of the sewer, in accordance with their regular maintenance procedures. He said that the reason for the collapse of the slab was probably due to the fact that the concrete seems to have been of inferior mix. The deepest fill was over this portion of the storm sewer, and the fill had become very soggy during the rain. The excess weight caused the weak slab to collapse.

In regard to the dedications for the widening of Carroll Avenue, Councilman Klinck reported that Counsel Gingerich had only a few more dedications to obtain.

The question of the improvement of Maple Avenue was discussed. The plans are in the hands of the State Roads Commission and the City expects to have some answer or reaction from them very soon.

Councilman Klinck discussed the matter of paving, curb and gutter in the 7800 block of Kennewick Avenue, which has been requested by Gorin Brothers. He presented a color map of the area, explaining what areas are owned by Gorin and what areas are owned by others. The map showed also the streets where curb and gutter are now installed. Gorin has a development of four family units in the area, many of which are presently occupied, and the problem is becoming quite serious, as the mailmen refuse to deliver to these residents due to

the absence of paving. After some discussion on this matter, Councilman Klinck moved that, in view of the fact citizens are already residing in these new dwellings in this newly developed area, the City Clerk be directed to advise all the property owners whose properties front on these sections of these streets--Kennewick from Anne to and including the intersection of Kennewick and Kirkland, and Kirkland from Kennewick to the intersection of Lockney--that the City is considering the installation of concrete curb and gutter and bituminous topped streets, the cost of which is to be assessed against all abutting property owners. The City Clerk is also directed to advise these property owners that upon receipt by him of agreement to this proposal from all property owners, a public hearing will not be necessary.

Upon being seconded and put to question, the motion was carried.

Councilman Klinck presented the following review and recommendation by his Committee in regard to Brashear's Run:

"Negotiation for this enclosure from Philadelphia Ave., to Sherman Ave., were initiated by the City of Takoma Park about two years ago. After presenting the proposal for the enclosure of this stream and the further development of the area for use as parking facilities in connection with the Takoma Park Recreation center the Park and Planning Commission purchased certain lots and acquired by dedication certain other adjoining additional land.

The proposal to have this stream enclosed and a certain part of it re-routed was then presented to the Washington Suburban Sanitary Commission with the request that they undertake the enclosure and the re-routing required. After several discussions with the Suburban Sanitary Commission and its representatives, the Sanitary Commission submitted a proposal which included the re-routing of the stream only, in an open channel type structure. The City feeling that this problem was a responsibility of the Suburban Sanitary Commission did not feel that we could request further a closed type of a structure because we had from the first of our negotiation maintained that a complete enclosure seemed to us to be the only permanent satisfactory solution.

At this point the Maryland Capital Park and Planning Commission requested a meeting with our Public Works Committee for the purpose of determining the status of our negotiations with the Suburban Sanitary Commission. At this meeting the Park and Planning Commissions expressed their continued interest in having the entire stream enclosed the same as we had previously requested. The Park and Planning Commission offered to arrange for a joint meeting of the two commissions and the City Council, which they did. At this meeting we stated that there was under construction certain apartments on Maple Ave., and that we had been informed that a large expensive type apartment was planned in the immediate area and that we were now definitely planning the widening and improving Maple Ave.

Shortly after this joint meeting, which had been arranged by the Park and Planning Commission, the Suburban Sanitary Commission advised the City of Takoma Park that the estimated cost of installing a closed type structure from Philadelphia Avenue to Sherman Avenue was estimated to be one hundred and two thousand dollars (\$102,000.00) and that the Suburban Sanitary Commission would allocate the sum of eighty thousand dollars (\$80,000.00) toward this project with the understanding that the City would obtain the necessary rights of way and supply the

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necessary fill dirt required after construction.

Subsequent to the receipt of this offer the Chairman of the Public Works Committee again contacted the representatives of the Park and Planning Commission and wishes to report that a statement will be forthcoming in the next few days in which the Park and Planning Commission will guarantee payment of one-half of the remaining cost of the construction up to an amount not exceeding eleven thousand dollars (\$11,000.00) and the Park and Planning Commission agrees to permit the City of Takoma Park to stock pile fill dirt on their property alongside the site of said construction.

Therefore, having been assured by specific offers from the two commissions, and in view of the unquestioned benefits to be derived by the City and our people, I move that the Mayor and City Council instruct the City Clerk, after consulting with the Corporation Counsel, to advise the Washington Suburban Sanitary Commission of the offer by the Park and Planning Commission, that the City will guarantee payment of the balance required up to the amount of eleven thousand dollars (\$11,000.00) to proceed with this project, and the City hereby accepts with pleasure the generous proposal of the Suburban Sanitary Commission."

In the discussion which followed this summary, Councilman Klinck read the letter which the City had received from the Washington Suburban Sanitary Commission, which follows:

The Commission has reviewed the storm drainage problem which exists along Brashears Branch between Philadelphia Avenue and Niagara Avenue in the City of Takoma Park. It is of the opinion that the most satisfactory solution of this problem, considering the interest of all the agencies involved, would be to eliminate the branch entirely between these limits and convey the surface run-off, by means of dual pipes, from the present outlet of the storm drains at Philadelphia Avenue to a point just northeast of Niagara Ave.

The preliminary estimated cost of such a project is \$102,000, which estimate does not include the cost of rights of way or filling in the valley of Brashears Branch over the pipes. Towards this estimated cost it appears that the Commission would be able to contribute approximately \$80,000. This figure cannot be given exactly because the Commission has not yet received final figures of the cost of certain projects towards the cost of which it has committed itself. In order to make the above estimated contribution it would be necessary for the Commission to postpone the approved drainage construction in the vicinity of Barkley and Tulip Avenues in your City. If it can receive a firm guarantee from other sources that they will be willing to contribute the additional amount required to construct the Brashears Branch project as above outlined, the Commission will contribute the aforesaid sum of approximately \$80,000 towards the project.

It is to be emphasized that the aforesaid sum is approximate only but the Commission is willing to apply all the monies now available to it for storm drainage

purposes in this area over and above its commitments towards the construction of this project.

It is to be noted that suitable arrangements will have to be made by parties other than the Commission to secure the necessary rights of way and to make the necessary fill over the pipes in the Brashears Branch valley.

After a lengthy discussion on the probable amount the City would be required to pay, the motion was seconded and upon being put to question, it was carried.

Law and Ordinances Committee:

Councilman McClenon moved the appointment of H. Earle Russell as Justice of Peace for Prince George's County, on the same basis as Mr. Hodgson was employed.

Upon being seconded and put to question, the motion was carried.

Councilman McClenon moved the adoption of the following Ordinance:

ORDINANCE NO. ~~1162~~ 1161A*

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

Section 1. Ordinance No. 894 of July 28, 1947 (18:48) is amended by adding, at the end of Section 2, the following:

"Except that the use by any vehicle of the space directly in front of the Citizens and Suburban Banks in the zones so identified is restricted to 30 minutes."

Upon being seconded and put to question, the Ordinance was adopted.

Councilman McClenon brought up the matter of Charter amendments. He stated that Mr. Hilliard had informed him that there is no necessity for any amendment to permit the levying of taxes for any part of the taxable year. We are already doing this. He suggested that it would be unwise to ask for an amendment to our Charter to permit us to do something we are already doing. Councilman McClenon then moved that we omit from our recommendations to the legislature any reference to the levying of taxes for a part of the year.

Upon being seconded and put to question, the motion was carried.

Councilman McClenon stated that in reading the minutes of the Council's last session he had noted that two councilmen had voted against the proposal to give to the Mayor the veto power. In view of these negative votes, Councilman McClenon moved that a referendum clause be attached to that proposal.

* Number changed June 18, 1953
M.M.C.

Mayor Beville stated that he would like to ask if the two councilmen actually voted "nay". Councilmen Parkhill and Klinck replied that they had. Mayor Beville asked these gentlemen to present their views on the subject.

Councilman Klinck explained that he was against the proposal because it is not just the question of the veto that is actually concerned. He stated "We are actually considering a change in our present type of government to this extent--that we are reverting from the "weak mayor" system as opposed to the "strong mayor" system. As far as the argument is concerned that we have eight individuals including the Mayor and Council - and that four could be on the affirmative and three on the negative and the Mayor not having a vote - that argument is readily tossed aside by the fact that the elections are such that the Council shall have the legislative authority and that the Mayor is the presiding officer and the executive so far as the position of a leader is concerned and his counsel can and should always be available to the representatives of the people on the Council without his being a voting member. Those are the characteristics of our government which I feel the proposal will eliminate."

Councilman McClenon replied that the statement made by Mr. Klinck was an excellent reason why the matter should be referred to the people by a referendum, since it is a change of sufficient importance so that we should get the judgment of the people rather than ask the legislative body at Annapolis to make the final decision.

Mayor Beville stated that Mr. Klink's reference to the strong mayor system was slightly mistaken. He clarified this remark by saying that in the "strong mayor" system, the mayor is responsible for the appointment of all the department heads of the City. In the "weak mayor" system, the department heads are not appointed or selected by the mayor. The two systems have nothing to do with the veto power.

Councilman Klinck said that in looking to the future, he was fearful that the veto power might be abused to the detriment of the people and their wishes. He further stated that, with regard to the difference between the "weak" and "strong Mayor" systems, in the "strong mayor" system, the mayor almost always has the veto power.

Councilman McClenon's motion was then restated, but failed for lack of second.

Councilman McClenon then presented three resolutions which had been adopted January 21, 1952, as follows:

1. BE IT RESOLVED, by the Mayor and Council of the City of Takoma Park, that we urge the General Assembly of Maryland to enact permissive legislation giving discretion to the governing bodies of incorporated cities and towns and special taxing authorities to levy taxes on personal property and improvements to real estate at a lower rate than that on the unimproved value of the land.

2. BE IT RESOLVED, by the Mayor and Council of the City of Takoma Park, that we urge the General Assembly of Maryland to enact legislation permitting the governing bodies of incorporated cities and towns, subject to a referendum to the voters of such municipalities, to make minor changes in the city or town charter, so as to relieve the General Assembly of the necessity of devoting a large portion of its time to the consideration of relatively unimportant local problems.
3. BE IT RESOLVED, by the Mayor and Council of the City of Takoma Park, that we express to His Excellency Governor Theodore McKeldin and the General Assembly of Maryland our opposition to the diversion of "Sherbow Funds".

Unless objection is raised to these resolutions, which had previously been passed, Councilman McClenon explained that they would be presented to the next session of legislature.

Councilman McClenon moved that we request the two legislative delegates to support the proposals of the Maryland Municipal League as follows:

1. That incorporated cities and towns should be entitled to regulate traffic on streets within the corporate limits but outside state and federal highway systems.
2. Support in principle but not necessarily in detail the recommendations made in the third report of the Sobeloff Commission which is in the nature of having the state abdicate its taxing authority in certain fields and turn those taxes over exclusively to local governments. This proposal would not affect in any manner the Sherbow Funds.

Upon being seconded and put to question, the motion was carried.

In regard to the resolutions read by Councilman McClenon from the minutes of January 21, 1952, Councilman Klinck suggested that in view of the small amount of unimproved property within the City limits, the first resolution be omitted from the recommendations to the General Assembly. Councilman Parkhill so moved.

Upon being seconded and put to question, the motion was carried, with Councilmen Eccleston and McClenon voting nay.

Councilman McClenon moved that the other two resolutions from the January 21, 1952 minutes be included in our recommendations to the General Assembly.

Upon being seconded and put to question, the motion was carried.

In regard to the suggested amendment to Article 23A of the State-wide laws to be made by the Legislature at its next session, Councilman McClenon presented the following memorandum from Corporation Counsel Gingerich:

"Article 23A of the Annotated Code of the State of Maryland sets forth the express powers which the Legislature gives to every incorporated municipality in the State in addition to such other

powers as may be granted by the municipal charter. The powers granted by Article 23A, Section 2, are very broad. Article 23A, Section 2, gives municipalities the power in impose penalties or fines up to \$100.00 and imprisonment up to 90 days for violation of ordinances.

However, the provisions with respect to powers and penalties are not applicable to Prince George's County, Prince George's County being expressly exempted from these provisions. Since Takoma Park is located partly within Prince George's County, the City Council cannot use the powers contained in Article 23A as an ordinance to be valid must apply to all of Takoma Park and not to just a portion thereof. It is therefore suggested that the Mayor and City Council recommend to the Legislature that the exemption with respect to Prince George's County be not applicable to the area of the City of Takoma Park lying within Prince George's County or possibly it might be recommended that the exemption be not applicable to municipalities partly located within Montgomery County and partly within Prince George's County. The amendment of Section 4 of Article 23A of the Annotated Code of Maryland as suggested would then give Takoma Park the same powers as are applicable to all other municipalities in the State except those located within the counties exempted from the provisions of Article 23A, Sections 2 and 3.

I do not believe it would be difficult to obtain the approval of the Prince George's Delegation of such a proposal since it would not have a very wide effect.

I would recommend that Article 23A, Section 4, be amended to read:

'4. (Counties exempt) None of the provisions 1, 2 and 3 of this Article shall be construed to apply to Worcester, Kent, Caroline, Allegheny, Washington, Calvert, Wicomico, Dorchester, Somerset, Baltimore, Anne Arundel, Cecil, Charles, Frederick, Prince George's, and St. Mary's Counties except that the provisions of 1, 2 and 3 shall apply to that area of Prince George's County within the corporate boundaries of the City of Takoma Park, said Counties being hereby expressly exempt from the provisions thereof.' "

The Council agreed to place this item on the legislative program, the exact wording to be done by Mr. McClenon and Mr. Gingerich.

PUBLIC SAFETY COMMITTEE:

In the absence of Councilman Kramer, Councilman Parkhill moved the appointment of David B. Wymer to the position of fireman, said appointment to be probationary for six months, effective December 1, 1952, as a salary of \$2620 per annum. This appointment has been approved by the Fire Board.

Upon being seconded and put to question, the motion was carried.

Mayor Beville asked that Councilman Tymeson's committee on tenure of office and other benefits for City employees also study the possibility of setting up a fund to provide a monthly payment to the widow or dependents of a City employee killed in the line of duty.

PUBLIC WELFARE COMMITTEE:

Councilman Eccleston stated that his committee has had two meetings with Mr. Koch of the County Health Department, and that he has studied the proposed Rooming House Ordinance. Mr. Koch's proposal is in the hands of the Councilmen, and Councilman Eccleston asked that it be given careful study. A meeting will be held December 5th, 7:30 P.M. in the City Office for the purpose of discussing this proposal. It was requested that each councilman make every effort to attend.

FINANCE COMMITTEE:

Councilman Tymeson moved that the City Council express to Councilman Klinck their appreciation for the excellent job he has done in regard to Brashear's Run.

Upon being seconded and put to question, the motion was carried.

Mayor Beville asked that the City Clerk address a letter of appreciation and thanks to Councilman Klinck.

Councilman Tymeson moved that the bills in the amount of \$18752.53 be approved and paid.

Upon being seconded and put to question, the motion was carried.

Councilman Tymeson reported that he had received many letters concerning merit system and pay schedule for policemen and firemen. The Chairman of this special committee to study these problems has put together a considerable amount of material which will soon be placed in the hands of the committee members. The committee hopes to have a merit system ready for consideration by the Council by the first of the year.

In regard to the correspondence on file in the City office, Councilman Tymeson asked that if any of the Council still have material out, they return it as soon as possible to the City Clerk.

In regard to tenure of office of City employees, Councilman Tymeson stated that he had received correspondence from many of the civic associations, and the committee will take cognizance of their letters and attempt to give them all details possible prior to action by the Council. All constructive criticisms were welcomed.

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

Handwritten signature of Mayor
Mayor

Handwritten signature of Clerk and Treasurer
Clerk and Treasurer

EXECUTIVE MEETING
MAYOR AND COUNCIL
December 8, 1952

Mayor Beville called the meeting to order at 8:00 p.m. Those present: Councilmen Eccleston, Klinck, Kramer, Lucas, McClenon, Parkhill and Tymeson. Absent: None.

The minutes of November 24 were corrected as follows:

1. Top of page 3, third paragraph, should read "Councilman McClenon reminded the Council that the new plan has no legal effect."

2. Page 8, under amended Article 23A, Section 4, a sentence should be added to read as follows: "The Council agreed to place this item on the legislative program, the exact wording to be done by Mr. McClenon and Mr. Gingerich."

3. Page 3, under Public Works Committee, the second paragraph should read as follows: "In regard to the dedications for the widening of Carroll Avenue, Councilman Klinck reported that Counsel Gingerich had only a few more dedications to obtain."

Councilman Kramer moved that we dispense with the reading of the minutes and that the minutes be approved as corrected.

Upon being seconded and put to question, the motion was carried.

CORRESPONDENCE:

1. Letter of authorization from the Park and Planning Commission stating that the Commission is providing \$11,000.00 for the enclosure of Brashears Branch. Referred to Public Works Committee.

2. Letter from Department of Inspection and Licenses advising that Mr. McKinney, 7511 Carroll Avenue, has been issued a building permit in order to comply with their directions. Referred to Civic Improvements Committee.

3. Letter from Community League regarding referendum clause relative to the veto powers of the Mayor. Referred to Law and Ordinances Committee.

4. Letter from Swats and Harris agreeing to assessment of paving Kirklynn Avenue. Referred to Public Works Committee.

5. Letter from R. M. Briggs, Secretary Treasurer of the Takoma Unit of Prince George's County Boys Club concerning use of Fire House gym. Referred to Civic Improvements Committee.

6. Letter from AAA and letter from J. Cannon concerning driveway on Cedar Avenue. Referred to Public Works Committee.

Mayor Beville presented a letter from the State Roads Commission concerning proposed improvements to New Hampshire Avenue. The letter stated that the reconstruction of New Hampshire Avenue from the District of Columbia line to the Montgomery County line is in the first 4-year priority group of the 12-year construction program, subject to the approval of such program by the 1953 General Assembly, and upon approval, plans would be started immediately for the improvement for this section of road. Referred to files of Public Works.

Mayor Beville made mention of a letter to the Tax Appeal Court from a citizen living in Residential A District where apartments are in existence, who feels that he is paying too high a tax because of reassessment in a supposed Residential A district. Mayor Beville remarked that the zoning problem was still in the process of a solution.

Councilman Parkhill reported to the Mayor and Council that he had written a letter to Mr. Herman Mills of the Maryland Municipal League thanking him for the courtesies extended at the Convention in Hagerstown.

LAW AND ORDINANCES COMMITTEE:

Councilman McClenon stated that the proposed Rooming House Ordinance was ready, and also that the Housing Ordinance was near completion. In reference to the 9 proposals to be made to the General Assembly, Councilman Lucas questioned the bill on the veto power of the Mayor, and moved that the Council reconsider the motion for the veto power.

Upon being seconded and put to question, the motion was carried.

Councilman Kramer moved the same veto power, except that a referendum clause be attached. Councilman McClenon seconded the motion. Upon being put to question, the motion was carried.

The three bills for Takoma Park covering the Police, Fire and Library tax were subjects of a lengthy discussion questioning the proposal to cover these three services, or all services provided to the City resultant of taxes.

Councilman Kramer made a motion to present the three bills as already prepared, to the Assembly, and upon being seconded and put to question, the motion was carried.

Councilman Eccleston made a motion to amend the preceding motion, requesting that the Law and Ordinances Committee prepare a new bill which would apply to all services which the City renders.

Councilman Klinck made a motion to table the preceding motion. Upon being seconded and put to question, the motion failed with the following roll call vote recorded: Yeas: Councilmen Klinck and Tymeson. Nays: Councilmen Eccleston, Kramer, Lucas and Parkhill. Absent: Councilman McClenon.

Consequently the amended motion was passed, which specifies that the bill be prepared to include any service that the City renders, with the following roll call vote recorded: Yeas: Councilmen Eccleston, Kramer, Lucas, and Parkhill. Nays: Councilmen Klinck and Tyemson. Absent: Councilman McClenon.

PUBLIC SAFETY COMMITTEE:

Mayor Beville stated that he and Councilman Kramer had attended a meeting with representatives of the Chillum-Adelphi Fire District, whereupon Councilman Kramer made the report of the meeting. The bill proposed by the Chillum-Adelphi Voluntary Fire Department was presented by the representatives of the Chillum Fire District, and was in essence as follows:

To impose a fire tax of 10¢ in the 4th, 5th, 6th and 7th Precincts of the 17th District, excluding incorporated municipalities. Of the amount collected from the imposition, 50% would be retained by Chillum, the remaining 50% to be shared by the municipalities. This pro rate would exist for the first 2 years; the second 2 years Chillum would retain 60% of the revenue from the imposition, 40% to be distributed to the municipalities; the third 2 years Chillum would retain 70%, 30% would be distributed to the municipalities; the fourth 2 years Chillum

would retain 80%, 20% to be distributed to the municipalities, this ratio to be effective thereafter.

Councilman Kramer and Mayor Beville then offered them a tentative agreement, since the bill presented by the representatives of the Chillum district was not met with approval, which was as follows:

- 1. The 50% ratio would be effective for 4 years rather than 2.
- 2. The ratio of 30% be applicable after 6 years, instead of 20%.
- 3. The tax be levied at 12¢ rather than 10¢.

In addition, if service was rendered, only one pumper would be sent out instead of all the equipment.

This tentative agreement was turned down by the Chillum representatives.

In lieu of either proposal, Mayor Beville and Councilman Kramer then suggested a special fire taxing area, which would include that area west of New Hampshire Avenue, south of Ethan Allen Avenue, and north of the District of Columbia line, taxable at 12¢, all of which would be turned over to the City of Takoma Park.

After Chief McBride and the Council discussed the proposals, the Council weighed all factors of each proposal as to benefits and practicability from the City of Takoma Park's standpoint, and Councilman Kramer suggested an amendment to Section 603 of the 1943 edition of the Code of Public Laws of Prince George's County. Councilman Kramer moved that the following resolution be adopted:

RESOLUTION

Resolved; by the Mayor and Council of the City of Takoma Park, Maryland, That we urge the Prince George's County legislative delegation to introduce and support an amendment to section 603 of the 1943 edition of the Code of Public Laws of Prince George's County, as amended by Chapter 510 of the Laws of Maryland, 1951, so as to provide for the annual disbursement to the City of Takoma Park of \$2500 on account of fire service and of rescue squad service rendered by the City with that part of the City lying in Prince George's County."

Councilman Parkhill seconded the resolution. Upon being put to question, the resolution was adopted.

Councilman Kramer made a motion that Private Minton of the Fire Department be appointed on a permanent basis, such permanent status to become effective January 1, 1953. Upon being seconded and put to question, the motion was carried.

Councilman Kramer made a motion that Hugh Van Hayes be appointed a policeman on a probationary period of 6 months at \$2600.00 per annum. Upon being seconded and put to question, the motion was carried.

PUBLIC WORKS COMMITTEE:

Councilman Klinck brought up the matter of the lighting situation on East West Highway. Councilman Kramer reported that the Potomac Electric Power Company was now preparing a study on the matter, and would present the report upon its completion.

Corporation Council Gingerich stated that there were only three more dedications to be received in connection with the proposed widening of Carroll Avenue, all of which were expected within the week.

FINANCE COMMITTEE:

Councilman Tymeşon reported that within 10 days an 8 page Merit Plan would be submitted which possibly would be ready for presentation on January 26, 1953, also that a recommendation from the Finance Committee regarding pay schedule for policemen and firemen would be presented on January 12. The tenure of office will be included in the Merit Plan.

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Parkhill stated that the Rooming House Ordinance would be ready early in January.

Councilman Parkhill discussed the bid of W. Brown, 301 Carroll Avenue, Takoma Park, for painting the outside of the building at 8 Columbia Avenue, such bid was submitted in September in the amount of \$663.00 plus \$120 to cover the increase in labor costs. This increase in labor costs was representative of the increase since September, according to Mr. Brown.

It was suggested by the Council that the cost of siding be investigated before a definite decision was made to have the building painted.

Mayor Beville requested that the Public Works Department see that the front of property at 8 Columbia Avenue be cleaned up.

Councilman Parkhill stated that the Fire House gym could be used by those wishing to play basketball until renovation of same begins.

PARKS AND RECREATION COMMITTEE:

The question of new quarters for the Library was discussed. Councilman Kramer made a motion that there be a discussion with the Library Board, whereby the City would propose to make available to the Library Board property or land on which to build a Library. Upon being seconded and put to question, the motion was carried.

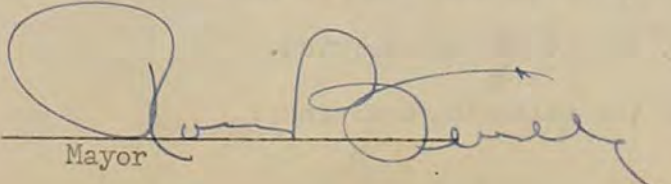
Councilman Lucas reported that Washington Park is almost complete. He suggested that the Spring Memorial Park be completed by Memorial Day, and have a dedication at that time. Such a dedication could include the planting of azalea bushes by citizens. It was decided that the Committee talk with civic associations, and begin to organize plans for a dedication.

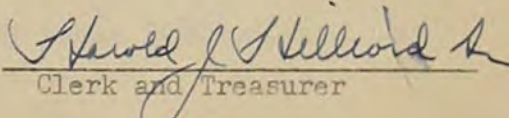
Earl Thomas, Superintendent of Public Works was asked to investigate as to various types of grass that would be most suitable for the bank in Spring Park, in order to curtail erosion.

Councilman Klinck suggested that inasmuch as the City intends to move the Police Department to the lower floor of 8 Columbia Avenue, the Health and Welfare Department should be given notice of this intention as soon as possible in order that it might have ample time to find a suitable location.

A motion was made that the meeting of the Council on December 22, be dispensed with. Upon being seconded and put to question, the motion was carried.

There being no further business to come before the Council at this time, upon motion made, seconded and carried, the meeting adjourned at 12:35 A.M.


Mayor


Clerk and Treasurer