

SPECIAL HEARING
MAYOR AND COUNCIL
December 21, 1953

The meeting opened at 8:00 P.M. Mayor Beville addressed the citizens explaining that the purpose of this hearing was to present the proposed Ordinance for the Registration and Inspection of Institutions, and to give them the opportunity to ask any questions they may wish. Mayor Beville then introduced Councilman Eccleston, Chairman of Public Welfare Committee, who presided over the remainder of the meeting.

Mr. Joseph B. Simpson, attorney for the Nursing Homes Assn., appeared before the Council representing these Nursing Homes and strenuously expressed opposition in their behalf to the proposed Ordinance for the Registration and Inspection of Institutions.

The following citizens addressed the Council relative to this Ordinance:

In favor of the Ordinance

A. J. Fahey
510 N. Y. Ave.

R. G. Perkins
511 N. Y. Ave.

Michael Derato
413 Lincoln Ave.

Robert Mandel
7003 Woodland Ave.

Against the Ordinance

Mrs. Geo. Wakefield
700 Hudson Ave.

M. E. Evans
7008 Sycamore Ave.

Mrs. Lillian Ralls
7420 Maple Ave.

Marie A. Turner
7100 Sycamore Ave.

Ingrad Westberg
8500 Flower Ave.

Mrs. Esther Roach
7215 Holly Ave.

S. Christiansen
207 Hudson Ave.

Irene Harris
17 Pine Ave.

Earl Wilson
517 Albany Ave.

This portion of the meeting adjourned, due to the fact that no other citizens wished to speak. Mayor Beville then called an Executive Session of the Council. Those present: Councilmen Eccleston, Klinck, Kramer, Miller, Forehand, Parkhill and Tymeson. Absent: None.

EXECUTIVE SESSION:

After a lengthy discussion on the proposed Ordinance for the Registration and Inspection of Institutions, at which time minor changes were made, Councilman Eccleston moved the adoption of the following Ordinance as amended:

ORDINANCE NO. 1241

(Ordinance No. 1241 is on the following page)

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

That Whereas:-

The Council finds that public interest in the operation of privately operated institutions for the care of adults and children within the City Boundaries will require that the City keep currently informed and have a knowledge of their location, size, number of persons accommodated, health and safety facilities and such other data as may be prescribed from time to time by regulation.

Therefore;

The City of Takoma Park in order to obtain and provide for the filing of such data adopts an Ordinance to be known as

ORDINANCE NO. 1241

REGISTRATION AND INSPECTION OF

INSTITUTIONS

IN

TAKOMA PARK, MARYLAND

Section #1. Definitions

As used in this Ordinance:

A. The term "Institution" shall include privately operated

- (a) Care Homes for Adults
- (b) Nursing Homes for Adults
- (c) Overnight Care Homes for Children
- (d) Day Care Homes for Children
- (e) Hospitals
- (f) Hospital Nursing and Convalescent Homes
- (g) Dormitories
- (h) Sanitariums
- (i) Medical Clinics
- (j) Educational Institutions
 1. Nursery Schools
 2. Kindergartens

located within the Corporate limits of the City of Takoma Park and which provide facilities for the care and/or treatment or instruction of three or more persons not related to the administrator by marriage or blood. Provided that the term "Institution" shall not be construed to include

1. Any Dispensary or first aid treatment facilities maintained by any commercial or industrial plant, educational institution or convent.
2. Any Hospital, Sanitarium, Hospital Nursing or Convalescent Home, having facilities and accommodations for the treatment and care of more than 50 persons and which has operated as such continuously since 1930.
3. Any Medical Clinic operated as a separate institution or in connection with a Hospital, Sanitarium, commercial or industrial plant; educational institution or convent.
4. Any Primary or Secondary Educational Institution (other than privately operated Nursery Schools and Kindergartens) now

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operated under Supervisory Jurisdiction of the County Board of Education.

5. Any Dormitory (other than privately operated) now operated in conjunction with an Educational Institution as defined in (4) above.

B. The term "Care Home for Adults" shall include Rest Homes and Boarding Homes established to render domiciliary care, but shall not include Child Care Homes which are licensed by the County Board of Welfare.

C. The term "Nursing Home for Adults" shall include Rest Homes, Convalescent Homes and Homes for the aged providing care for chronic and convalescent patients, but not providing care for feeble minded or mental patients, epileptics, alcoholics, senile psychotics or drug addicts.

D. The term "Overnight Care Home for Children" shall include such institutions caring for 3 or more children overnight as well as during the day, either with or without the parents being present.

E. The term "Day Care Home for Children" shall include such institutions caring for 3 or more children not of the immediate family either with or without the parents being present.

F. (a) The term "Hospital" shall include any institution receiving in-patients and rendering medical, surgical and/or obstetrical care. This definition shall include General Hospitals, Institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics.

(b) The term "Hospital" shall include Sanitariums, wherein feeble minded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for.

G. The term "Hospital Nursing and Convalescent Home" shall include a Nursing Home or a Convalescent Home (as defined in definitions (C) and (F)(a),(F)(b) and subject to the condition of operation as defined in Section 1(a), (b).

H. The term "Dormitory" shall include a Room, Apartment, or Building containing sleeping accommodations for 3 or more persons.

I. The term "Sanitarium" shall include a health retreat; an institution for the recuperation and treatment of victims of physical and mental disorders.

J. The term "Medical Clinic" shall include a building or structure housing under one roof complete diagnostic and treatment facilities for ambulatory out-patients.

K. The term "Educational Institution" - privately operated shall include every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or nursery school instruction, or any combination thereof, or any other program of trade, technical, or artistic instruction.

L. The word "Person" shall include natural persons, copartnerships, corporations, and associations.

M. The word "Building" shall include building or any part thereof and shall be defined as a structure having a roof supported by columns or wall for the shelter, support, or enclosure of persons, animals, or chattels. When any portion thereof is completely separated from all other portions by a division wall from the ground to the roof and without any door or other opening, such portion shall be deemed a separate building.

Section 2. Registration

The owner or operator of an institution as defined in Section 1 shall, in person or by agent, on or before the first day on which the building is used as such, or within 30 days after the adoption of this Ordinance, whichever is later, file with the City Clerk an application for the registration and inspection of such Institution. Such application shall---

- A. be accompanied by the payment of the registration and inspection fee prescribed in Section 4;
- B. identify the building indicating its approximate date of construction, and give the owner's full name, residence and post office address. If the owner is a partnership, the application shall state the names and addresses of the partners; if the owner is a corporation the application shall state the names and addresses of its principal officers.
- C. state the name and address of the operator with the same details as prescribed for the owner in subsection (b);
- D. list the number of patients, occupants or children normally accommodated showing the number of bathrooms, shower stalls, lavatories and water closets on each floor; if private facilities are available in connection with private rooms, these shall be indicated separately.
- E. specify the type of institution or institutions to be operated.

Before the beginning of each year after the year in which the building is first used as or for any of the purposes enumerated in Section 1, if it is to continue to be so used, the owner or operator shall, in person or by agent, make application for a renewal of his registration, specifying in such application any modifications in the information contained in the original application or the most recent renewal thereof.

Section 3. Registration and Inspection fees.

Each application filed under Section 2 shall be accompanied by the following registration and inspection fees:

- 1. If the number of persons, patients or children accommodated in any of these institutions for more than 30 days consecutively is not more than four persons at any time during the calendar year, then the fee will be \$5.00.
- 2. If the number of persons, patients or children accommodated in any of these institutions for more than 30 days consecutively is more than four but not more than twelve persons at any time during the calendar year, then the fee shall be \$10.00.
- 3. If the number of persons, patients or children accommodated in any of these institutions for more than 30 days consecutively is more than twelve persons at any time during the calendar year, then the fee shall be \$15.00.

Upon payment of the prescribed fee, the applicant shall be given an official certificate of registration.

In case the number of persons, patients or children served by any or all of these Institutions varies for a particular institution during the calendar year and there is an increase over the number specified in the application, the application shall within five days of such increase be amended, such amended application being accompanied by any additional amount of registration and inspection fee required by reason of such increase.

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Section 4. General Regulations.

The following regulations shall apply to "Institutions" as defined in Section 1:

- A. The premises shall be maintained in conformity with all the building and health and fire prevention regulations prescribed by or for the City of Takoma Park and/or the county in which such premises are located.
- B. The owner or operator of the premises shall not knowingly countenance the commission of any unlawful act.
- C. The owner or operator shall permit reasonable inspection of the premises by the duly authorized agents of the City or other governmental authority to ascertain whether or not this Ordinance and other applicable laws and ordinances are complied with.
- D. All institutions shall comply with all requirements of Ordinances 1207 and 1216, as amended from time to time.

Nothing in this Ordinance shall be construed as authorizing the violation of any applicable zoning regulation issued by a competent zoning authority, or of any other applicable law or regulation.

Section 5. Register of Occupants.

The operator of every institution shall maintain a record of persons accommodated therein, including the period or periods during which each such person was accommodated in such institution. Such record shall be open at all reasonable times to inspection by any authorized inspector or peace officer of the City of County or State. No person shall write or cause to be written in such register any other or different name than the true name of the person referred to or the name by which he is generally known.

Section 6. Penalties.

Any person violating any provision of this Ordinance, or maintaining any of the Institutions listed and described in the Ordinance without registering the same under Section 2 and paying the fee prescribed in Section 3, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$50. Each day on which such violation occurs shall constitute a separate offense; but the total fine imposed shall not, if more than \$100, be greater than \$10 for each day on which a violation occurs.

Section 7. Separability Clause.

If any provision of this Ordinance, or its application to a particular situation, is held invalid, such invalidity shall not affect the validity of any other provision of the Ordinance, or the application of that provision to other situations.

Section 8. Effective Date.

This Ordinance shall take effect January 1, 1954.

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The purpose of this report is to provide the reader with a better understanding of the Public Works Departments' responsibilities and its efforts to make Takoma Park a better place in which to live.

To the average citizen the name Public Works Department generally calls to mind only two functions of the Department, those of refuse collection and the repair of streets. It therefore seems desirable to outline the functions and organization of the Department.

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To provide for the proper delegation of authority and to establish proper work routine it has been convenient to divide the Department into several Divisions. The general duties and responsibilities of these Divisions are as follows:

STREET DIVISION

Establish and maintain work schedules necessary to provide proper maintenance of 36 miles of paved road surfaces, 70 miles of concrete curb and gutter, 40 miles of concrete sidewalk.

Install and keep in repair street name and regulatory signs.

The repair and cleaning of 350 storm drain structures and their connecting lines.

To provide the above service the Department utilizes the services of 8 men including one Foreman with the aid of the following equipment in addition to conventional hand tools.

- 1- Hough Payloader
- 3- dump trucks
- 1- pick-up truck
- 2- tar kettles
- 1- cement mixer
- 1- air compressor
- 1- self powered roller
- 1- centrifugal pump

SANITATION DIVISION

Establish and maintain proper refuse collection service for an estimated 5000 family units two times per week. Render such special collection service as public demand requires. Collection and disposal of refuse from those commercial establishments desiring the service. Collection and disposal of leaves and street debris from 36 miles of public right-of-way. Collection and disposal of dead animals.

To provide this service the Department utilizes the services of 16 men and the following equipment in addition to conventional hand tools:

- 6- Mechanical packer trucks
- 1- Mechanical leaf collector

PARKS DIVISION

Development and maintenance of public parkland. Landscaping and maintenance of grounds of the public buildings.

Maintenance and installation of playground equipment.

Construction, repair and placement of picnic facilities.

Construction, repair and placement of wayside benches.

Prune, cut and otherwise care for all trees planted in the Public right-of-way.

Plant, cultivate and otherwise care for such plants and cutting as may be used in public parks or grounds of public buildings.

To assist in carrying out these duties the Department utilizes the services of 2 men and the following equipment in addition to conventional hand tools.

- 1- stake truck
- 1- motor driven mower
- 1- chain saw
- 1- 12' x 12' greenhouse
- 1- table saw

The following duties of the Department are not divided into divisions because of their incidental or diversified nature:

- Ice and snow control
- Janitorial duties in public buildings
- Building and fixture repairs
- Preparation for civic functions at public buildings
- Construction of facilities for outdoor civic activities
- Maintenance and repair of all motorized equipment in use by the City.

Aside from one man assigned as a mechanic in the shop, the labor required for these duties is drawn from the Street, Sanitation and Parks Division and on occasion such additional temporary as may be employed to carry out a particular program.

The administration of the work programs of the various divisions is the responsibility of the Superintendent of Public Works, who in turn is responsible to the Mayor and Council thru the Chairmen of 7 Council Committees for the efficient operation of the Department.

A specific job description for the position of Superintendent is rather difficult in that in addition to his duties supervising the execution of the routine and emergency programs he must also, with the aid of the respective council committee concern himself with planning and administrative matters attendant to the following functions:

Plan and prepare work programs for the various divisions.

Select and purchase materials used by his Department to carry out the programs.

Select and employ labor required to carry out the work programs.

Establish and enforce personell regulations.

Establish and maintain such records as will permit a systematic and accurate analysis of performance and results of work being done.

Establish and maintain records concerning purchases, time records, inventory records, leave records and records of drawings and other data to permit future reference.

Enforcement of refuse regulations.

Cultivation of proper public relations.

Coordination of the activities of the Public Works Department, when necessary, with other Departments within the City and other Governmental bodies.

Under provisions of Ord. #920, review all plans submitted by developers or others for the grading or construction of new streets or such work as may proposed to be done within Public right-of-way.

Supervise the construction of streets or other structures installed within Public right-of-way to insure compliance with the provisions of Ord.# 920.

Review and make recommendations to the Mayor and Council on all requests for re-subdivision and dedications of property to public use.

The execution of the above listed responsibilities represent the general duties of the Superintendent with the exception of planning which will be covered in a paragraph to follow.

To assist in carrying out the duties mentioned above the Superintendent has the services of 2 clerks, one of whom acts as a foreman for the Sanitation Division.

For outgoing correspondence the Superintendent uses the services of a stenographer in the City Clerk's office.

Planning Public Improvements is a major responsibility of the Superintendent but in this respect his effectiveness depends upon the advice and support he receives from the particular Council Committee responsible for that phase of the Departments activity and then upon the formal action of the Mayor and Council as a body.

The Superintendent is responsible to the Sanitation Committee for activities relating to the collection of refuse the operation of the repair shop, personell problems and the sidewalk programs.

He is responsible to the Civic improvements Committee for matters pertaining to, resubdivision, dedications of property to public use, and all matters pertaining to City owned buildings.

He is responsible to the Parks and Recreation Committee for matters pertaining to the City's Parks and Recreational Activities.

He is responsible to the Public Safety Committee for matters concerning regulatory signs.

He is responsible to the Public Works Committee for matters concerning Streets, Storm Drainage and the operation of the Public Works Office.

With the combined interest of these committees he is responsible to the Finance Committee for the preparation of an annual budget and to the Law and Ordinance Committee for the adoption of ordinances necessary to the operation of the Department.

Because of financial limitations, due primarily to the required method of paying for major capital improvements, we have not been able to plan and carry out large programs within the same budget year. This problem has not been too serious with respect to sanitation problems, public buildings and parks. These respective committees have given many many hours of study to our needs and have given the City much to be proud of in the way of adequate street lights, modern sanitation equipment, proper refuse regulations, new quarters for the Police Dept. , offices for the City Clerk and Treasurer, exterior improvement to the Municipal Building, an improved gymnasium and public meeting hall that we can be proud of, supervised recreation programs during the summer months, a program of public entertainment consisting of band concerts and choral groups, new ball diamonds and backstops, the installation of drinking fountains in the major parks, new picnic tables in all parks and a planned floral planting program for portions of all City Parks.

The greatest application of time and funds has been expended for street improvements. It must be remembered however that a fundamental requisite of City Government to provide an adequate system of streets laid out improved, and maintained to serve the traffic needs of our highly mobile civilization and also to provide desirable standards of appearance and convenience, such a system is complicated and expensive, but its pattern is the skeleton upon which the entire city is build and just as each bone of a skeleton is located and proportioned to perform its allotted function, so also must each street be located and improved

to fulfill its requirements. Low prices cars were perfected some 30 years ago but it was impossible then to foresee the present effect upon our streets, the planners needed a gift of prophecy to know what to do. Much of this risk has been removed today, though we still have problems and they are not unlike those of other communities in that we have inherited a street system in various stages of growth. Seldom have we had the opportunity to locate design and improve a street strictly in accordance with a predetermined plan. We have however attempted to submit our street improvements, as they have been proposed, to a line of reasoning based on: What is it to be used for? How does it relate to the arterial street plan? How much traffic must it handle? What are (or may be, according to zoning) the type and intensity of use of land abutting or feeding traffic into the street? The studied consideration of these points as applied to each of our improvements will in the years to come give us much to be grateful for.

Certain of the improvements we enjoy today actually began their existence several years ago. Preliminary plans for the improvement to Carroll Avenue between Philadelphia and Ethan Allen Avenues began in August of 1951. Between then and now it was necessary to overcome apparently insurmountable difficulties. Efforts to acquire additional rights-of-way for the improvement could only be started after the preliminary plans were approved by the State Roads Commission, The Bureau of Public Roads, the City Council and concurrence of the property owners affected. This consumed quite a lengthy period of time. The next step after approval of the plan was to proceed with our efforts to acquire rights-of-way. Successful negotiations were made by the Chairman of the Public Works Committee to obtain these without cost to the City. Inasmuch as commercial property was involved to a major degree in the right-of-way needs the fact that they were obtained without cost to the City represents an admirable accomplishment. Due to the number of interested groups involved in the negotiations final approval required an abnormal length of time. The plans have now been turned over to the State Roads Commission for final processing and execution.

The enclosure of Brashears Run represents another milestone in the City's progress. Many plans were carefully considered before arriving at any final conclusion as to the manner in which it would be done. Aside from the engineering problems this project required an untold number of hours of consultation with the Park and Planning Commission and the Suburban Sanitary Commission before conditions of agreement and financing could be reached by all concerned.

The first stage of a carefully planned long range program for the improvement of Maple Avenue has been completed. The development of the adjacent area offers excellent proof that the conclusions reached in the planning stage were justified and accurate. The increased tax base will, in a few years, offset the entire cost of the improvement.

Surveys have been completed and preliminary plans prepared for several street improvements that we feel will require attention as soon as funds are available. Having these plans already prepared ^{will} ~~with~~ eliminate much of the delay we have experienced in the past.

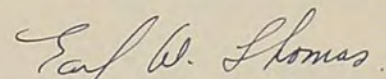
In the year ending December 1951 a total of 22,509 square yards of new paving was installed in the City together with 9,600 linear feet of curb and gutter.

In the year ending December 1952 a total of 43,457 square yards of paving was installed in the City together with 13,850 linear feet of curb and gutter.

In the year ending December 1953 a total of 20,420 square yards of paving was installed in the City together with 10,420 linear feet of curb and gutter.

Section II of this report as attached includes progress pictures of the improvements mentioned in this report.

Respectfully submitted,



Earl W. Thomas,
Superintendent of Public Works

Councilman Forehand seconded the motion.

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

Relative to a letter received from James C. Coffin, owner of Lots 3 & 5, Block 5, Wildwood Subdivision, Section 2, requesting that the City improve the street with concrete curb and gutter and bituminous paving, Councilman Klinck moved the adoption of the following Ordinance:

ORDINANCE NO. 1242

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

Section 1. In accordance with the provisions of Section 1198 of the City Charter, the Mayor and Council have under consideration the improvement to Heather Avenue from the end of the existing paving to the intersection of Glengarry Place, and an improvement to Glengarry Place from Heather Avenue to Sligo Creek Parkway, said improvement to consist of the installation of 4" bituminous concrete base course, 2" bituminous concrete top course, concrete curb and gutter and related storm drainage structures; said improvements to abut Lots 1, 2, 3, 4 and 5, Block 5, Wildwood Subdivision; Part Block 7, Wildwood Subdivision; Lots 6, 7, 8 and 9, Block 33, B. F. Gilbert Subdivision; Lot 5, Block 6, Wildwood Subdivision.

Section 2. A Public Hearing will be held on these proposed improvements or any part thereof, by the City Council at the Municipal Center, 8 Columbia Avenue, on January 11, 1954, at 7:30 P.M., at which time the abutting property owners and all interested parties will be heard in connection with this proposed construction work.

Councilman Tymeson seconded the motion.

The Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, Klinck, Forehand, Parkhill, Miller, and Tymeson. Nays: None. Absent: None.

Councilman Kramer moved the adoption of the following Ordinance to install a stop sign at the intersection of Elm Avenue:

ORDINANCE NO. 1243

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

Section 1. THAT traffic on Larch Avenue be required to stop at the intersection of Elm Avenue.

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

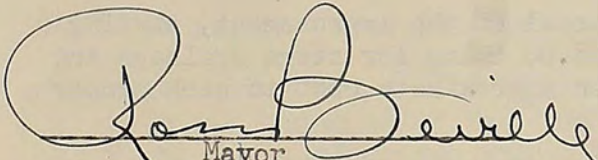
Section 3. AND FURTHER THAT the penalties for the violation of this Ordinance shall be the same as prescribed by Ordinance governing traffic regulations in the City of Takoma Park.

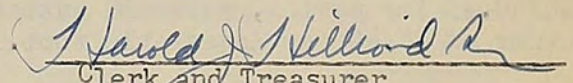
Councilman Tymeson seconded the motion.

The Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Eccleston, Kramer, Klinck, Forehand, Parkhill, Miller and Tymeson. Nays: None. Absent: None.

Councilman Kramer mentioned that the Council had been requested by the North Takoma Citizens' Association to provide for increased intensity of lighting along Takoma Avenue from Philadelphia Avenue to the overpass and Councilman Kramer, therefore, suggested that Potomac Electric Power Company be contacted to obtain an estimate of the additional cost to the City for this increased illumination.

There being no further business to come before the Council, upon motion being made and properly seconded and carried the meeting adjourned at 11:30 P.M.


Mayor


Clerk and Treasurer