

EXECUTIVE MEETING
MAYOR AND COUNCIL

February 14, 1955

Mayor Miller called the meeting to order at 8:00 P.M. Those present; Councilmen Collison, Forehand, Kozel, McKenzie, Juhl and Sidell. Absent: Councilman Tymeson.

Councilman Collison moved to dispense with the reading of the minutes of January 24, 1955 and that they be accepted as correct.

Councilman Juhl seconded the motion.

Upon being put to question the motion was carried.

CORRESPONDENCE:

1. Letter from Gerald E. Shultz relative to the present Rooming and Multiple Family dwelling Ordinance. Referred to Public Welfare Committee.
2. Petition signed by 14 citizens relative to the condition to the streets of Takoma Park. Referred to Public Welfare Committee.
3. Letter from Elizabeth G. Hardy relative to Multiple Family Dwelling Ordinances 1207 and 1216. Referred to Public Welfare Committee.
4. Letter from Joseph Hayden protesting reclassification of zoning petition B-183. Referred to Civic Improvements Committee.
5. Letter from Ralph G. Shure relative to assessment on W.A. Martin Property. Referred to Finance Committee.
6. Letter from Ralph G. Shure relative to the approval of zoning petition B-220. Referred to Civic Improvements Committee.
7. Letter from Charles H. Howe, Jr., Executive Secretary of Takoma Park Fire Dept. authorizing that the Director of Civil Defense procure matching funds from Civil Defense for a gasoline driven generator. Referred to Public Safety Committee.

EXECUTIVE SESSION:

PUBLIC WORKS COMMITTEE:

Councilman Collison advised the Council that the Public Works Committee together with the Supt. of Public Works and any other member of the Council who was available, was to meet with the representatives of the B & O Railroad in the office of Mr. Harry Shaw at the WSSC on Wednesday, February 23, 1955 at 2:00 p.m.

Relative to the drainage condition in the 500 block of Elm Avenue, Councilman Collison advised that progress is being made and that McNeill Surveys are almost finished with the plans and it should not be too long before the City will be able to advertise for bids.

Following discussion on the sale of the land by the City to 16th St., Woods Development Corp. on the Shapiro property, Corporation Counsel Gingerich submitted a proposed Agreement, and recommended that the City accept proposal "B". After further discussion the matter of this property, Councilman Collison moved the adoption of the following Ordinance concerning the repealing of Ordinance No. 1268:

ORDINANCE NO. 1290

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

Section 1. THAT Ordinance No. 1268 is hereby repealed in its entirety.

Councilman McKenzie seconded the motion.

Upon being put to question the motion was carried and the Ordinance adopted with a roll call vote recorded as follows: Yeas: Councilmen Collison, Forehand, Juhl, Kozel, McKenzie and Sidell. Nays: None. Absent: Councilman Tymeson

Following further consideration and study regarding the Agreement to be presented to 16th St. Woods Development Corp., Councilman Collison moved that the City of Takoma Park offer to sell a part of an unsubdivided parcel of land lying between Maple and Niagara Avenues in Takoma Park containing 13,411 square feet of land to the following conditions: (1) That a deposit of \$2,000 be made at the time the offer is accepted by Sixteenth Street Woods Development Corporation and the balance of the sale price is to be paid on or before the date the City of Takoma Park advertises for bids on the enclosure of Brashear Run; (2) That the City will deliver a quit claim deed for the real estate; (3) That the City of Takoma Park will secure R-10 zoning for the property prior to conveyancing; (4) that the City of Takoma Park at its own expense agrees to enclose Brashear Run from a point on the westerly line of Ritchie Avenue extended to an intersection with Maple Avenue which enclosure shall be approximately 265 feet in length, more or less, where the enclosure will temporarily terminate pending its extension under Maple Avenue and Lincoln Avenue; (5) That the quit claim deed shall reserve a right of way for the enclosure of Brashear Run; and (6) That the deposit of \$2,000 will be forfeited in the event Sixteenth Street Development Corporation does not complete the purchase in accordance with the terms of the offer. This offer to be in effect only until February 21, 1955.

Councilman Sidell seconded the motion.

Upon being put to question the motion was carried.

PUBLIC SAFETY COMMITTEE:

Councilman Forehand moved that Mr. Paul R. Carter be reappointed as Justice of Peace for Prince George's County, section of the City.

Councilman Sidell seconded the motion.

Upon being put to question the motion was carried.

Councilman Forehand moved that Raymond E. Carter be permanently appointed as Chief of the Takoma Park Volunteer Fire Department.

Councilman Sidell seconded the motion.

Upon being put to question the motion was carried.

Councilman Forehand moved that Private Elliott M. Anderson of the Police Department be made permanent at an annual salary of \$3400.00, retroactive of February 10, 1955.

Councilman Sidell seconded the motion.

Upon being put to question the motion was carried.

Councilman Forehand brought up the matter of having all hourly paid employees take physical examinations before being hired. Following discussion on this matter it was suggested that the matter be referred back to committee for further consideration.

PARKS AND RECREATION COMMITTEE:

Councilman Kozel advised the Council that Mrs. Haffner had agreed to donate a drinking fountain in the name of her late husband, Judge H.C. Heffner, to be installed at Heffner Park; the City to bear the cost of installation which is \$125.00 plus the plumber's fee which is governed upon the location to be installed. Councilman Kozel

therefore, moved that the Council accept the offer of Mrs. Heffner and that authorization be given for the expenditure of \$125.00 to be paid out of the Reserve Fund for the installation of the fountain and that Mr. Thomas, Supt. of Public Works be instructed to fill out the necessary forms from WSSC.

Councilman Forehand seconded the motion.
Upon being put to question the motion was carried.

Councilman Kozel advised that the building permit for the Library had been secured and construction would start as soon as the weather permits.

Councilman Kozel stated that the County has come through with more money for the Recreational program, therefore, it has been possible to pay some to the volunteer help as well as to the paid personnel.

FINANCE COMMITTEE:

Concerning the alterations necessary for the observation tower at the Legion Hut on Powder Mill Rd. in connection with the Civil Defense program for Takoma Park, Councilman Juhl moved that an amount not to exceed \$200.00 be authorized to be charged to a special Reserve Fund for the purpose of renovating the observation tower at the Legion Hut on Powder Mill Rd.

Councilman Collison seconded the motion.
Upon being put to question the motion was carried.

Mr. Hilliard gave a resume of the progress of activities thus far in connection with the program of Civil Defense for Takoma Park.

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Juhl moved that zoning petition No. B-172, for rezoning from R-60 to R-40 zone, Lot 19, Section 5, S.S. Carroll's Subdivision in the name of Robert W. Ellis, be approved.

Councilman McKenzie seconded the motion.
Upon being put to question the motion was carried with Councilman Forehand not voting.

Following discussion on zoning Petition No. B-183, Councilman Collison moved that rezoning Petition B-383, for rezoning from R-60 to C-1 zone, Part of Lots 3 and 4, Block 16, B.F. Gilbert's Addition to Takoma Park in the name of Thomas O. & Emma K. Mararre, be rejected and remain in the zone it now appears.

Councilman McKenzie seconded the motion.
Upon being put to question the motion was carried with Councilman Forehand not voting.

Councilman Juhl moved that zoning petition No. B-336, for rezoning from R-60 to R-40 zone, Lot 20, Block 90, Subdivision "Takoma Park" (Beale Trace), in the name of Edmund L. and M. Leona Bataille be rejected.

Councilman Kozel seconded the motion.
Upon being put to question the motion was carried with Councilman Forehand not voting.

Councilman Juhl moved that zoning petition No. B-220, rezoning from R-60 to R-10 zone, Lots 28, Block 50, B.F. Gilberts Subdivision, in the name of Ralph G. Shure, Atty. be approved.

Councilman Collison seconded the motion.
Upon being put to question the motion was carried with Councilman Forehand not voting.

Councilman Juhl moved that zoning Petition No. B-212, for rezoning from R-60 to R-30 zone, on Lot 40, Block 53, Flower Avenue Park Subdivision, in the name of William R. Ford be approved.

Councilman Kozel seconded the motion.

Upon being put to question the motion was carried with Councilman Forehand not voting.

Councilman Juhl displayed a picture of an amphitheater which exists in the City of Wheeling, W.Va. and stated he would like to see the City have something similar, perhaps on the other side of the school from where the new Library is to be erected.

PUBLIC WELFARE COMMITTEE:

Councilman Sidell moved that the Supt. of Public Works be authorized to prepare thirteeen Identification cards to be distributed to the Mayor and Council, all Department heads, other than the Police Department, the Administrative Assistant of Public Works Department and the second in command of the Fire Department. These Identification cards are to be used in pursuance of City business and to be returned to the City Clerk at the termination of City employment.

Councilman Forehand seconded the motion.

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

Councilman Sidell brought up the matter of the City purchasing a domonstrator street-sweeper. Following discussion on the matter, Councilman Sidell moved the adoption of an Ordinance for the purchase of a street sweeper from the George Malvese Co., Inc. of New Hyde Park, Long Island, N.Y. for the sum of \$6900.00 to be paid in the following manner; \$500.00 per month from March through June, 1955 the balance of \$4900.00 to be paid in July out of the 1955-56 fiscal year budget.

Councilman Kozel seconded the motion.

Following further discussion on this matter Councilman Juhl moved that the above motion be tabled until the next meeting in order that it might be discussed further with the Finance Committee.

Councilman Collison seconded the motion.

Upon being put to question the motion was carried.

Mayor Miller advised the Council that Councilman McKenzie had been appointed as the Council's representative to the Board of Directors of the Takoma Park Boy's Club.

Mayor Miller stated that he had a letter wished to read to the Council before adjournment and at this point he read a letter from Mrs. Irene Forehand expressing her appreciation to the Mayor and Councilmen for the kindness shown by them during her employment with the City. Mayor Miller stated that we all regretted that she felt it necessary to sever her connections with the City and that he knew Mr. Hilliard felt he was losing a valuable, loyal and trusted employee and that he wished Mrs. Forehand a very happy future.

There being no further business to come before the meeting at this time and upon motion being properly made, seconded and carried the meeting adjourned at 10:36 p.m.

George M Miller
Mayor

Harold J Hilliard
Clerk and Treasurer

SPECIAL MEETING
MAYOR AND COUNCIL

February 21, 1955

Mayor Miller called the Council to order at 8:35 p.m. Those present: Councilmen Collison, Forehand, Kozel, McKenzie and Sidell. Absent: Councilman Juhl. Councilman Tymeson reported later.

Mayor Miller explained that the Council had been called for a special meeting to discuss the proposed People's Court Bill which has been introduced in the Legislature and which, if enacted, would cause the withdrawal of the Magistrates Court from Takoma Park, and asked Mr. Gingerich, the Corporation Counsel to brief the Council on this subject.

Mr. Gingerich stated that this Bill had been discussed by the Bar Association and that he felt we should make every effort to get as much official support and as many citizens as possible to attend a public meeting to be held at Annapolis by the Montgomery County Delegation on this Bill. He also suggested that the Council adopt a Resolution and forward it to the members of the House and Senate from Montgomery County giving certain reasons why the Court should be retained in Takoma Park as it now functions. After a short discussion by the Council on this matter, the following resolution was unanimously adopted:

RESOLUTION

WHEREAS, it has come to the attention of the Mayor and City Council that the Montgomery County Delegation to the Legislature of the State of Maryland has introduced a Bill in the 1955 session of the Legislature which proposes to substitute a People's Court in Montgomery County for the present Trial Magistrates Court System, and

WHEREAS, the proposed Legislation establishing a People's Court for Montgomery County would withdraw the Court from the City of Takoma Park which City now has a Trial Magistrates Court sitting in the City of Takoma Park holding sessions one day per week for the trial of traffic and criminal offenses, and

WHEREAS, the continued holding of a Court in the City of Takoma Park within Montgomery County for the trial of traffic and criminal offenses is required for the convenience of the citizens of the City, and

WHEREAS, the withdrawal of the Court from the City of Takoma Park for the trial of traffic and criminal offenses would increase the cost of municipal government of the City of Takoma Park to the taxpayers within said City by the requirement that additional policemen be employed by the said City,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council of the City of Takoma Park petition the Montgomery County Delegation to amend the Peoples Court Bill so as to require the peoples Court for Montgomery County to hold a session within said City of Takoma Park at least one-half day of each and every week for the trial, of traffic and criminal offenses, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the State Senator and the members of the House of Delegates for Montgomery County.

Upon completion of this business, Mayor Miller advised the Council that he had been informed by responsible authority that the Post Office Department was making a study of the mail deliveries in Takoma Park with the view in mind of possible establishing a Post Office exclusively for Takoma Park, which would eliminate anyone living within our corporate limits having to have any other address than Takoma Park, Maryland. The Mayor then suggested that a Resolution be adopted to send to the Senators and Congressmen in support of having a Takoma Park Maryland Post Office.

Councilman Kozel moved that such a Resolution be adopted, and after being seconded the following Resolution was adopted:

RESOLUTION

WHEREAS, the Mayor and Council of the City of Takoma Park are constantly being deluged with complaints from citizens living within the corporate limits as to the difficulty involved in receiving and amiling United States mail, and

WHEREAS, citizens living within the corporate limits of both sections of Montgomery and Prince Goerge's Counties are required to show a Silver Spring address if in the Montgomery County side, or Hyattsville address if in the Prince George's side, Maryland for their mailing address which causes delay, confusion and inconvenience of these Takoma Park citizens, and

WHEREAS, the City of Takoma Park now has approximately twenty to twenty-five thousand people living within the corporate limits of both Montgomery and Prince George's Counties, it is strongly urged that the United States Post Office Department give immediate consideration to the establishment of a Post Office for the entire City of Takoma Park so that people enjoying the privileges of an incorporated municipality may use the name of their City for postal purposes ,and

THEREFORE, BE IT RESOLVED that a copy of this Resolution be forwarded to the United States Senators from Maryland and the Representative in Congress from the 13th District of Montgomery County and the 17th District of Prince George's County.

Mayor Miller then asked the Council if there were any further business and Councilman Collison replied that he had a letter that he wanted to read to the Council to get their permission to send it to the Legislature concerning the proposal now before the Legislature affecting the jurisdiction of the Washington Suburban Sanitary Commission in Montgomery County.

There being no further business to come before the Council at this time, the meeting adjourned at 10:45 p.m.

George M Miller

Mayor

Howard G. Hilliard

Clerk and Treasurer

REGULAR MEETING
MAYOR AND COUNCIL
February 28, 1955

Mayor Miller called the meeting to order at 8:00 p.m. Those present; Councilmen Forehand, Kozel, McKenzie, Sidell and Tymeson. Absent: Councilmen Collison and Juhl.

Reverend Raymond Hunter Brown of Grace Methodist Church delivered the Invocation.

Motion was made to dispense with the reading of the minutes of February 14, 1955, and that they be accepted as correct.

Mr. Hilliard presented the financial statement for the month of January, 1955.

FINANCIAL STATEMENT

January 1955

	Revenue Jan. 1955	Revenues to 1/31/55	Bal. Budget to 6/30/55	Total Budget
12/31/54 Bal. Citiz. Bank		55752.03		
12/31/54 Bal. Sub. Tr. Co.		<u>11923.84</u>		
12/31/54 Bal. Both Banks		67675.87		
REVENUES				
1. Taxes General	12403.80	338646.57	23383.87	362030.44
2. Penalties & Int.	115.06	332.83	167.17	500.00
2. Licenses & Permits	582.39	19664.58	3685.42	23350.00
3. Fines & Forfeit.	68.00	550.30	1649.70	2200.00
4. Use of Money & Prop.	.00	.00	175.00	175.00
5. Revenues other sources	256.63	1280.04	29619.96	30900.00
6. Service Charges	468.00	1895.50	104.50	2000.00
7. Room & Apt. Reg.	3800.00	4017.96	3982.04	8000.00
Towing Charges	32.00	266387.78	62767.66	429155.44
Accts. Recd.	316.23	18042.16		
		<u>85718.03</u>		
DISBURSEMENTS				
10.1 Clerk's office	2534.14	22234.83	15686.17	37921.00
10.81 Govt. Bldgs.	749.64	2738.28	1891.72	4630.00
10.1001 P/W Repair Shop	1054.48	13387.23	2087.23	11300.00
11.1 Police Dept.	6306.57	41416.28	20857.59	72273.87
11.2 Fire Dept.	3499.42	28820.18	19284.82	48105.00
11.3 Protective Inspect.	560.56	3785.64	2664.36	6450.00
12.1 P/W Dept. Office	2063.93	12486.15	8778.85	21265.00
12.2 P.W. Dept. General	8579.49	76985.97	15080.03	92066.00
12.2 P.W. Dept. Highway	372.09	6512.70	272.70	6240.00
12.4 P.W. Dept. Lgtg.	1045.92	7046.98	3253.02	10300.00
13.4 P.W. Dept. Sanitation	1249.30	9779.73	7220.27	17000.00
19.3 P.W. Dept. Recreation	134.26	2453.59	2336.41	4790.00
19.1 Cultural Libraey	.00	10362.43	3347.57	13710.00
21.1 Misc. Expense	3616.62	11503.49	1593.49	9910.00
22.1 Capital Budget	168.85	27404.38	7933.41	35337.79
23.1 Insurance	782.64	6519.18	1170.82	7690.00
Towing Charge	37.00	283437.04	115551.62	398988.66
Accts. Recd.	8.58			
Civil Defense	380.92	<u>33144.41</u>		
Bal. both banks		52573.62		

1/31/55	Bal Citiz. Bank	40610.84	Est. Appropriation 7/1/54	382639.90
" " "	Bal. Sub. T. Co.	11962.78	From Unapp. surplus	<u>16348.76</u>
" " "	Bal both banks	<u>52573.62</u>	Estimated appropriation	
			1/31/55	<u>398988.66</u>

SPECIAL ASSESSMENT ACCOUNT

12/31/54	Bal. Citz. Bank	40751.37
	Deposits	176.83
		<u>40928.20</u>
	No Withdrawals	.00
1/31/55	Bal. Citz. Bank	<u>40928.20</u>

SPECIAL LIBRARY BLDG. ACCOUNT

12/31/55	Bal. Citz. Bank	31280.84
	No deposits	.00
		<u>31280.84</u>
	Withdrawals	36.00
1/31/55	Balance	<u>31244.84</u>

CORRESPONDENCE:

1. Letter from Mr. Charles Lampe, President, Spring Park Community Association, requesting that consideration be given to installing STOP signs at Prince George's and Elm Avenues to control traffic. Referred to Public Safety Committee.
2. Letter from Hazel Anderson regarding rooming house ordinances. Referred to Public Welfare Committee.
3. Letter from Herbert D. Smith, Acting Secretary, Chamber of Commerce, concerning the the controversy of the rooming house ordinances. Referred to Public Welfare Committee.
4. Letter from E.D. Dick, President, Seventh-day Adventist Theological Seminary, relative to the rooming house ordinances. Referred to Public Welfare Committee.
5. Letter from Mr. Homer Teesdale, regarding rooming house ordinances. Referred to Public Welfare Committee.
6. Letter from Kenly S. Bell, President, North Takoma Citizens' Association concerning rooming house ordinances. Referred to Public Welfare Committee.
7. Letter from Thomas O. Morarre, requesting reconsideration of action taken on Zoning Petition B-183. Referred to Civic Improvements Committee.
8. Copy of letter addressed to Prince George's County Recreation Board by B. J. Tabarini, President, Hampshire Greens Community Association regarding recreation program. Referred to Parks and Recreation Committee.
9. Letter from J. Roger Hodges relative to use of property adjoining residence for Public Works Building. Referred to Public Works Committee.

Mayor Miller informed the citizens present of the public hearing to be held at Annapolis concerning the removal of the Magistrates Court from Takoma Park, and requested all who could to attend.

Mr. Lampe reiterated the need of stop signs at Prince Goerge's and Elm Avenues due to the increase of traffic on Elm Avenue, and requested that the Council take such action as necessary to control traffic at the intersection.

Mr. Thomas Morrarre addressed the Council relative to his request for reconsideration of the action take n on Zoning Petition B-183. He stated that he planned to have a music studion and to sell musical supplies at the location described in the Zoning Petition if petition was ultimately approved. He further stated that he felt such a plan would enhance recreational activities as well as the vicinity.

Mayor Miller referred the subject matter back to the Committee to review the decision.

Mrs. Peacock, 36 Columbia Avenue, spoke in favor of Mr. Mararre's proposed plan.

Councilman Forehand complimented Mr. Morarre for the work he has done to promote recreational activities for the City, and thought that it would be an asset to the a music studio and musical supply store.

Mr. Stephen L. Curtis, 717 Erie Avenue, addressed the Council stating that he was in favor of the City purchasing a street sweeper.

Mr. William Hutton, 1008 Heather Avenue, asked the Council for a clarification of the Ordinance pertaining to the parking of vehicles in the alley in back of Heather Avenue.

Mr. Ralph A. Lutes, 8214 Flower Avenue, addressed the Council regarding the rooming house ordinance. Referred to Public Welfare Committee.

PUBLIC WORKS COMMITTEE:

Councilman Sidell requested the following report be incorporated in the records of the minutes concerning the meeting held Feb. 23, 1955, with B. & O. representatives and WSSC on the drainage problem in the city;

"A meeting was held on February 23, at 2:00 p.m. in the office of Mr. Harry B. Shaw, Chief Engineer, Washington Suburban Sanitary Commission, to discuss various storm drain problems existing within the City of Takoma Park. The meeting was attended by Mr. Harry B. Shaw, Chief Engineer, Washington Suburban Sanitary Commission, to discuss various storm drain problems existing within the City of Takoma Park. The meeting was attended by Mr. Harry B. Shaw, Mr. Robert McCloud and Mr. James A. Stapp, members of the staff of the Suburban Sanitary Commission; Mr. Hunt, Attorney for the B. and O Railroad and Councilman Collison, Councilman Sidell, Councilman Tymeson and Superintendent of Public Works, E.W. Thomas.

"Councilman Collison outlined to Mr. Shaw the problem existing in North Takoma relative to the disposition of surface water originating on the B. & O. Railroad right of way and thence flowing under Buffalo Avenue and through the properties in block 76 Takoma Park Loan and Trust Company's addition to Takoma Park. Mr. Collison pointed out that the problem caused by this water was severe with respect to damage inflicted upon private properties located in the above mentioned blocks. He further stated that in addition to the storm water damage, a sanitary problem exists as a result of the occasional sewerage from the trains of the B. and O. flushing their lavatories enroute through this section of the City, and stated that property owners in the neighborhood had made a number of protests after finding toilet tissue and other matter on their properties after severe rains. Mr. Shaw stated that he did not feel that the B. and O. Railroad would be legally required to take any steps to assist with the enclosure of the open portion of this drainage area. Mr. Hunt stated that the B. & O. Railroad was willing to cooperate in an effort to eliminate the problem and would be pleased to discuss the extent of their participation with the Suburban Sanitary Commission and/or the City of Takoma Park. Mr. Shaw advised those present that a preliminary study by the Sanitary Commission indicated an estimated expenditure of \$70,000 would be needed to properly eliminate the problem that exists.

"The Commission's proposal provided for a new storm drain from Buffalo Avenue through block 76 and under Baltimore Avenue; thence through a portion of block 78 Takoma Park Loan and Trust Addition and lock 11. B.F. Gilbert's addition; thence under Piney Branch Road and through block 12, B.F. Gilbert's addition; thence under Birch Avenue and

through block 6A of B.F. Gilberts' addition to an intersection with facilities existing in Cedar Avenue. Mr. Shaw was asked by Mr. Thomas if the Commission would be willing to participate in a portion of the enclosure beginning at Buffalo Avenue and ending at the intersection of Albany and Baltimore Avenues. Mr. Shaw stated that he could not recommend such a proposal inasmuch as it conflicted with Commission policy but he would however, recommend that the Commission participate in a partial enclosure beginning at the other end of the proposed construction. Mr. Thomas pointed out that corrective measures at the Buffalo end of the construction were far more necessary than at the opposite end because of the severe property damage that resulted after each heavy rain. Mr. Shaw stated that the City could make a request to the Commission asking for their participation in corrective measures at the upper end of the line but he was not willing to say that it would be looked upon favorably by the Commission. Mr. Thomas asked Mr. Shaw whether or not he felt that in the event the City were to immediately undertake corrective measures in the upper portion of the drainage area, in accordance with the Commission plans but without their financial assistance if the Commission would then later consider the funds spent by the City as a portion of the total contribution the City would be expected to spend in any joint venture with the Commission at some future date. Mr. Shaw stated that he personally felt that such an arrangement could be made. Mr. Shaw was asked if the Commission had funds to proceed with this work in event the City of Takoma Park was immediately able to enter into an agreement to go ahead with the entire enclosure. Mr. Shaw stated that the Commission would not have funds available at the present time to proceed and that it would require authority from the State Legislature to issue additional bonds before they could undertake additional storm projects. Mr. Shaw was asked how soon construction could get under way in the event the Commission received authority to issue additional bonds. Mr. Shaw stated that it would appear that such construction could not possibly take place sooner than the Fall of 1955 providing no delays were experienced in obtaining authority for an issuance of the bonds.

"Councilman Collison asked Mr. Shaw the status of the Barclay Avenue enclosure and was advised by him that the Commission was ready to proceed with this project immediately upon the receipt of bids and the availability of funds provided for in their present bond issue. Mr. Shaw indicated that his work would be done sometime this spring. Councilman Collison also inquired into the status of the Boston Avenue storm drain project and was advised by Mr. Shaw that this was in the same category as the Barclay Avenue project with the exception that the Commission was still in the process of preparing plans for its construction. Some discussion took place concerning improvements to the storm drain line running in Philadelphia Avenue between Cedar and Piney Branch Road. Mr. Stapp stated to Mr. Shaw that several segments of this line may have been responsible for the recent flooding at the intersection of Piney Branch and Philadelphia Avenues.

"Mr. Shaw advised Mr. Stapp to give further study to this and suggested that the Commission could consider possible inclusion in the work proposed for the North Takoma area.

"Mr. Thomas asked Mr. Shaw whether or not Mr. Shaw felt the Commission would be willing to complete the enclosure of Breashear's Run from its present terminal point to Ritchie Avenue if the City of Takoma Park was willing to enclose Brashear's Run from Ritchie Avenue to a point on the east side of Lincoln Avenue. Mr. Shaw stated that he could not speak for the Commission but he personally would have no objection to such a plan.

"Mr. Thomas advised Mr. Shaw that he was in receipt of a number of complaints from property owners in the 500 block of Boston Avenue relative to their basement flooding with each heavy rain. Mr. Thomas pointed out that the basement elevations were above existing storm drain facilities and that he did not feel such flooding could be caused by any overflow from that source. Mr. Shaw stated that the Commission had served notice on several property owners in this area to disconnect their downspouts from the sanitary sewers and that the flooding conditions may be caused by the existence of additional connections to the sanitary sewers that the Commission was unaware of. Mr. Shaw suggested that Mr. Stapp investigate this complaint further.

"Some discussion took place on the proposed legislation to transfer storm drain authority, within Montgomery County, from the Suburban Sanitary Commission to the Montgomery County Council and what affect it would have upon present proposed construction withing the Montgomery County side of Takoma Park. Mr. Shaw stated that he did not feel that such legislation, even if enacted prior to award of bids for the Barclay Avenue and Boston Avenue projects, would result in the abandonment of either of these projects. He stated that this was his opinion today, but if he received orders to the contrary he would of course, have no choice but to comply with any cahnges he may be directed to make, Mr. Shaw stated that if the proposed legislation were enacted it could very possibly preclude the future consturction of any storm drain projects that were now in a discussion stage or not committed under available bonds.

"Upon conclusion of the meeting at the Sanitary Commission's offices, Mr. Hunt was driven to the B. and O. station in Silver Sprin and while enroute a proposal was discussed whereby the City of Takoma Park and the B.&O. Railroad would possibly work out some plan to tinstall necessary storm drainage in the upper portion of the drainage area with the cost on a basis decided upon by the City and the B. and O. Railroad. Mr. Hunt stated that he felt the B. and O. would be willing to undertake a cooperative project in this connection and that he would contact the division engineer of the B. and O. Railroad with a view toward arranging another meeting between the B. and O. and the City of Takoma Park to develop a satisfactory plan."

Inasmuch as the Sixteenth Street Woods Development Corp. failed to accept the City's offer within the specified time, it was suggested that the Public Works Committee take under advisement the problem of vehicles parking on the property in question.

FINANCE COMMITTEE:

Councilman Tymeson moved that payment of bills in the amount of \$10,912.41 for the month of January, 1955, be approved. Councilman Forehand seconded the motion. Upon being put to question, the motion was carried.

Mayor Miller asked the Finance Committee to consider the purchase of flags from the Fourth of July Committee for the sum of \$200.00

PUBLIC WELFARE COMMITTEE:

After a lengthy discussion by the Council relative to the pros and cons of purchasing a street sweeper, Councilman Sidell moved the following Ordinance be adopted:

ORDINANCE NO. 1291

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

Section 1. WHEREAS, the following equipment is offered by the George Malvese & Co., Inc., New Hyde Park, New York, for the total cost of \$6700.00 f.o.b., New Hyde Park, New York; One Mobile Sweeper Model 2MS Serial No. 2MS-12-11-20 with International Model SD-240 Valve in Head Engine Equipped with hydraulically controlled double gutter brooms, 200 gallon water tank, 2-2/3 cubic yard hopper, 10'0" sweeping path, side curtains, directional lights, flasher lights, extra rear broom, one-set extra gutter broom segments, dual wind-shield wipers, heavy duty air cleaner, mounting steps and fenders, and

Section 2. WHEREAS, it is understood that the above equipment will be guaranteed for a period of 60 days from date of delivery for any defective parts, and

Section 3. WHEREAS, the George Malvese & Co., inc, will furnish a service man to give our representative the necessary maintenance and operating insturctions at the time of delivery in New York, and

Section 4. WHEREAS, the George Malvese & Co., Inc. will accept a monthly payment of \$400. 00 from the date of purchase for each month until the end of the fiscal year, such amount to be applied in full against the purchase price of \$6700.00, and that the balance will be payable at any time between July 1, 1955, and September 1, 1955, without any interest charged on the transaction, and

Section 5. NOW WHEREAS, the Council agrees to the Conditions as enumerated in the foregoing, and does hereby authorize the purchase of this equipment as stipulated.

Councilman Kozel seconded the motion. Upon being put to question, the Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Forehand, Kozel McKenzie and Sidell. Nays: Councilman Tymeson. Absent: Councilmen Collison and Juhl.

Councilman Sidell stated that arrangements would be made to have someone from the Public Works Department to to New Hyde Park to receive instructions concerning the operation and maintenance of the street sweeper, and then to drive the street sweeper from New Hyde Park to the City of Takoma Park. Councilman Sidell requested that proper insurance be purchased relative to the coverage of the foregoing.

PARKS AND RECREATION COMMITTEE:

Councilman Kozel reported that two meetings were held regarding recreational programs. 1. A meeting was held with representative of Prince George's and Montgomery Counties and local citizens interested in working in a recreation program. It was suggested that after the completion of the new Library, that perhaps the old library building could be utilized for housing a Health and Welfare Clinic and also for recreational use of the Golden Age Club.

2. The Governor's Fourth Annual Conference on Recreation -- At this meeting the emphasis was on recreational facilities and supervised recreation for teen age and adult activities.

PUBLIC SAFETY COMMITTEE:

Councilman Forehand asked that the Law and Ordinances Committee study the Bill recently signed by Governor McKeldin whereby municipalities have the power to designate speed limits within their boundaries.

With reference to the need of additional help in the Fire Dept. when the widening of the street begins, Councilman Forehand moved that the Chief of the Fire Department be authorized to take on what help he has to have, and then present the bill to the Council for payment, such bill not to exceed \$250.00 during the time the street is being widened, and that the amount of the bill be charged to 11,211. Councilman Tymeson seconded the motion. Upon being put to question, the motion was carried.

With regard to the Heather Avenae situation, Chief Thomas suggested that consideration be given to widening the alley to its full right of way thereby eliminating the need to restrict parking.

Councilman Forehand requested the City Clerk to address letters of condolence to Mrs. Edwin Johnson and Mr. Herman Paul due to the death of Mrs. Johnson's husband, and Mr. Paul's mother. Also, that the Fire Department or City office direct letters to the Mt. Rainier and Silver Spring Volunteer Fire Departments thanking them for the loan of their men while the Takoma Park Firemen attended Mr. Johnson's funeral.

Relative to off-street parking, Councilman Kozel moved that the Prince George's and Montgomery Counties Delegations be requested to introduce permissive Legislation to allow the City of Takoma Park to establish off-street parking within the City of Takoma Park. Councilman Tymeson seconded the motion. Upon being put to question, the motion was carried.

Corporation Counsel Gingerich instructed the Mayor and Council on the factors to enumerate to the Legislature at the Meeting in Annapolis, March 1, in regard to retaining the Magistrates Court in the City of Takoma Park.

There being no further business to come before the Council at this time, upon motion made, seconded and carried, the meeting adjourned at 10:45 p.m.

George M. Meier
Mayor

Harold J. Hilliard
Clerk and Treasurer

EXECUTIVE MEETING
MAYOR AND COUNCIL
March 14, 1955

Mayor Miller called the meeting to order at 8:10 p.m. Those present: Councilmen Collison Forehand, Juhl, Kozel, McKenzie, Sidell and Tymeson. Absent: None.

Motion was made to dispense with the reading of the minutes of February 28, 1955, and that they be accepted as correct.

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

CORRESPONDENCE:

1. Letter from Congressman DeWitt S. Hyde, House of Representatives, regarding the postal aervice in Takoma Park. Referred to Civic Improvements Committee.
2. Letter from Hervey G. Machen, Prince George's County House of Delegates, opposing the enactment of Senate Bill #323. Referred to Law and Ordinances Committee.
3. Letter from Margaret Schweinhaut, Montgomery County House of Delegates, agreeing with the Resolution with reference to Senate Bill #323. Referred to Law and Ordinances Comm- ittee.
4. Letter from Perry O. Wilkinson, Chairman, Education Committee, Prince George's County House of Delegates, relative to Senate Bill #323. Referred to Law and Ordinances Committee.
5. Letter from Gilbert Gude, Montgomery County House of Delegates, thanking the people of Takoma Park for their presence at the hearing on the People's Court Bill. Referred to Law and Ordinances Committee.
6. Letter from Ethel M. and Robert L. Terry, 1114 Merwood Drive, regarding the flooding condition on sidewalk at northwest corner of the intersection of Merwood and Wildwood Drives. Referred to Public Works Committee.
7. Letter from George R. Hammond, Manager, Traffic Safety Department, AAA, pertaining to the parking situation in front of 8608 Flower Avenue. Referred to Public Safety Committee.
8. Letter from Mr. O.R. Mathews, Sec.-Treas. of the North Takoma Citizens Assoc., 518 Phil- adelphia Avenue, endorsing purchase of street sweeper. Referred to Public Welfare Committee.
9. Copy of letter together with a Resolution which Mr. Hilliard sent to Montgomery and Prince George's County Delegates regarding Senate Bill #323. (Copy of the Resolution incorporated in the Executive Session of the Minutes.)

* * * * *

Mayor Miller made a short talk on the meritorious services of our Fire Department and the keen devotion of the firemen to their duties; and presented a "Lifesaving Certificate" plaque to Lt. Stephen LaScola for resuing Mrs. Mary Buffin on December 18, 1954.

Mr. Henry E. Marschalk, President of the Volunteer Fire Department and Chairman of the Fire Board, addressed the Council with reference to a certain proposed Firemens' Bill, which , if adopted, would provide a pension for firemen who sustain injury in Prince George's County only if they were legal residents of Prince George's . Although the cost of this Bill would be derived from the taxpayers money, Takoma Park firemen were excluded from the Bill. Mr. Marschalk stated that this was unfair and illogical and the Bill should not be passed in its present form.

Mr. Irving Wallen Johnson, Financial Secretary of the Takoma Park Volunteer Fire Department, elaborated on Mr. Marschalk's statements concerning the proposed Fire Pension Bill and stated that the Fire Board recommended that the City employ special counsel,

preferably a Prince George's County Attorney, to represent the City at a hearing in Annapolis in protest to the exclusion of all Takoma Park firemen who live outside Prince George's County from pension and relief payments while fighting a fire in the Prince George's County portion of the tax area, in which the City of Takoma Park is primarily responsible.

Mr. Johnson said the benefits to be received from this pension are--

- \$.500.00 for medical expenses
- \$5.00 per day injury benefits up to 52 weeks (temporary injury)
- \$50.00 per month (total or permanent disability)
- \$50.00 per month (widow)
- \$15.00 per month (minor children)

Mr. Johnson further stated that there are 16 members in the Volunteer Fire Department who are living in Prince George's County, 7 of whom are active fire fighting men. In summarizing the problem, it is the contention of the Takoma Park Fire Department that firemen responding to fires in Prince George's section of the City, irrespective of where they live, should be covered by whatever pension plan the other Prince George's County firemen are covered by.

EXECUTIVE SESSION:

CIVIC IMPROVEMENTS COMMITTEE:

Councilman Juhl moved that rezoning Petition B-183, Thomas O & Emma K. Mararre, owners, part of Lots 3 and 4, Block 16, B.F. Gilberts Addition to Takoma Park, for rezoning from R-60 to C-1 zone, which was previously rejected, be approved.

Councilman Tymeson seconded the motion. Upon being put to question, the motion was carried, with Councilman Forehand not voting.

Mr. Hilliard was directed to write a letter to the Park and Planning Commission to the effect of the above motion.

Pertaining to off-street parking, Councilman Juhl asked the following questions:

1. Should the cost be paid out of general taxation or should the merchants pay it?
2. Should 50% of the cost be paid out of general taxation and 50% paid by the merchants?

Mrs. M.I. Pellegrini of 8210 Houston Court, spoke of the hazardous condition which exists in the circle at Houston Court, such as no sidewalks, no play areas for children, and the streets have not been marked with any sign whatever. Since the circle has a blind entrance for people coming into it, Mrs. Pellegrini asked that some kind of a sign be installed.

* * * * *

LAW AND ORDINANCES COMMITTEE:

With reference to a hearing to be held at Upper Marlboro on March 17 regarding the application of Jacob Guy Bell for transfer of beer, wine and liquor, off sale, Class A License, Mr. Hilliard informed the Council that Mr. Charles Johnson, Pres., of the Prince George's Joint Committee, and Mr. Stephen Curtis, Pres., of the Community League, together with some of their representatives, will be present at the hearing to oppose the sale of alcoholic beverages within the Prince George's section of the City.

Councilman McKenzie moved that the Council go on record as strongly opposing the application of Guy's Liquor Store and that a letter be written to the Board of Liquor License, Prince George's County, conveying the Council's action in this matter.

Upon being duly seconded, the motion was unanimously adopted.

At this point, Councilman McKenzie asked Mr. Hilliard the status of a recent letter that was written to the Prince George's County Delegation by the Council, with the request that the Prince George's County Code be amended to prohibit the sale of alcoholic beverages within the corporate limits of Takoma Park lying in Prince George's County. Mr. Hilliard replied that he had discussed this matter with Chairman, Wilkinson of the Prince George's County Delegation and representative, Machen, and they stated that they would discuss the matter at a caucus last Friday night. At the same time, Mr. Wilkinson advised Mr. Hilliard that if the Council would reiterate its position on this matter at their meeting on Monday night and get the information to the Delegation not later than 12 noon on Tuesday the 15th, that they would give favorable consideration to the matter.

Upon being put to a vote, the Council unanimously approved this action and authorized Mr. Hilliard to prepare the necessary proposed amendment and deliver it personally to the Delegation on March 15, 1955.

Councilman McKenzie Moved that Mr. Hilliard prepare a letter to be sent to the Prince George's County Delegation to introduce an amendment to Article 2B, Section 36, Annotated Code of Maryland, 1951, prohibiting the sale of alcoholic beverages within the Prince George's section of Takoma Park.

Councilman Tymeson seconded the motion. Upon being put to a question, the motion was carried.

PUBLIC WELFARE COMMITTEE:

Mr. Remsen reported 31 registrants were delinquent in payment; 4 of which were referred to Committee for consideration, 4 were discontinued, and 7 which are now being processed for new ownership. The remaining 16 are to be further checked, and, if necessary, be summoned.

The above figures are a comparison with the list of approximately 120 registrants previously reported delinquent as of February 1, 1955.

Councilman Sidell stated that he and Councilman McKenzie are deliberating Ordinance 1216 and making proposed changes which will be presented to the Council for consideration as soon as possible.

FINANCE COMMITTEE:

Regarding the statistics of the present Budget, Councilman Tymeson advised the heads of the departments and the Council Chairmen to counsel the City officials to make no unnecessary expenditures. Mayor Miller endorsed Councilman Tymeson's statement and added that we should and can live within the Budget if each member of the Committee and department Heads keep a through check.

PARKS AND RECREATION COMMITTEE:

As a progress report on the new Library building, Councilman Kozel informed that the footings are in and construction is underway.

PUBLIC WORKS COMMITTEE:

In regard to a request from James R. Miller, Attorney, representing the Artlen Corp., Councilman Collison moved that an Ordinance be adopted for a public hearing to be held on March 28, 1955, at 7:00 p.m., for street improvement to consist of 4" bituminous base and 2" bituminous top on Kennebec Avenue between Maple and Sligo Parkway:

Section 1. In accordance with Article 1198, Section (b), the City was under consideration an improvement on Kennebec Avenue between Maple Avenue and Sligo Parkway abutting Part of Lot 26, Block 54, B.F. Gilbert's Subdivision, Lots 27 and 28, Block 54, B.F. Gilberts' Subdivision, said improvement to consist of four inch bituminous base and two inch bituminous top, concrete curb and gutter and related storm drain structures.

Section 2. A Public Hearing will be held on this proposed improvement by the City Council at the Municipal Center, No. 8 Columbia Avenue, on March 28, 1955, at 7:00 p.m., at which time the abutting property owners and all interested parties will be heard in connection with this proposed construction work.

Upon being seconded and put to question, the Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Collison, Forehand, Juhl, Kozel, McKenzie, Sidell and Tymeson. Nays: None. Absent: None.

Mayor Miller asked Councilman Collison what steps had been taken by the Public Works Committee toward alleviating the storm drain conditions existing in North Takoma as a result of the overflow of water from the B & O Right-of-Way. Mr. Collison replied that a memorandum read to the Council at the last Regular Meeting outlined the position of the Suburban Sanitary Commission and that the City had been advised that the Suburban Sanitary Commission would not have funds to participate in the construction of any type structure in this area until fall of 1956. Mr. Collison further advised that the Public Works Committee was awaiting another meeting with the B & O Railroad Officials to determine to what extent the B & O Railroad might be willing to participate in corrective measures.

Mayor Miller emphasized the importance of taking some action prior to the spring flash floods. Councilman Collison then stated that funds were not available for the City of Takoma Park to undertake any improvement themselves within this fiscal year Budget. A general discussion between the members of the Council took place on the above comments.

Councilman Kozel moved that the City appropriate \$200.00 to buy the flags from the 4th of July Committee for the City's use.

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

PUBLIC SAFETY COMMITTEE:

Relative to a complaint from Mr. Charles Lampe regarding the traffic situation which exists on Elm Avenue, Councilman Forehand moved the adoption of the following Ordinance:

ORDINANCE NO. 1293

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

Section 1. THAT a "Stop" sign be erected on Elm Avenue at the intersection of Elm and Prince George's Avenues for a trial basis of 60 days.

Section 2. AND THAT adequate "Caution" signs be installed at the top of the hill from the stop sign.

Section 3. AND THAT the Public Works Department is hereby authorized to proceed with the erection of the necessary signs.

Section 4. 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.

Upon being seconded and put to question, the Ordinance was adopted with a roll call vote recorded as follows: Yeas: Councilmen Collison Forehand, Juhl, Kozel, McKenzie, Sidell and Tymeson. Nays: None. Absent: None.

Councilman Forehand moved that the City hire a lawyer who resides in the Prince George's section of Takoma Park, to represent the City at the Legislature on the Retirement Bill that is being presented to help the Takoma Park Fireman.

Councilman Forehand amended the preceding motion and moved that the Corporation Counsel together with the Mayor take whatever steps they deem necessary in order to get a hearing with Senator Wheatley to discuss the fire pension situation; a ceiling price of \$100.00 to be retained for added expenses.

The motion failed with the roll call vote recorded as follows: Yeas: Councilmen Collison, Forehand, and Tymeson. Nays: Councilmen Juhl, Kozel, McKenzie and Sidell.

Prior to the preceding motion, a discussion took place that caused the following motion to be enacted.

Councilman Kozel moved that the Mayor, City Council, and Corporation Counsel make an appointment with Senator Wheatley to discuss the proposed Bill.

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

Motion was made to incorporate the Resolution, pertaining to Senate Bill #323, in the Minutes, which Resolution was sent to the Delegates of the General Assembly on March 3, 1955. This was unanimously approved.

RESOLUTION

WHEREAS, Senate Bill No. 323 introduced by Senator Turnbull of the Finance Committee of the State Senate of Maryland, would if adopted, establish a ceiling on State distributed revenue to political subdivisions for a five year period, and

WHEREAS, such a computation of the aggregated amount of taxes, fees, and revenues paid to each political subdivision of the State would result in a decrease in revenue for use in the maintenance of municipal services, and

WHEREAS, the City of Takoma Park has grown in population almost 100% in the last six years requiring new streets, residences, subdivision, shopping centers, etc., and imposes demands for additional public services such as more policemen, firemen, sanitation, public works, streets, sidewalks, public buildings, recreational activities, etc., thus creating the necessity for heavy expenditures commensurate with this expansion, and

WHEREAS, the City's financial resources are limited, and if we are deprived of any of our existing sources of revenue, it would result in the curtailment of Municipal services, or the local tax rate would have to be materially increased to take care of the loss of revenue if this Legislation were adopted.

NOW THEREFORE, BE IT RESOLVED that the Council strongly opposes this Legislation, and that copies of this Resolution be forwarded to the Representatives in the Senate and the Legislature from Montgomery and Prince George's Counties with the request that they be urged to support this Resolution and object to the passage of Senate Bill No. 323.

HEADS OF DEPARTMENTS:

Chief Carter announced the completion of the Civil Defense Fire Fighting Film and stated that anyone who wishes, could see it at the Civil Defense Training Center at Olney, Maryland, on March 26th at 1:30 p.m.

Mr. Remsen stated that he has noticed several articles appearing in the newspapers regarding rooming house ordinances which the District of Columbia is adopting, and which are similar in many ways to ours.

Mr. Gingerich commended the Council and the citizens of Takoma Park for the cooperative representation at the hearing of the Montgomery County Delegation in Annapolis, on the Magistrates Court Bill.

There being no further business to come before the Council at this time, upon motion made, seconded and carried, the meeting adjourned at 11:05 p.m.

George M. Meier
Mayor

Harold J. Willard
Clerk and Treasurer