

EXECUTIVE MEETING
Mayor and Council
July 13, 1959

Mayor Miller called the meeting to order at 8:07 p.m. Those present: Councilmen Collison, Forshee, McKenzie, Roth, Sidell and Turner. Excused: Councilwoman Monitor.

Councilman Collison requested that the minutes of June 22nd be corrected as follows: Under Public Works Committee, Item 6, line three, that the name Harmon be changed to Mr. Tom Heilman; Clerk-Treasurer Pridgen requested that the following report made by Councilman Forshee, inadvertently left off, be made a part of the official record: "Councilman Forshee reported that unless someone wishes otherwise that the Mayor and Council would decline the offer of the American Municipal Association for the City of Takoma Park to become a direct member. He said the City received proper benefits as members of the Maryland Municipal Association". It was then moved, seconded and carried, that the minutes of June 22nd, 1959 be accepted as corrected.

CORRESPONDENCE RECEIVED FROM:

1. John P. Hewitt, Director of Parks, MNCP&PC, Expression of appreciation and enjoyment for invitation and participation in 4th of July Parade. Referred to Council Files.
2. Mrs. Louise B. Laughlin, R.N., Washington Sanitarium & Hospital, Commendation of Sgt. DeKalb and Deputy Chief LaScola, Fire Department on lecture and demonstration. Referred to Council Files.
3. R. J. McCarthy, Director, Park Activities, Government Service, Inc., Reservation for free use of Takoma Pool by foreign students, July 16th, 1959.
4. J. Ertle, Park Permit Section, MNCP&PC, Permit for use of Takoma Park Recreation Center by foreign students, July 17th, 1959. Referred to Parks and Recreation Committee.
5. Arthur Clerenden Smith Sr., Founder and First President of Federation of Business Men's Association, Acceptance of Mayor Miller's invitation to attend square dance in honor of foreign students and accept Certificate of Honorary Citizenship. Referred to Council Files.
6. Albert K. Stevens, President, Takoma Langley Taxi Association, Concerning problems created by removal of stop sign from Eastern Avenue. Referred to Public Safety Committee.
7. Jesse F. Nicholson, Secretary-Treasurer, MNCP&PC, Z. A. P. No. A-3435, Wm. R. Wakeham & Bernard B. Leizear Jr., Lots 11, 12, 13, 14 & 15, Block 12, Pinecrest Subdivision, R-55 to R-10 Zone. Referred to Civic Improvements Committee.
8. Circuit Court for Montgomery County, Subpoena in Equity Case No. 22236, Petition for injunction concerning Lots 1, 2 & 3, Block 102, Takoma Park, (Martin Property Acquisition). Referred to Law and Ordinances Committee.

FINANCIAL STATEMENT:

Citizens Bank of Takoma Park:

5-31-59 Balance	16,661.33
June Receipts *	132,397.12
	<u>149,058.45</u>
June Disbursements	50,024.44
6-30-59 Balance	<u>99,034.01</u>

*Includes \$15,000.00 transfer from Suburban Trust Co. A/C.

Suburban Trust Company:

5-31-59	15,164.57
Withdrawals	15,000.00
	<u>164.57</u>

Special Improvement Account:

5-31-59	6,248.38
June Receipts	1,594.32
	<u>7,842.70</u>
June Disbursements	105.60
	<u>7,737.10</u>

OPEN MEETING:

Mayor Miller greeted those present as well as the radio audience. He then publicly thanked the Independence Day Committee for the splendid job they did in presenting the 4th of July Celebration. He placed special emphasis on the tribute given to Alaska's recent admission to the Statehood. The Mayor further announced the Square Dance to be held for the foreign exchange students at the Takoma Recreation Center on Friday evening July 17th. The City will be hosts to about 37 students and at this time the Mayor will give each one an Honorary Citizen Certificate in honor of the occasion.

Mayor Miller stated that he had recently received an invitation from the Co-President of the United Towns Organization to join this function. He stated that he would turn this over to the Clerk-Treasurer to follow through, the purpose of this Organization being to bring together all the Mayors and promoters of outstanding towns.

Lea Pharr, 109 Whittier Street, N. W., addressed the Mayor and Council protesting the recent removal of the stop sign on Eastern Avenue, it having been recently placed on Laurel by the District of Columbia. She pointed out that the change of this sign has created a dangerous situation for children attempting to cross to the shopping area.

Councilman Sidell stated that the reason survey was made, and change resulted, was that it had originated from a group of people from the General Conferences and Review and Herald. Their request had been for a traffic light, however, due to the result of survey, the stop signs were changed.

Mayor Miller stated that he had also received complaints about the hazard to children and suggested that M's Pharr direct a letter to the District Government, Traffic Division and register complaints. He also suggested that the Clerk-Treasurer write a letter bringing to attention the complaints registered this evening.

Mr. Oliver App, 6707 Second Street, N. W., concurred with M's Pharr's statements.

FINANCE COMMITTEE:

1. Councilman Forshee moved for approval the expenditures for the Month of June in the amount of \$50,024.44. Upon being seconded by Councilman Collison, and put to question, the motion was carried.
2. Councilman Forshee commented on the financial report given by the Clerk-Treasurer previously, concerning the large balance remaining at the end of the fiscal year, pointing out that this is due to Income Tax checks recently received.
3. Councilman Forshee moved that \$75.00 be transferred from the Reserve Fund to purchase a chair for the Police Department. The new chair will replace one that is badly worn. Upon being seconded by Councilman Sidell, and put to question, the motion was carried.
4. Councilman Forshee stated that the item inviting the City to become members of AMA can be removed from his committee.

CIVIC IMPROVEMENTS COMMITTEE:

1. Councilman Roth gave the following report on the property on Maple Avenue between Lee and Sherman Avenues: This property had been acquired from the Park and Planning Commission, and upon their permission, had been advertised for sale, in the hope that its sale would offset the purchase cost of the Martin Property. He also stated that across the street is a large apartment building and an area zoned R-10. After advertising for sale, only one bid was received from Mr. Lopatin and Mr. Bimblich in the amount of \$13,500. He moved that the City accept their bid, and proceed with abandonment of

of streets. The motion was seconded by Councilman Collison. It was also stated that Mr. Lopatin is agreeable to negotiate with WSSC on the Easements.

Councilman McKenzie stated that there was at least 25 to 28,000 square feet in the land, later corrected to 20,000 and he moved that the motion be tabled for further study, as he felt the property was worth more. His motion was seconded by Councilman Turner. Upon vote taken, Councilman Turner and McKenzie voted Yea. Councilmen Forshee, Roth, Collison, Sidell, Nay. Motion failed.

Councilman Roth pointed out that the City would have to initiate proceedings for zoning change and abandonment of street, and that there was the matter of timing involved. Councilman Forshee pointed out that if the City were not to dispose of the land, that there would be considerable expense involved in cleaning up the property and removing the large rocks. Mayor Miller stated that it would probably cost 7 or 8 thousand dollars to improve the site. Councilman Turner stated that there were many phases to this transaction that he was not clear on, and he was of the opinion that the property could be developed into a nice park site, and wondered if the Council was clear on all the legal factors involved; it was stated that the Corporation Counsel would draw up the necessary papers in the proper manner.

Councilman Roth amended his previous motion that there be no contingency upon the City in connection with the removal of rocks, and that the City cannot erase the WSSC easements involved.

At this time Mr. Lopatin stated that in their purchase of the property that they would take full responsibility of the removal of the rocks, also take up the matter of easements with WSSC, also that they were aware that it is illegal to build over storm sewers, which will necessitate a setback of 40 feet from Maple Avenue, however, their plan is to beautify this area for the apartment entrance. Upon being asked when the completion date would be replied that it will be completed in the Spring.

Therefore, it was moved that the following Ordinance be adopted:

ORDINANCE NO. 1543

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

Section 1. THAT WHEREAS City-owned property known as Lot 6, Block 104, S. S. Carroll's Addition to Takoma Park had been advertised for sale in accordance with the City Charter, and

Section 2. THAT a bid in the sum of Thirteen Thousand Five Hundred Dollars (\$13,500.00) had been submitted by Mr. Harry Lopatin and Mr. I. Bimblich, and

Section 3. THEREFORE, the bid as stated in Section 2 be accepted with certain provisions as follows:

A. THAT the City be relieved of all liability and responsibility in connection with the removal of the rocks and boulders now in place upon subject property, and

B. THAT the City be relieved of all liability and responsibility in connection with existing right of way easements for sewer and storm drainage lines, properties of the Washington Suburban Sanitary Commission, and

C. THAT the Corporation Counsel of the City approve the contract of sale and conveyance prior to its execution.

Section 4. AND THAT the Mayor and City Clerk-Treasurer be hereby authorized to enter into contract and execute necessary documents for transfer of property upon satisfactory compliance with Section 3 of this Ordinance.

Section 5. AND FURTHER THAT the Corporation Counsel and/or the City Clerk-Treasurer be hereby authorized to institute the necessary proceedings for the abandonment of that portion of the unimproved section of Lee Avenue and that portion of the unimproved unnamed street abutting same property and to further institute the necessary proceedings for the procurement of an R-10 Zoning on the subject property.

Upon final vote taken on the original motion as amended, and the preceding Ordinance, the Roll Call was as follows: Yeas: Councilmen Collison, Forshee, Roth, Sidell and Turner. Nays: Councilman McKenzie. Excused: Councilwoman Monitor.

Councilman Roth stated that it was the City's responsibility to initiate letter to Park and Planning Commission for the R-10 Zoning, and so moved. Upon being seconded, and put to question, the motion was carried.

2. Councilman Roth reported on the abandonment of Cumberland Avenue, that thus far only one of the property owners contacted had offered to buy parcel of land.

3. Councilman Roth reported on Zoning Amendment Petition No. A-3435, Hervey G. Machen, Agent, R-55 to R-10 Zone, stating that this request involves three lots on corner of Allegheny and Second Street. Councilman Roth stated that the Committee had discussed this matter, and were not in favor of rezoning. He also pointed out that the only apartment building in the area is about two blocks away. Councilman Sidell stated that he had talked with residents in the area and those approached were against these lots being rezoned. Councilman Roth moved that the Mayor and Council go on record as opposing this petition. Upon being seconded by Councilman Sidell, and put to question, the motion was carried.

Councilman Turner asked if any information had been received on the property at Hancock and Sherman Avenues and was informed by Councilman Roth there was no word as yet.

Mayor Miller reported that the new Public Works Buildings would be opened soon, date to be announced later. Councilman Collison had requested that a committee be appointed to set up preparations for open house, therefore, Mayor Miller named the following to the Committee: Councilman Collison, Chairman; serving with him Councilmen Roth, Forshee and Turner.

PUBLIC WORKS COMMITTEE:

1. Councilman Collison reported that at the same time as open house is held for the new P/W buildings, the new Community Center at Heffner Park would be opened, and requested that the name of Councilwoman Monitor be added to the Committee. This was done.

2. Councilman Collison reported that the road-bed of Wyatt Lane has been improved as requested, also that the Public Welfare Committee has arranged through the Public Works Department, to the satisfaction of Mrs. Wyatt, to have the trash and garbage picked up regularly. He also stated that the reason it had not been done before, was that the Department had not been aware of the need. He further stated that all that remained was the lighting situation on Wyatt Lane which would be handled by Councilman Sidell.

3. Councilman Collison reported that the request for a public hearing on Cumberland Avenue came originally from a Mr. Moose, who is presently out of the City on a three week vacation. Plans will be made for a hearing upon his return.

4. Councilman Collison reported on the improvement of Maple Avenue and stated that he had discussed this with Mr. McNeill and they were quite anxious that this work be under contract by next March; He reported that the City is still awaiting plans on the North Takoma Storm Drainage Problem; He further reported on the paving of Glenside Drive, that \$600.00 is still being held pending the completion of work on Park and Planning property according to specifications; this item can be removed from the agenda.

5. Councilman Collison reported there is a need to modify existing plan showing easements for the improvement of Colby and Hayward Avenues, stating that there are certain factors to be worked out, therefore, asked for authorization to have McNeill Surveys prepare a survey, planning paving involved, storm drainage, etc., and that they can have this plan ready by the next Council Meeting. Councilman Forshee seconded his request. Upon being put to question, the motion was carried.

6. Councilman Collison reported on the paving of a portion of Kirklyn Avenue and Service Drive, matter still under study; Progress report on Oswego Avenue is that work has been started, however, due to the recent rain, the roadway is too muddy, however, work will be resumed as soon as practicable.

7. Councilman Collison reported on the air conditioning of the library and that plans have been received from Weible Associates and the Committee is very well pleased with what they have suggested. He also stated that there will be no modification to the building needed and that the only change will be in the boiler room and necessitate the moving of the hot water heater. The Committee recommends that the City Clerk-Treasurer advertise for bids for the air conditioning of the library in accordance with plans and specifications as prepared by Weible Associates. Bids to be opened at 4 p.m., August 3rd. Upon being seconded, and put to question, the motion was carried.

LAW AND ORDINANCES COMMITTEE:

1. Councilman Turner reported that the request for Ordinance to license Junk Dealers is well taken, and that he has gone over the codification of the City Laws and Ordinances and can find nothing pertaining to the restriction of licensing of junk dealers, therefore, this will be worked out by the Committee. Councilman Turner thanked the Clerk-Treasurer for the several suggestions he has offered in connection with the codification.

PUBLIC WELFARE COMMITTEE:

1. Councilman McKenzie reported that he had received a telephone complaint concerning Lots 35 & 36, Block 45, Carroll Manor, that there is considerable trash and garbage on the property, also in the middle of the sidewalk, and requested that the Building Inspector investigate this complaint.

2. Councilman McKenzie set up a Public Hearing regarding violation of Housing Ordinance 1207 at 309 Ethan Allen Avenue - Miss Graham to be notified that Council will hear her case at 8:30 p.m., Tuesday, July 28th; Right to rent apartment at 7348 Carroll Avenue - Hearing set with Mrs. Palmer at 7:30 p.m., Tuesday, July 28th.

3. Councilman McKenzie reported that the trash and garbage at Wyatt Lane will be picked up every week.

4. Councilman McKenzie reported that concerning the Public Works Schedule for the repair of sidewalks can be removed from the agenda, as they are repairing the sidewalks whenever situation becomes apparent.

5. Councilman McKenzie reported on the complaint against Cross Manufacturing Company and Savage's Food Market, manner in which property is maintained, that he had investigated the complaints; the first one seems to be against a bus that is loaded with

building materials, and has been on the site for some time; also the unsanitary condition and health hazard concerning food on the latter. Councilman Turner stated that Mr. Savage was violating City Ordinance in placing food products on the street. These complaints will be studied further.

PUBLIC SAFETY COMMITTEE:

1. Councilman Sidell reported that the request by the Takoma-Langley Taxi Service, regarding taxi stand is being studied; also that on the request for light on Wyatt Lane, that he wished the Committee to study what will be recommended before action taken.
2. Councilman Sidell reported on the request for "No Parking" signs righthand side of Ethan Allen Avenue from Elm to N. H. Avenues, also cutting off of service road behind old co-op drugstore for purpose of creating three lanes; He stated that the Committee recommends that a letter be written to the SRC requesting that "No Parking" from 4 p.m. to 6 p.m., signs be erected on South Side of Ethan Allen from Elm to New Hampshire Avenue. Upon being seconded by Councilman Forshee, and put to question, the motion was carried.
3. Councilman Sidell reported on a request by Mr. Russo of 106 Philadelphia Avenue, for "No Parking" signs opposite his driveway. Councilman Sidell stated that he regretted that nothing can be done on this request as it is in the nature of private relief and it is not possible to grant such request to favor one person. The Clerk-Treasurer was instructed to notify Mr. Russo of this decision.
4. Councilman Sidell reported on the Washington Sanitarium's request that the City assume responsibility of patrolling main thoroughfare through grounds of Sanitarium, that it is being considered by Committee.
5. Councilman Sidell reported on the petition concerning dangerous traffic condition at intersection of Birch & Dogwood Avenues. The Committee recommended the placing of a stop sign on both sides of Birch Avenue at Intersection of Dogwood. This was seconded by Councilman Turner. Councilman Forshee amended the motion that a "Yield Right of Way" sign be placed rather than a stop sign, however, when his amendment was voted upon it failed for lack of support. Chief of Police Foster was asked which would be more effective, and he pointed out that a stop sign brings action, where Yield signs do not. Therefore, Councilman Sidell moved the adoption of the following Ordinance:

ORDINANCE NO. 1544

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

Section 1. THAT a STOP sign be placed on both sides of Birch Avenue at Intersection of Dogwood Avenue.

Section 2. AND THAT the Director of Public Works be hereby directed to install signs to indicate restrictions ordained by Section 1, of this Ordinance.

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

Upon being seconded by Councilman Turner, and put to question, the above Ordinance was adopted by a Roll Call vote as follows: Yeas: Councilmen Collison, Forshee, McKenzie, Sidell, Roth and Turner. Nays: None. Excused: Councilwoman Monitor.

6. Councilman Sidell reported that action on the promotion of Pfc. C. J. West to rank of Sergeant would be ready for action at the next meeting.

Fire Chief Raymond E. Carter announced that the President of the Maryland State Volunteer Firemen's Association presented a plaque to the City of Takoma Park for the second best showing in the Fire Prevention program, at the Firemen's Convention held at Ocean City, Maryland this past month. Chief Carter also stated that he had received many favorable comments on the parade this year.

Clerk-Treasurer Pridgen thanked Mrs. Pellenbarg for taking the minutes while he was absent on vacation in June.

There being no further business to come before the Mayor and Council, upon motion duly made, seconded and carried, the meeting adjourned at 10:00 p.m.

George M. Miles

Mayor

Raymond Pridgen

Clerk-Treasurer

Mayor Miller called the meeting to order at 8:10 p.m. Those present: Councilmen Collison, Forshee, McKenzie, Roth, Turner and Councilwoman Monitor. Absent: Councilman Sidell.

The Invocation was rendered by Councilman Forshee.

Councilman McKenzie moved that the minutes of July 13th, 1959 be accepted as correct. Upon being seconded by Councilman Forshee, and put to question, the motion was carried.

CORRESPONDENCE RECEIVED FROM:

1. Montgomery County Board of Appeals, Case No. 805, Petition and Appeal of Mrs. Beulah Young for Special Exception to permit use as care home for not more than five persons, Lot 7, Block 39, Glaize's Addition to Takoma Park, also known as 7417 Carroll Avenue in an R-60 Zone. Hearing date July 30th, 1959. Referred to Civic Improvements as well as copy to the Corporation Counsel.
2. The Maryland National Capital Park and Planning Commission:
 - (a) Z. A. P. No. C-237, I. Bimblich and Harry Lopatin, Contract Purchasers, The Lawrence H. Gass Property, (near intersection of Maple & Lee Aves.) R-60 to R-10 Zone.
 - (b) Z. A. P. No. C-238, I. Bimblich and Harry Lopatin, Contract Purchasers. The Margaret H. Ray Property, (7526 Maple Avenue). R-60 to R-10 Zone.
 - (c) Z. A. P. No. C-239, Bess Ninaj, Owner and Applicant, Lot 27, Block 54, B.F.G., (Kennebec Avenue 270' West of Roanoke Avenue). R-20 to R-10 Zone.
 - (d) Z. A. P. No. C-289, F. Byrne Austin, Agent for Olive I. Lucas, Owner, Part of Section 10 of S. S. Carroll's Addition, (Westerly Side of Hancock Avenue, 120 ft. N. E. of Sheridan Avenue). R-60 to R-10 Zone.
 - (e) Z. A. P. No. C-306, Frank and Mary E. Robbins, Owners, Lots 13, 36 and 45, Block 50, B. F. G., (#38 Freemont Avenue having 159.8 foot frontage on Jefferson Avenue). R-60 to R-10 Zone.
 - (f) Z. A. P. No. C-311, Sidney M. Oliver, Agent for Guy W. and Ida M. Picking, Owners, Part of Lot 12, Block 60 of B. F. G., (Maple and Sherman Avenues). R-60 to R-10 Zone. All Referred to Civic Improvements Committee.
3. Petition, residents and property owners on Sheridan, Hancock, Lincoln, Jefferson and Sherman Avenues in opposition to Z. A. P. C-289 on Hancock and Sheridan Avenues, R-10 rezoning of Murray property on Lincoln Avenue. Referred to Civic Improvements Committee.
4. Phillip Addison, #7 Mississippi Avenue (Silver Spring, Md. P.O.) Takoma Park, Request for dividing line on Mississippi Avenue. Referred to Public Safety Committee.
5. Safeway Stores, Inc., (201 Ethan Allen Avenue) request for traffic light Ethan Allen Avenue and Sycamore Avenue. Referred to Public Safety Committee.
6. Suburban Trust Company, Bid for Time Certificates of Deposit; 6 months or more 3% - 90 Days to less than 6 months 2½% - less than 90 Days 1%. Referred to Finance Committee.
7. Louise Hodges Judd, letter of appreciation to Police Department. Referred to Council Files.
8. R. H. Reed, City, letter of appreciation to Police Department. Referred to Council Files.

OPEN MEETING:

Mayor Miller gave a brief resume of the square dance held for the visiting foreign students on this past Friday evening, stating that the affair was very enlightening and successful.

Mr. Walter McClenon, 7211 Cedar Avenue, also commented on the foreign students, congratulating the City on the efforts that have been made the past four years to welcome them and believed this project did render service to the United States in creating good will throughout the world. He further stated that he would like to make the following suggestions: (1) It would be a good idea to establish a relationship with a particular community in ^{Europe and} Asia; (2) That there is a group of scientists from abroad that are located in a building on "N" Street and in this connection he knew that other organizations had entertained them at various times, and wondered if the City could possibly undertake a program of this kind on various occasions.

Councilwoman Monitor stated that she knew of an individual who would probably help with something like this. Mayor Miller requested that she follow up. He also inquired of the Clerk-Treasurer if he has had the opportunity to follow up the letter received from the Co-President of the United Towns Organization, to which he replied that he hadn't as yet, however, would look into the possibility.

PARKS AND RECREATION COMMITTEE:

1. Councilwoman Monitor reported that skating at the gymnasium has been discontinued until Fall, as attendance has been very poor; She also announced that there will be a movie at Forest Park beginning at 7:30 p.m., Wednesday, July 29th. Admission free. Councilwoman Monitor reported on the success of the square dances held every other Sunday evening, stating she believed the good participation has been due to the publicity given to these events; She further stated that classes are being held in Baton and Dramatics at the City parks under the able direction of the Misses Siebert and Hall.

FINANCE COMMITTEE:

1. Councilman Forshee stated that the item under his committee concerning protests of Special Assessments on the Boston and Dundalk projects, have been discussed and would be handled by the Public Works Committee.

2. Councilman Forshee moved the adoption of an Ordinance authorizing the City Clerk-Treasurer to pay the sum of \$40,000.00 plus interest due on July 31st, 1959, on the Certificate of Indebtedness taken out with the Citizens Bank of Takoma Park in June. The sum is to be paid from the Unappropriated Surplus Account. The Ordinance is as follows:

ORDINANCE NO. 1545

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

Section 1. THAT the City Clerk-Treasurer be hereby authorized to pay in full the Certificate of Indebtedness obtained from the Citizens Bank of Takoma Park on June 1st, 1959 in the amount of \$40,000.00 at an interest rate of TWO per centum per annum.

Section 2. AND THAT the amount of FORTY THOUSAND DOLLARS (\$40,000.00) plus accrued interest ONE HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$133.33) to date be paid in full, amount to be taken from the Unappropriated Surplus Account.

Upon being seconded by Councilman Turner, and put to question, the preceding Ordinance was adopted by a roll call vote as follows: Yeas: Councilmen Collison, Forshee, McKenzie, Roth, Turner and Councilwoman Monitor. Nays: None. Absent: Councilman Sidell.

CIVIC IMPROVEMENTS COMMITTEE:

1. Councilman Roth reported that the Board of Commissioners of Prince George's County had concurred with the recommendation of the Mayor and Council to deny Zoning Amendment Petition No. A-3258, Ben A. & Minna Williamowsky, Lot 1, Block 5, N. H. Gardens. The Mayor and Council had recommended denial of the change in zoning from R-55 to C-0 in February 1959 on the lot located at New Hampshire Avenue and Holton Lane.

2. Councilman Roth reported on the petition and appeal of Mrs. Beulah Young to permit the use as a care home for not more than 5 persons of Lot 7, Blk 39, Glaize's Addition to Takoma Park, also known as 7417 Carroll Avenue. Councilman Roth upon recommendation of the Committee, moved that the Council go on record as disapproving this request for the reasons of insufficient square foot area of 1425 sq. ft. less than the required 7500 square feet, also insufficient frontage of 5 feet less than the required 50-foot minimum. Upon being seconded by Councilman McKenzie, and put to question, the motion was carried. Inasmuch as the hearing on this appeal is scheduled for July 30th, it was requested that the Clerk-Treasurer attend in person to present the City's views.

3. Councilman Roth reported on Z. A. P. C-105, D. & E. Schaffer, R-60 to R-10 Zone, stating that on May 5th the Montgomery County Council postponed the hearing on this petition until August 11th upon City's request. Inasmuch as the hearing date falls the day after the next Council meeting, he was of the opinion that action should be taken on this request. He also stated that the Schaffers' were interested in purchasing the property on Cumberland Avenue, adjoining their's, however, not at the appraisal price. They talked in terms of 30 cents per square foot. Councilman Roth suggested that the Council go on record as approving their request for rezoning, and so moved. Councilman Collison seconded the motion.

Upon discussion, Councilman Turner asked if the owners did not buy the adjoining property on Cumberland, would it affect the construction, and was told that it would limit the structure. Councilman Turner also asked if Citizens in area were aware that this project would face on Lincoln Avenue instead of Maple in event additional land was not purchased; also that he was against R-10. Councilman McKenzie stated he agreed with Councilman Turner. Councilman Turner asked if the Council thought of considering suggesting R-20, inasmuch as without additional property it would be more suitable for this type of zoning. There was some discussion as to whether it would be feasible to postpone recommendation until a later date and Councilman Forshee said that he doubted the Council would have anymore information by requesting an extension of the hearing date, than if they acted now.

Corporation Counsel Gingerich stated that if the Council were to go on record as suggesting an R-20 Zone they would be leaving themselves open to further question, and should the Council not give a recommendation, then the County Council might do whatever they want. Councilman Forshee asked if the Schaffers were building themselves, or having the work done, to which was replied they were doing the work themselves.

Members of the Council were strongly opposed to letting the Cumberland property go at 30 cents per square foot and are of the opinion it would be better to keep it for the present or develop it into a park site. Councilman Collison stated at this time that if the owners didn't purchase additional property this would necessitate the entrance to the building to be on the Lincoln Avenue side, which would mean the street would have to be improved, also involve the widening of the bridge over the creek, a project which does not seem practicable at this time due to the proposed future improvement of Maple

Avenue. There was considerable opposition voiced about the increase of R-10 zoning in the City, therefore, the motion failed upon being put to question by vote of four to two - petition was denied.

PUBLIC WORKS COMMITTEE:

1. Councilman Collison requested that a committee meeting be held to discuss the open house for the new P/W building and Community House, on Thursday, July 30th at 7:30 p.m., at his home.
2. Councilman Collison reported that bids for the air conditioning of the Library will be opened on the 3rd of August; also that the request for additional parking at the Library is being held up pending disposition of Martin Property matter.
3. Councilman Collison reported that McNeill Surveys, Inc., had ready the rough plans for the improvement of Colby and Hayward Avenues, therefore, he recommended the adoption of an Ordinance setting the date of August 31st, 8 p.m., in the City Council Room for a Public Hearing. The Ordinance adopted is as follows:

ORDINANCE NO. 1546

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

Section 1. THAT in accordance with the provisions of Section 1429 of the City Charter, the Mayor and City Council have under consideration the improvement of a portion of Colby Avenue and Hayward Avenue, such improvement to consist of the necessary grading, storm drainage, structures, concrete curbs and gutters and the permanent pavement consisting of a four inch bituminous base course and a two inch bituminous top course.

Section 2. AND THAT the cost of the improvement is estimated to be approximately a total of ONE HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED AND THIRTY FOUR DOLLARS (\$117,434.00) such cost to be fully assessable against the abutting real property being specially benefited thereby, described as Lots 1, 2 & 3, Block 119 and Lots 8 & 9, Block 116, Glazewood Manor Subdivision, Lots 14, 15, 16 & 17, Block 32, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 21, Block 34, B. F. Gilbert's Subdivision.

Section 3. THEREFORE, the Mayor and Council at a Special Meeting on August 31st, 1959 convening at 8:00 p.m. at #8 Columbia Avenue, Takoma Park, Maryland, will hear all property owners to be so assessed, desiring to be heard in reference to the improvements herein proposed.

Upon being seconded, and put to question, the preceding Ordinance was adopted by a roll call vote as follows: Yeas: Councilmen Collison, Forshee, McKenzie, Roth, Turner and Councilwoman Monitor. Nays: None. Absent: Councilman Sidell.

4. Councilman Collison reported that plans for the pavement of portion of Kirklyn Avenue and Service Drive on New Hampshire Avenue are underway.
5. Councilman Collison reported that the grading of Oswego Avenue has been completed, and should good weather prevail, the job should be completed within the next two weeks.
6. Councilman Collison reported concerning the protest against the special assessment of Boston and Dundalk Avenue concerning owner of Lot 11, Blk 81, T.P.L. & T.Co., stating that Mr. Rhodes and he had gone over this assessment with Mr. Valanos' son and had

*See Page Validated
Page 2998
Hawman's
Lot 14, 15, 16 & 17
July 31st 1959*

Upon being seconded by Councilman Turner, and put to question, the preceding Ordinance was adopted by a roll call vote as follows: Yeas: Councilmen Collison, Forshee, McKenzie, Roth, Turner and Councilwoman Monitor. Nays: None. Absent: Councilman Sidell.

CIVIC IMPROVEMENTS COMMITTEE:

Ag. Vaidel - See # 267 - Haynes m. [unclear] Clerk-Treasurer July 31st 1959

1. Councilman Roth reported that the Board of Commissioners of Prince George's County had concurred with the recommendation of the Mayor and Council to deny Zoning Amendment Petition No. A-3258, Ben A. & Minna Williamowsky, Lot 1, Block 5, N. H. Gardens. The Mayor and Council had recommended denial of the change in zoning from R-55 to C-0 in February 1959 on the lot located at New Hampshire Avenue and Holton Lane.

2. Councilman Roth reported on the petition and appeal of Mrs. Beulah Young to permit the use as a care home for not more than 5 persons of Lot 7, Blk 39, Glaize's Addition to Takoma Park, also known as 7417 Carroll Avenue. Councilman Roth upon recommendation of the Committee, moved that the Council go on record as disapproving this request for the reasons of insufficient square foot area of 1425 sq. ft. less than the required 7500 square feet, also insufficient frontage of 5 feet less than the required 50-foot minimum. Upon being seconded by Councilman McKenzie, and put to question, the motion was carried. Inasmuch as the hearing on this appeal is scheduled for July 30th, it was requested that the Clerk-Treasurer attend in person to present the City's views.

3. Councilman Roth reported on Z. A. P. C-105, D. & E. Schaffer, R-60 to R-10 Zone, stating that on May 5th the Montgomery County Council postponed the hearing on this petition until August 11th upon City's request. Inasmuch as the hearing date falls the day after the next Council meeting, he was of the opinion that action should be taken on this request. He also stated that the Schaffers' were interested in purchasing the property on Cumberland Avenue, adjoining their's, however, not at the appraisal price. They talked in terms of 30 cents per square foot. Councilman Roth suggested that the Council go on record as approving their request for rezoning, and so moved. Councilman Collison seconded the motion.

Upon discussion, Councilman Turner asked if the owners did not buy the adjoining property on Cumberland, would it affect the construction, and was told that it would limit the structure. Councilman Turner also asked if Citizens in area were aware that this project would face on Lincoln Avenue instead of Maple in event additional land was not purchased; also that he was against R-10. Councilman McKenzie stated he agreed with Councilman Turner. Councilman Turner asked if the Council thought of considering suggesting R-20, inasmuch as without additional property it would be more suitable for this type of zoning. There was some discussion as to whether it would be feasible to postpone recommendation until a later date and Councilman Forshee said that he doubted the Council would have anymore information by requesting an extension of the hearing date, than if they acted now.

Corporation Counsel Gingerich stated that if the Council were to go on record as suggesting an R-20 Zone they would be leaving themselves open to further question, and should the Council not give a recommendation, then the County Council might do whatever they want. Councilman Forshee asked if the Schaffers were building themselves, or having the work done, to which was replied they were doing the work themselves.

Members of the Council were strongly opposed to letting the Cumberland property go at 30 cents per square foot and are of the opinion it would be better to keep it for the present or develop it into a park site. Councilman Collison stated at this time that if the owners didn't purchase additional property this would necessitate the entrance to the building to be on the Lincoln Avenue side, which would mean the street would have to be improved, also involve the widening of the bridge over the creek, a project which does not seem practicable at this time due to the proposed future improvement of Maple

Avenue. There was considerable opposition voiced about the increase of R-10 Zoning in the City, therefore, the motion failed upon being put to question by vote of four to two - petition was denied.

PUBLIC WORKS COMMITTEE:

1. Councilman Collison requested that a committee meeting be held to discuss the open house for the new P/W building and Community House, on Thursday, July 30th at 7:30 p.m., at his home.
2. Councilman Collison reported that bids for the air conditioning of the Library will be opened on the 3rd of August; also that the request for additional parking at the Library is being held up pending disposition of Martin Property matter.
3. Councilman Collison reported that McNeill Surveys, Inc., had ready the rough plans for the improvement of Colby and Hayward Avenues, therefore, he recommended the adoption of an Ordinance setting the date of August 31st, 8:00 p.m., in the City Council Room for a Public Hearing. The Ordinance adopted is as follows:

ORDINANCE NO. 1546

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

Section 1. THAT in accordance with the provision of Section 1429 of the City Charter, the Mayor and City Council have under consideration the improvement of a portion of Colby Avenue and Hayward Avenue, such improvement to consist of the necessary grading, storm drainage, structures, concrete curbs and gutters and the permanent pavement consisting of a four inch bituminous base course and a two inch bituminous top course.

Section 2. AND THAT the cost of the improvement of the portion of Colby Avenue is estimated to be ONE HUNDRED THOUSAND SIXTY-SEVEN DOLLARS (\$100,067.00), such cost to be fully assessable against the abutting real property being specially benefited thereby described as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 21, Block 34, B. F. Gilbert's Subdivision.

Section 3. AND FURTHER THAT the cost of the improvement of Hayward Avenue is estimated to be SEVENTEEN THOUSAND, THREE HUNDRED SIXTY SEVEN DOLLARS (\$17,367.00), such cost to be fully assessable against the abutting real property being specially benefited thereby, described as Lots 1, 2 & 3, Block 119 and Lots 8 & 9, Block 116, Glazewood Manor Subdivision, Lots 14, 15, 16 & 17, Block 32 and Lots 15 & 16, Block 34, B. F. Gilbert's Subdivision.

Section 4. THEREFORE, the Mayor and Council at a Special Meeting on August 31st, 1959, convening at 8:00 p.m., at #8 Columbia Avenue, Takoma Park, Maryland, will hear all property owners to be so assessed, desiring to be heard in reference to the improvements herein proposed.

Upon being seconded, and put to question, the preceding Ordinance was adopted by a roll call vote as follows: Yeas: Councilmen Collison, Forshee, McKenzie, Roth, Turner and Councilwoman Monitor. Nays: None. Absent: Councilman Sidell.

4. Councilman Collison reported that plans for the pavement of portion of Kirklyn Avenue and Service Drive on New Hampshire Avenue are underway.
5. Councilman Collison reported that the grading of Oswego Avenue has been completed, and should good weather prevail, the job should be completed within the next two weeks.
6. Councilman Collison reported concerning the protest against the special assessment of Boston and Dundalk Avenue concerning owner of Lot 11, Blk 81, T.P.L. & T.Co., stating that Mr. Rhodes and he had gone over this assessment with Mr. Valanos' son and had

satisfied him that it was correct. Further discussion will be held with the owner of Lot 34, Blk 72A, on this Thursday evening at 8 p.m.; He said that Mr. Moose, gentleman requesting public hearing on Cumberland Avenue was still out of the City.

LAW AND ORDINANCES COMMITTEE:

1. Councilman Turner reported that the petition for injunction on the Martin property is in the hands of the Court; that an Ordinance with regard to junk dealers in the City has been outlined and will be ready to present soon; also that the codification of the City Laws and Ordinances would be ready for action in the early Fall.

2. Councilman Turner expressed appreciation to Mayor Miller stating that he felt he played a large part in helping make the Friday night celebration for the foreign students successful.

PUBLIC WELFARE COMMITTEE:

1. Councilman McKenzie questioned as to why the item "Radio Station WGTS-FM, Comments and requests concerning the radio broadcasts of City Council Meetings" was placed on his committee, unless it concerned the purchase of additional equipment which they advised would be helpful. He asked that the Clerk-Treasurer investigate this further and let him know.

2. Councilman McKenzie brought to the attention of the Council the two public hearings to be held on Tuesday evening regarding violations of the City Housing Ordinance.

There being no further business to come before the Mayor and Council, upon motion made, seconded and carried, the meeting adjourned at 9:15 p.m.

George M. Miller
Mayor

Haynes M. Ludgum
Clerk-Treasurer

GENERAL FUND
STATEMENT OF FINANCIAL TRANSACTIONS
June 1959

	Cash Balance Beginning of Month	Cash Balance End of Month
5-31-59 Citizens Bank of Takoma Park-G/F	16661.33	99034.01
5-31-59 Citizens Bank of Takoma Park-P/A	5352.28	5686.39
5-31-59 Suburban Trust Company	15164.57	164.57
5-31-59 Petty Cash	125.00	125.00
	37303.18	105009.97

		Total Bud- geted Rev. to 6-30-59	Budget Bal. as of 6-30-59	Adopted Budget Totals	Percent- tage to Budget
REVENUES:					
1.0 Taxes - Local	-	372559.50	-6129.15	366430.35	101.6
1.5 Taxes - State Shared	71365.05	159804.86	-78004.86	81800.00	195.3
2.0 Licenses & Permits	3911.22	22033.12	1991.88	24025.00	91.7
3.0 Fines & Forfeitures	1688.40	3668.40	-2468.40	1200.00	305.6
4.0 Rev. from Use of Mo. & Prop.	489.35	4126.56	-1686.56	2440.00	169.0
5.0 Rev. from Other Agencies	-	36180.59	-2851.40	33329.19	108.5
6.0 Serv. Chgs. for Current Serv.	269.08	11511.89	-426.89	11085.00	103.8
Balance from Legal Res. Fund	-	30000.00	-	30000.00	100.0
	77723.10	639884.92	-89575.38	550309.54	116.2
Non-Budgeted Receipts	*55154.37				
	132877.47				
Less Adjustments	480.35	132397.12			
Total Cash Receipts		169700.30			
*40000.00 C/I, 15000.00 Trans.					

		Expended	Balance	Budget	
10.1 Government Administration	3359.65	37211.75	2833.25(A)	36045.00	93.0
10.8 Government Buildings	1371.31	21253.57	376.43(B)	17640.00	98.0
11.1 Police Department	9296.55	104136.92	533.08(C)	102286.00	99.5
11.2 Fire Department	5630.32	72756.28	2063.72(D)	72545.00	97.2
11.3 Protective Inspection	662.23	5600.45	2799.55(E)	8400.00	66.6
11.9 Other Protection	-	325.26	482.74(F)	500.00	40.2
12.1 P/W Office	1128.41	11725.12	734.88(G)	12460.00	94.0
12.2 P/W Highways	4740.70	58634.89	4276.01(H)	61080.00	92.8
12.9 P/W Repair Shop	4670.17	34818.30	-7292.30(I)	25210.00	127.2
13.0 P/W Sanitation	5404.04	58882.58	-785.58(J)	58097.00	101.3
19.0 Recreation	6417.01	36363.95	421.17(K)	33328.12	98.8
21.0 Miscellaneous	2416.70	28969.73	-57.23(L)	28912.50	100.1
22.0 Capital Budget	15353.17	118612.26	-63444.18(M)	27000.00	215.0
22.1 Council Appropriation	-	11774.97	-	11774.97	100.0
Legal Reserve Fund	-	-	4002.96(O)	55030.95	92.7
	60450.26	601066.03	-53055.50	550309.54	99.9
Non-Budgeted Accounts	9488.26	*2299.01		*1819.01	
	69938.52	603365.04		(A)4000.00	*Halloween,
Adjustments	5248.19	64690.33	* Halloween, S/A,	(B)3990.00	4th July,
	105009.97	105009.97	4th of July.	(C)2384.00	S/A
			Air Cond.	(D)2275.00	
				(F)308.00	
				(H)1830.90	
				(I)2316.00	
				(K)3457.00	
				(M)28168.08	
			Air. Cond. Lib.	480.00	
				51027.99	

GENERAL FUND
BALANCE SHEET ACCOUNTS COMPARISON
May-June 1959

<u>Assets</u>	<u>Balance</u> 5-31-59	<u>Balance</u> 6-30-59	<u>Changes</u> During Month
Citizens Bank of Takoma Park	16661.33	99034.01	82372.68
Citizens Bank of Takoma Park-P/A	5352.28	5686.39	334.11
Suburban Trust Company	15164.57	164.57	-15000.00
Petty Cash	125.00	125.00	-
Taxes Receivable - 1958 Levy	4621.43	4621.43	-
Taxes Receivable - 1957 Levy	2669.89	2669.89	-
Taxes Receivable - 1956 Levy	156.90	156.90	-
Interest Receivable - 1956 Levy	190.38	190.38	-
Taxes Receivable - Delinquent	229.10	229.10	-
Due from Special Assessment Fund	9677.71	9677.71	-
New Public Works Building	94531.18	110462.86	15931.68
Heffner Park Community Building	14613.52	14305.91	-307.61
Towing Account	75.00	76.00	1.00
Uniform Account	1493.28	1760.73	267.45
Prepaid State Retirement	1233.50	-	-1233.50
Protective Apparel	114.05	114.05	-
Oswego and Niagara Avenues	136.23	736.23	600.00
Maple Avenue Improvement	200.00	6450.00	6250.00
Bennett Property Acquisition	19205.76	19205.76	-
Martin Property Acquisition	17.30	17.30	-
Glenside Drive Project	4817.46	7271.09	2453.63
Lee Avenue Improvement	35.14	1415.34	1380.20
Commercial Trash Account Receivable	180.00	172.00	- 8.00
Prepaid Insurance	7638.83	7990.40	351.57
Cumberland Avenue	24.40	24.40	-
Kirklyn Avenue	24.40	24.40	-
North Takoma Storm Drainage	-	1000.00	1000.00
Lot 6, Blk 104, S.S.Carroll's	-	110.00	110.00
Contracts in Progress	-	6000.00	6000.00
	<u>199188.64</u>	<u>299691.85</u>	<u>100503.21</u>

Liabilities

Escrow Account	930.00	830.00	-100.00
Federal Withholding Tax	4735.10	4767.83	32.73
Maryland Withholding Tax	533.78	800.87	267.09
D. C. Withholding Tax	61.94	91.03	29.09
Group Hospitalization	23.46	28.66	5.20
Certificate of Indebtedness	21000.00	57500.00	36500.00
Accrued Interest Payable	182.92	80.57	-102.35
Accounts Payable	19150.24	41857.67	22707.43
Accrued Payroll	1786.49	2551.51	765.02
Commercial Trash Billing	180.00	-	-180.00
Refundable Overpayment of Taxes	20.87	20.87	-
Contracts Payable	-	6000.00	6000.00
	<u>48604.80</u>	<u>114529.01</u>	<u>65924.21</u>
Unappropriated Surplus from Prev. Year	4636.29	4636.29	-
Appropriated Net Asset Value	13170.23	32593.06	19422.83
Unappropriated Reserve Fund Balance	4482.96	4002.96	-480.00
General Fixed Assets in Progress	128294.36	143930.53	15636.17
Special Improvement Account:	<u>199188.64</u>	<u>299691.85</u>	<u>100503.21</u>
5-31-59	6248.38		
June Receipts	1594.32		
	<u>7842.70</u>		
June Disb.	105.60		
6-30-59	<u>7737.10</u>		

PUBLIC HEARING
 Mayor and Council
 July 28th, 1959

Mayor Miller called the Hearing to order at 7:30 p.m., and stated the purpose was to hear the owners of 7348 Carroll Avenue concerning the rental of the terrace apartment, rental of which had been denied due to non-conformance with City building regulations. Mayor Miller turned the Hearing over to Councilman McKenzie, Chairman of the Public Welfare Committee. Councilman McKenzie called on Mr. Harvey Williams, City Building Inspector and Deputy Fire Chief Stephen La Scola for reports on the property.

Mr. Williams reported the terrace or basement apartment does not meet the seven foot ceiling height requirement and that he had restricted rental for that reason and other hazards that Deputy Chief LaScola would report.

Deputy Chief La Scola stated that if the terrace apartment is allowed to be rented that a frame partition near the furnace boiler must be made fire resistant and a concrete lip must be provided to prevent oil flow into the apartment in case of leak or boiler room fire. Deputy Chief LaScola passed around pictures he had taken of inside and outside condition of property to support his statement that if he had the authority, he would have caused the building to be vacated due to fire hazards.

Mrs. Burr stated that they have tried time and again to keep the basement door locked, but frequently windows are broken, building entered and trash accumulates. Councilman McKenzie suggested that someone on the premises should be in charge.

Councilman Sidell inquired if vandalism had been reported to Police, that they must have a complaint before they can enter a building, that broken windows are not enough to justify police investigation without a complaint.

Mr. James R. Miller, Jr., Attorney for the owners requested that the Hearing be held to the terrace apartment situation as he was not prepared for any other complaints. He pointed out that the history of the building is important to the case and that it was built in 1925 or 26 for apartment use and that the terrace apartment has been used as an apartment within two or three years after the main construction. He stated the building was erected according to the Takoma Park Building Code in effect at that time and that the terrace apartment has been in use for thirty years or more. He pointed out that the 1953 housing ordinance calls for a seven foot ceiling whereas the existing height is three or four inches less than the requirement. It was pointed out that the owners would have to raise the ceiling which is impractical and too expensive or else excavate the floor. Mr. Miller said that he did not think the 1953 Housing Ordinance is valid police power and quoted from several texts:

Maryland Constitutional Law by Alred S. Niles, Page 39. (Amereihn vs Kotros, 194 Md. Court of Appeals 1949 - Reference to Zoning, quoted; -- 591, Pages 600/601 American Jurispondence, Volume 58, Zoning, Section 148, Page 1022.

Mr. Miller further questioned the constitutionality of the 1953 Housing Ordinance as related to this particular case and stated that no nuisance has been proven. He stated that the Boca Code would not apply because the building was erected prior to this Code.

Mayor Miller pointed out that the City Ordinance was passed as a health and safety measure and is not to be tested by whether a building permit was issued or whether the building was built in accordance with a Building Code.

Attorney Miller stated that this still does not give authority to remove a vested right without due process of law.

Mayor Miller stated that this is a health Ordinance and quote valid and the fact that the property is rented and not owner occupied creates a situation different than if the owner lived there.

Attorney Miller conceded that such was true if conditions were creating a nuisance but that no nuisance had been shown in this case. He reiterated that the building was built as an apartment building prior to the enactment of the Housing Ordinance and the low ceiling had been allowed at time of construction and that to prohibit the rental amounts to confiscation without due process of law.

Councilman Sidell stated that it is doubtful that the basement was originally constructed for rental purposes, that he had recollections of it being just a basement a number of years ago.

Attorney Miller stated that he cannot say it was built for rental use, but that it was designed for family use and that he has information that it was used as such as early as 1929.

Mayor Miller stated that the terrace apartment was now in violation of the Housing Ordinance regardless of when and how it was built and that any legislative body can pass legislation to regulate and protect the health of citizens.

Mrs. Palmer stated that health authorities should instruct people in the proper use and maintenance of the sanitary facilities provided for them, that some people live like animals and even destroy the facilities provided for them. She also asked why the Police Department had not investigated the apartment when it was being occupied without the owners consent or knowledge.

It was pointed out to her that if the Police had been notified or a complaint registered, an investigation would have been made. Councilman McKenzie pointed out that if the hedge were cut, the police would be in better position to observe any wrong doing.

Mayor Miller stated that the discussion was getting away from the point and informed Attorney Miller that unless he had further information on the case it would be further considered by the Public Welfare Committee, which would make a recommendation to the Council.

The Hearing adjourned at 8:30 p.m.

George M. Miller

 Mayor

Hayes M. Pugh

 Clerk-Treasurer

PUBLIC HEARING
Mayor and Council
July 28th, 1959

Mayor Miller called the Hearing to order at 8:40 p.m. stating that this concerns Application #464, terrace apartment at 309 Ethan Allen Avenue, variance to Housing Ordinance No. 1207 and turned the Hearing over to Councilman McKenzie, Chairman of the Public Welfare Committee. Councilman McKenzie called on Mr. Harvey Williams, City Building Inspector for a report.

Mr. Williams reported that the terrace apartment had ceiling heights of only 6'10" through out the apartment and that some of the windows were not sufficiently large.

At this time Miss Eunice Graham, co-owner of the building read a statement which becomes a part of the office file in which an appeal was made based on six points:

1. The apartment was built and rented before the Ordinance was adopted.
2. The variances are small, height two inches less than required and window area with a square foot or two of requirements.
3. Otherwise there are no other variances.
4. The apartment is pleasant and livable - Not sub-standard housing-but a cheerful terrace apartment.
5. Apartment will be less desirable if torn apart to conform.
6. Will suffer hardship if apartment is ruled non-habitable.

Councilman Collison inquired if she presently lived in the building, and the answer was affirmative.

Councilman McKenzie inquired if the portion owner occupied would pass the Ordinance and again the answer was affirmative.

Mayor Miller suggested that if the owners occupied the terrace apartment and rented the remainder, that it might solve their problem.

Miss Graham replied that she wouldn't wish to do that.

Mayor Miller asked if she had an estimate to tear out the ceiling and was informed that it should not be too costly but without the ceiling the terrace apartment will be quite noisy.

Mayor Miller inquired of Mr. Williams if he had any suggestions as to a remedy of the condition and was informed none other than removal of the ceiling and leaving open beams.

Mayor Miller informed Miss Graham that the Council is constantly faced with this problem of low ceiling heights in basement and terrace apartments and that the Ordinance set a seven foot ceiling height and if a variance is granted in one case, there would be no end to the applications for variances. He stated that some had been cited for only 6 ft. 5 in. ceilings.

Miss Graham said she knew of no other way than digging the floor which would be exceedingly expensive as well as impractical.

Councilman Turner inquired as to the window situation. Mr. Williams stated that the windows are 2.7 sq. ft. less than required. Councilman Sidell suggested that possibly jalousies will provide sufficient glass.

Mayor Miller asked if the ceiling height is short in all rooms and Mr. Williams replied in the affirmative.

Mayor Miller stated that the matter will be further considered by the Public Welfare Committee which will make a recommendation to the Council.

The Meeting adjourned at 9:00 p.m.

George M. Miller
Mayor

Haynes M. Pugh
Clerk-Treasurer