

EXECUTIVE MEETING
Mayor and Council
February 8, 1960

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

Councilman Forshee moved that the minutes of January 25th, 1960 be accepted as correct. Upon being seconded by Councilman Turner, and put to question, the motion was carried.

CORRESPONDENCE RECEIVED FROM:

1. Dean Donald E. Deyo, The Montgomery Junior College, City, confirmation of meeting scheduled for February 24th, 8:00 p.m., at #8 Columbia Avenue. Referred to Parks and Recreation and Public Safety Committees.
2. Robert T. Bonham, President, Greenbelt Consumer Services, Inc., 10501 Rhode Island Avenue, Beltsville, Md., in response to complaints registered concerning the proposed liquor store for the Co-op Shopping Center in Takoma Park. Referred to Council Files.
3. Mrs. John Bennick, 212 Philadelphia Avenue, City, request for sidewalk in front of property. Referred to Public Welfare Committee.
4. George N. Lewis, Jr., Director, Traffic Division, State Roads Commission, recommendation concerning northbound traffic on New Hampshire Avenue approaching University Boulevard East. Referred to Public Safety Committee.
5. Daniel Walther, Potomac University; W. Bryant Tyrrell, 246 Park Avenue City; Francis J. Preller, 7117 Garland Avenue, City, and Carl G. Fiske, Sr., Captain, Takoma Park Volunteer Fire Department, letters of appreciation to the Police Department for services rendered to them by members of the Police Department. Referred to Police Files.

BANK STATEMENT:

Citizens Bank of Takoma Park - General Fund:		Suburban Trust Company:	
12-31-59 Balance	28874.66	12-31-59 Balance	3938.57
*Revenues - January	<u>44250.26</u>	Revenues-January	<u>234.66</u>
	73124.92	1-31-60 Balance	4173.23
Disbursements-Jan.	<u>35705.50</u>		
	37419.42	Special Improvement Account:	
*Includes \$25,000 Cert. of Deposit.		12-31-59 Balance	3325.07
		Revenues-January	<u>3247.30</u>
		1-31-60 Balance	6572.37

FINANCE COMMITTEE:

1. Councilman Forshee reported that the items on his Committee are under consideration; also that a report would be ready at the next meeting on the consideration of financing shelters in City Parks.

LAW AND ORDINANCES COMMITTEE:

1. Councilman McKenzie said he had no report on items under his Committee; except that he had discussed with individuals concerned on request for study for Takoma Park Cab Licensing in Prince George's County Section of City, however, that he had not discussed it with the Public Safety Committee as yet.

2. Councilman McKenzie reported that a meeting with Mr. Robert Rice has been scheduled for 7:30 p.m., February 29th, and asked that the Council be in attendance. This is an appeal for a Hearing under the City Housing Ordinance.

PUBLIC WORKS COMMITTEE:

Due to the absence of Councilman Collison, Councilman McKenzie, Vice Chairman reported as follows:

1. That the bids for improvement of Kirklyn Avenue were publicly opened on January 29th, 1960, and that these bids having been duly considered by the Committee, and inasmuch as there was a difference of \$1,005.00 between low and high bids, that the low bid of the Gly Construction be accepted. Councilman McKenzie moved the adoption of the following Ordinance:

ORDINANCE NO. 1577

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

Section 1. THAT a Public Hearing has been held in accordance with Ordinance No. 1531 and that a portion of Kirklyn Avenue and the Service Drive of New Hampshire Avenue, be improved:

Section 2. AND THAT bids have been received in accordance with plans and specifications known as Public Works Project #60-2.

Section 3. THEREFORE, the contract is hereby awarded to the Low Bidder, Gly Construction Company in the amount of SEVEN THOUSAND EIGHT HUNDRED SIXTY-FOUR DOLLARS AND FIFTY CENTS (\$7,864.50);

Section 4. AND THAT the cost of this Project be fully assessable against properties as outlined in Section 2 of Ordinance No. 1531.

Upon being seconded by Councilman Forshee, and put to question, the above Ordinance was adopted by a roll call vote as follows: Yeas: Councilmen Forshee, McKenzie, Councilwoman Monitor, Councilmen Roth, Sidell and Turner. Nays: None. The work is to be completed in 45 days, in accordance to specifications.

2. Councilman McKenzie reported that the Takoma Park Maryland Library will be closed from February 15th through February 27th, while air conditioning is being installed. If Library can be opened before the 27th, local radio stations will carry the announcement.

PUBLIC SAFETY COMMITTEE:

1. Councilman Sidell said that consideration should be given to the embarking on a campaign to advise everyone in City concerning heavy foliage on City streets, preventing proper view at intersections. Committee will study this further.

2. Councilman Sidell reported on the Maryland Fire Underwriters Rating Bureau's recommendations for improvement of Fire Defense in the City and Fire Tax Area of Takoma Park; he stated that Acting Chief S. J. LaScola had prepared data showing improvement in most of the recommendations made, also that he had visited the Baltimore office; therefore, from all appearances the City should have good results from the work done.

3. Councilman Sidell reported on request on State Roads survey for traffic light, Ethan Allen and Sycamore Avenues; he said that due to their survey light is not warranted at

this location, however, there is indication that a new head on present light should be installed, also that the light should be timed properly in order to alleviate the present difficulty. The Committee will contact proper authorities of State Roads, for advice as to proper action to take.

4. Councilman Sidell reported on lack of pedestrian bridge on Carroll Avenue at Long Branch Parkway; he said that communication had been received from Montgomery County Manager Reese that the matter had been turned over to the State Roads Commission, and inasmuch as no word has been received since September 21st, that an inquiry be made as to the progress.

5. Councilman Sidell reported on possibility of removing street treadles on East-West Highway and Piney Branch Road; It had been previously recommended by State Roads that these treadles not be removed, but repaired; He said that Hawkins Electric Company had informed the City to replace the detector would cost \$450 new and \$335 used. This will be studied further and reported on at the next meeting.

6. Councilman Sidell urged that the Council as a whole attend the meeting scheduled on February 24th, 8:00 p.m., #8 Columbia Avenue with school officials with reference to parking at the Montgomery Junior College.

7. Councilman Sidell said that he has heard no more from gentlemen requesting study for Takoma Park Cab Licensing in P. G. County Section of City since it was brought to attention. Matter will be studied further.

8. Councilman Sidell mentioned the qualifications as set up by the City Fire Board required for the position of Fire Chief for the City. The Board has begun reviewing the applications.

9. Councilman Sidell said that the Public Safety Committee recommends the purchase of 14 new parking meters to replace all the antiquated meters in the City. He said the list price on these meters is \$61.50, with a trade-in of \$12.50 per meter, thus making a cost of \$49.00 each. He moved the adoption of the following Ordinance which was seconded by Councilman Turner:

ORDINANCE NO. 1578

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

Section 1. THAT the City Clerk and Treasurer is hereby authorized to purchase 14 Automaton Parking Meters from the Koontz Equipment Company, Pittsburgh, Pa., at a net cost of \$49.00 each, price includes a trade-in allowance of \$12.50 per meter.

Section 2. AND THAT the sum of SIX HUNDRED EIGHTY-SIX DOLLARS (\$686.00) for the purchase of meters as stipulated in Section 1 of this Ordinance, be transferred from the Reserve Fund.

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

CIVIC IMPROVEMENTS COMMITTEE:

1. Councilman Roth reported on Z. A. P. C-358, Marion F. & Lura Burton, Applicants, Lots 14, 26, 27 & 28, Sec. 7 of S. S. Carroll's, R-60 to R-10 Zone; and C-359, Marion F. & Lura E. Burton, Applicants, Lots 13 to 18, incl. Sec. 9 of S. S. Carroll's, R-60 to R-10 Zone; he said that the Committee believes that to allow R-10 apartment zoning in the

area would be unwise, inasmuch as the area is predominantly R-60. Councilman Roth moved that the Council go on record as recommending disapproval of this request for R-10. Upon being seconded by Councilwoman Monitor, and put to question, the motion was carried. The hearing on this request will be on June 13th and the Corporation Counsel will attend.

2. Councilman Roth reported on Z. A. P. C-362, J. Kendall Coughlan, Attorney for Lillian T. Fowler, Applicant, Lots 2 & 3, Blk 91 of Beale's Subdivision, R-60 to R-10 or R-20 Zone. He reported the surrounding area is R-20, and to allow R-10 would be setting a precedent. The Committee, therefore, moved that the Council go on record as recommending R-20 Zone, and the County Council be so notified. The motion was seconded by Councilwoman Monitor. Councilman Sidell asked Building Inspector Williams if he was aware how many homes in the area have apartments. He said he was not aware off-hand, however, that a good number had them. It was also said that there were no objections apparent by residents in the area to the R-20. Upon being put to question, the motion was carried.

PARKS AND RECREATION COMMITTEE:

1. Councilwoman Monitor introduced Mr. Nels Hanson from the "Free Press".
2. Councilwoman Monitor suggested that perhaps during the Spring Clean-up Campaign that emphasis could be put on the trimming of shrubs blocking views of cars traveling public streets; She said that information had been received from the Prince George's Recreation Department as to facilities available and she urged citizens in the County to take part in the programs offered.

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

George M. Miles
Mayor

Hayes M. Pudge
Clerk-Treasurer

February 12, 1960: This page has been inserted due to destruction to regular page during mimeographing process.

Hayes M. Pudge
Clerk-Treasurer

Page # 100.
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GENERAL FUND
Statement of Financial Transactions
December 1959

	Cash Balance Beginning of Month	Cash Balance End of Month
11-30-60 Citizens Bank of Takoma Park-G/F	29361.99	28874.66
11-30-60 Citizens Bank of Takoma Park-P/A	3040.33	3418.46
11-30-60 Suburban Trust Company	3399.50	3938.57
11-30-60 Petty Cash	125.00	125.00
	<u>35926.82</u>	<u>36356.69</u>

<u>Assets</u>		Total Bud- get to Rev. 12-31-59	Budget Bal. as of 12-31-59	Adopted Budget 1959-1960	Percen- tage to Bud.
1.0 Taxes - Local	28040.99	365301.18	10336.59	375637.77	97.0
1.5 Taxes - State Shared	20.00	21169.85	80680.15	101850.00	20.7
2.0 Licenses & Permits	779.09	16655.93	7969.07	24625.00	67.6
3.0 Fines & Forfeitures	96.70	252.70	1547.30	1800.00	14.0
4.0 Rev. from Use of Mon. & Prop.	599.16	3588.25	-648.25	2940.00	122.0
5.0 Rev. from Other Agencies	-	-	34864.95	34864.95	
6.0 Serv. Charge for Current Serv.	58.58	1628.11	9977.89	11606.00	14.0
	<u>29594.52</u>	<u>408596.02</u>	<u>144727.70</u>	<u>553323.72</u>	<u>73.8</u>
Non-Budgeted Receipts	25852.48				
	<u>55447.00</u>				
Adjustments	1555.29	57002.29			
		<u>92929.11</u>			

This month's percentage figure 50%

		<u>Expended</u>	<u>Balance</u>	<u>Adopted</u>	
10.1 Govt. Administration	2853.17	16694.99	20168.51A	36163.50	45.2
10.8 Govt. Buildings	2598.80	16230.53	7789.97B	19850.00	67.5
11.1 Police Department	9305.26	57869.98	63074.52C	120744.50	47.8
11.2 Fire Department	5885.43	37733.87	37945.13D	75179.00	49.8
11.3 Protective Inspection	646.27	3573.81	5082.19E	8656.00	41.2
11.9 Other Protection	-	70.00	30.00F	100.00	70.0
12.1 P/W Office	1057.55	6702.71	7032.29G	13735.00	48.8
12.2 P/W Highways	4759.55	25477.04	37695.66H	62564.70	40.3
12.9 P/W Repair Shop	1858.25	15784.94	13315.06I	29100.00	54.2
13.0 P/W Sanitation	18142.21	43776.04	30415.71J	61304.50	58.9
19.0 Recreation Division	665.56	21207.80	15306.50K	36514.30	58.0
22.0 Miscellaneous	1231.25	17592.20	13382.80L	30975.00	56.7
22.1 Capital Budget	210.77	1367.95	1513.21M	1800.00	47.4
Council Appropriations	-	-	1304.85N	1304.85	
Legal Reserve Fund	-	-	35185.46O	55332.37	36.3
	<u>49214.07</u>	<u>264081.86</u>	<u>289241.86</u>	<u>553323.72</u>	<u>46.0</u>
Non-Budgeted Accounts	19664.57				
	<u>68878.64</u>				
Adjustments	12306.22	56572.42			
		<u>36356.69</u>			

- A 700.00
- B 4170.50
- C 200.00
- D 500.00
- H 608.00
- J 12887.25
- M 1081.16
- 20146.91

Assets	Balance 11-30-59	Balance 12-31-59	Changes During Month
Citizens Bank of Takoma Park	29361.99	28874.66	-487.33
Citizens Bank of Takoma Park-Payroll Acct.	3040.33	3418.46	378.13
Suburban Trust Company	3399.50	3938.57	539.07
Petty Cash	125.00	125.00	-
Taxes Receivable 1959 Levy MC & PG	36577.60	16767.62	-19809.98
Taxes Receivable Delinquent (56-58)	7677.32	4902.16	-2775.16
Interest Receivable - Delinquent Taxes	190.38	263.32	72.94
New Public Works Building	111657.34	111657.34	-
Heffner Park Community Building	14711.07	14711.07	-
Towing Account	106.00	161.00	55.00
Uniform Account	1018.90	1047.12	28.22
Protective Apparel	158.29	121.76	-36.53
Oswego & Niagara Avenues	6033.73	6772.98	739.25
Maple Avenue Improvement	6450.00	6450.00	-
Bennett Property - Acquisition	19473.26	19473.26	-
Martin Property	17.30	1017.30	1000.00
Glenside Drive Project	7271.09	7289.01	17.92
Commercial Trash Account Receivable	268.50	244.50	-24.00
Prepaid Insurance	3676.36	1840.20	-1836.16
Cumberland Avenue	24.40	24.40	-
Kirklynn Avenue	24.40	24.40	-
North Takoma Drainage	1000.00	1000.00	-
Contracts in Progress	6000.00	6000.00	-
Claims	318.36	246.52	-71.84
Hayward, Colby & Cherry Avenues	271.48	271.48	-
Certificate of Deposit	200000.00	175000.00	-25000.00
Accrued Interest Receivable	1499.84	1517.20	17.36
Uniform Stock	135.37	135.37	-
	<u>460487.81</u>	<u>413294.70</u>	<u>-47193.11</u>
<u>Liabilities</u>			
Escrow	881.67	1001.67	120.00
Federal Withholding Tax	2408.70	2504.10	95.40
Maryland Withholding Tax	512.38	779.07	266.69
D. C. Withholding Tax	61.25	95.69	34.44
Group Hospitalization	49.63	29.23	-20.40
Certificate of Indebtedness	17500.00	17500.00	-
Accrued Interest Payable	152.40	152.40	-
Accounts Payable	20311.78	32466.43	12154.65
Accrued Payroll	3623.44	1807.18	-1816.26
Overpayment of Taxes	20.97	21.82	.85
Contracts Payable	6000.00	6000.00	-
Commercial Trash Billing	96.50	72.50	-24.00
Due from Special Assessment Fund	7306.11	9910.77	2604.66
Lot 6, Blk 104, S.S. Carrolls	13101.56	13101.56	-
	72026.39	85442.42	13416.03
Unappropriated Surplus from Prev. Year	45878.47	23303.91	-22574.56
Appropriated Net Asset Value	148655.23	124102.40	-24552.83
Unappropriated Reserve Fund Balance	48667.21	35185.46	-13481.75
General Fixed Assets in Progress	145260.51	145260.51	-
	<u>460487.81</u>	<u>413294.70</u>	<u>-47193.11</u>
Special Improvement Account:			
11-30-59 Balance	3294.41		
Dec. Receipts	1896.26		
	<u>5190.67</u>		
Dec. Disbursements	1865.60		
	<u>3325.07</u>		

REGULAR MEETING
Mayor and Council
February 22, 1960

Mayor Miller called the meeting to order at 8:05 p.m. Those present: Councilmen Collison, Forshee, McKenzie, Roth and Sidell. Excused: Councilwoman Monitor and Councilman Turner.

The Invocation was given by Corporation Counsel Vincent L. Gingerich.

Councilman Collison moved that the minutes of February 8th, 1960 be accepted as correct. Upon being seconded by Councilman Roth, and put to question, the motion was carried.

CORRESPONDENCE RECEIVED FROM:

1. Mrs. Esther D. Geib, 7509 Hancock Avenue, City, letter of appreciation to Council on their action of denial on a recent zoning request. Referred to Council Files.
2. Walter Prichard, Secretary-Treasurer, North Takoma Citizens' Association, appreciation to Councilman Sidell for appearing at recent meeting to address members on existing traffic problems in the North Takoma Area. Referred to Public Safety Committee.
3. Walter Prichard, Secretary-Treasurer, North Takoma Citizens Association, request that U. S. Mail Box at corner of Chicago and Philadelphia Avenues (State Route 410) be moved, inasmuch as it obstructs view of motorists. Referred to Civic Improvements Committee.
4. Egbert F. Tingley, Postmaster, Langley Park Branch Post Office, thanking Mayor and Council for letter of appreciation sent at time Post Office was dedicated; also that consideration be given to the placement of parking meters in the Post Office vicinity. Referred to Public Safety Committee.
5. Supervisors of Elections, Rockville, Maryland, request for use of Fire House, March 7th, 1960, 2 to 5 p.m., and 7:30 to 9:30 p.m., for registration of new voters. Referred to Public Welfare Committee.
6. F. I. Caruso, Special Agent, Fire Underwriters, 85 John Street, New York, letter of commendation to Acting Chief S. J. LaScola for services rendered during the Juvenile Sales Fire. Referred to the Fire Department File.

OPEN MEETING:

Mayor Miller at this time paid due respect to Public Works Employee Julian P. Seek; Mr. Seek was seriously injured Saturday while on duty, and is a patient in the Washington Sanitarium and Hospital. Mayor Miller said that everything possible would be done to aid Mr. Seek.

Mayor Miller also commended the Fire Department for their splendid response to the Juvenile Sales Fire on February 11th; also that the City can certainly rest assured that the Departments of the City are always ready to serve them at all times.

Mr. Michael Derato, 413 Lincoln Avenue, spoke to the Council in behalf of Mr. Seek, and expressed the hope that the Council would do something to help him financially.

Mrs. Regina Shatz, 8662 Piney Branch Road, addressed the Council, representing her father, Mr. Wicks, owner of an apartment dwelling on Kennewick Avenue, and others in the block back of the new Hampshire-Langley Shopping Center now being erected. She presented copies of her presentation to the Council, as well as a petition from owners and residents concerned. Her statements concerned the fence that is to be erected in back of the shopping center, obviously to hide unsightly rubbish and trash. It was pointed out that if the fence is erected as proposed, due to the drop in the grade between the street and

the store levels, it will not screen this unsightly scene from the apartment dwellers. It was requested that the Mayor and Council request the Prince George's County Commissioners to rule that the fence be erected at the top of the hill on the property line. She said that Giant Food Properties, Inc., as well as the Prince George's Building Inspector's Office had been contacted and they are in agreement to this change. It is the wish Mrs. Shatz and her father, that the Council consider this action and recommend this change. There was considerable discussion concerning the planting of shrubbery, as well as other angles, however, she stated they were willing to forego the shrubbery planting in order to have the fence on the upper level. Mayor Miller referred this request to the Civic Improvements Committee.

PUBLIC WORKS COMMITTEE:

1. Councilman Collison reported on the progress in the air conditioning of the Library; He said that when the acoustical and plaster board ceiling were removed in places, it was discovered that several pieces of insulation had come loose from the joists and thus opened the dead-air space over the ceiling to the outside air. Mr. Philip Mason, Architect was asked to give his opinion on this condition, and suggested that loose insulation be blown into the space to a depth of four inches. Mr. Louis Streeter of Capital Cooling Corporation gave a price of \$450.00 to blow fiberglass insulation into the space. The Committee recommends that \$450.00 be transferred from the Reserve Fund to cover the expense of this operation, and so moved. Upon being seconded by Councilman McKenzie, and put to question, the motion was carried. Question was raised as to whether this situation was due to the construction of building; it was said it was not.

2. Councilman Collison reported that in a prior authorization to purchase a greenhouse to be installed at the Public Works Buildings, that cost was not to exceed \$2,500.00. He said that up to this time no statement had previously been compiled as to cost of materials used in the installation of it. At this time total cost of greenhouse has been determined and amounts to \$2,203.57 - \$1,701.00 for prefabricated greenhouse and \$502.27 for cost of materials for foundation, etc. He, therefore, recommended that \$502.27 be appropriated from the Reserve Fund to cover the cost of material used for erecting the greenhouse. The following Ordinance was adopted:

ORDINANCE NO. 1579

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

Section 1. THAT inasmuch as statement has been received for cost of materials purchased for the erection of the Public Works Greenhouse;

Section 2. AND THAT it is necessary to supplement Ordinance No. 1554, adopted by the Mayor and Council on September 14, 1959, to cover materials as stated in Section 1, in the amount of FIVE HUNDRED TWO DOLLARS AND TWENTY-SEVEN CENTS (\$502.27);

Section 3. AND FURTHER THAT such sum as indicated in Section 2 be transferred from the Reserve Fund.

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

3. Councilman Collison reported on the need to replace treadles controlling traffic light on Philadelphia Avenue at Piney Branch Road, as brought to attention by the State Roads Commission. He said that word had been received from Hawkins Electric Company that the

broken detector and frame can be replaced new, at a cost of \$450.00, or with a used one at \$335.00. The Committee recommends that a used detector be obtained for the sum of \$335.00, amount to be transferred from the Reserve Fund, and so moved. Mayor Miller asked if the guarantee on a used one is the same as on a new. He was told that there is no guarantee on either, altho' either should prove equally as good. Upon being seconded, and put to question, the motion was carried.

4. Councilman Collison reported on an old storm drainage problem concerning the property of Mr. Louis Brubaker, 7222 Spruce Avenue which has been revived. It is the opinion of the Committee that this complaint should be investigated by McNeill Surveys, in order to determine the condition and cost to correct it, and so moved. Upon being seconded by Councilman McKenzie, and put to question, the motion was carried.

FINANCE COMMITTEE:

1. Councilman Forshee reported on the financing of shelters for the City Parks. He said that funds should be provided for two shelters, one in Prince George's County and the other in Montgomery County, funds to come from the Reserve Fund, in the amount of \$4,000 or \$4,500. He, therefore, moved that a sum not to exceed \$4,500 be transferred from the Reserve Fund for this purpose, pending decision of cost after proper plans have been established. The motion was seconded by Councilman Collison. Councilman Roth said that the purpose of these shelters are to provide coverage for children and recreation directors in the event of inclement weather, and to store recreation equipment; also that they could be used by private groups for picnicing, etc. Upon being put to question, the motion was carried.

2. Councilman Forshee reported that the time has come to renew the insurance coverage for the City. He said that after review of the situation, it is believed that the insurance program that is presently had, should be renewed for another year, inasmuch as it is believed proper dividends and coverage have been received.

PUBLIC WELFARE COMMITTEE:

1. In the absence of Councilwoman Monitor, Councilman McKenzie moved that permission be granted to the Supervisor of Elections, Montgomery County, to use the Fire House for Registration of new voters, on March 7th, 2 to 5 p.m., and 7:30 to 9:30 p.m. Upon being seconded by Councilman Forshee, and put to question, the motion was carried.

2. Councilman McKenzie reported on the result of opening of bids received for the $\frac{1}{2}$ ton pickup truck for the Public Works Department. Inasmuch as only two bids were received, that the one submitted by Palmer Ford Company, Hyattsville, Md., be accepted in the amount of \$1,709.69, and moved the adoption of the following Ordinance:

ORDINANCE NO. 1580

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

Section 1. THAT after having been duly advertised in accordance with law, bids have been received and publicly opened on February 18, 1960, for one, one-half ton pickup truck, for the Public Works Department, to replace station wagon, recently wrecked;

Section 2. AND THAT a low net bid has been submitted by Palmer Ford, Inc., Hyattsville, Md., of \$1,709.69, to furnish one, one-half ton pick-up truck in accordance to specifications.

Section 3. THEREFORE THAT the contract for purchase is hereby awarded to Palmer Ford, Inc., in the net sum of ONE THOUSAND SEVEN HUNDRED AND NINE DOLLARS AND SIXTY-NINE CENTS (\$1,709.69) for one truck.

Section 4. AND THAT the Clerk-Treasurer be hereby authorized to transfer from the Reserve Fund the amount of this appropriation.

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

3. Councilman McKenzie said that inasmuch as in the bids for a pickup truck, Takoma Motor Company would only allow \$100 for the wrecked station wagon; that bids were requested, and that a bid from PFC James A. Newton, Takoma Park Police Department in the amount of \$175.00 was received for the wagon. He moved that this be accepted. Upon being seconded, and put to question, the motion was carried.

PUBLIC SAFETY COMMITTEE:

1. Councilman Sidell reported that the information sent by Acting Chief LaScola to the Maryland Fire Underwriters Rating Bureau on recommendations for improvement of Fire Defense in the City and Fire Tax Area of Takoma Park, has been received by them and is under study; also that the City is awaiting word from the State Roads Commission on their survey of traffic light at Ethan Allen and Sycamore Avenues; A letter has been written to Mr. Lansdale G. Clagett, State Roads, Commission, concerning the pedestrian bridge at the foot of Carroll Avenue and Long Branch Parkway, in an attempt to further expedite the matter; Councilman Sidell said there will be a meeting on Wednesday, February 24th, with school officials on the problem of parking in vicinity of Montgomery Junior College; He said that the traffic hazard on New Hampshire Avenue, Northbound before it reaches University Blvd. E., has been taken care of and can, therefore, be removed from the agenda; a letter has been sent to the Takoma Park Cab Association with reference to their request for licensing of cabs in the Prince George's County Section only, however, no answer received as yet.

2. Councilman Sidell said that the daughter of Chief of Police Foster had fallen from her bicycle and received a concussion. She is progressing nicely.

3. Councilman Sidell asked for advertisement of bids for the demolition of the house on property at 7137 Carroll Avenue, opening date to be March 10th, 4:00 p.m., office of City Clerk-Treasurer, #8 Columbia Avenue. This was seconded by Councilman McKenzie. It was also said that there are cupboards that the Fire Department can use for storage, also a request for one of the refrigerators, therefore, it was decided by the Council that the Public Works Committee make a list of these items for disposal before bids are received for the demolition work, and Councilman Sidell so moved. This was seconded by Councilman Forshee. Councilman Collison said he thought that bids should be received at the same time on the construction of the parking lot, however, it was the opinion that this should be done separately. Upon being put to question, the above motions were carried. Councilman Sidell then moved for the advertisement of bids for the work to be done on the parking lot, opening date to be March 24th, 4:00 p.m., office of the Clerk-Treasurer, #8 Columbia Avenue, in accordance with specifications by the Director of Public Works. Upon being seconded, and put to question, the motion was carried.

4. Councilman Sidell reported that upon a recent meeting held with Acting Chief LaScola on unforeseen repairs that have occurred since December 14, 1959, that the following action be taken: That \$1,000 be transferred to Account No. 11.212D6, Apparatus Repairs; and \$300.00 to Account No. 11.212E, Fire Fighting Supplies; both sums to be taken from the Reserve Fund. This transfer is due to repairs being needed on Fire Department Equipment, also supplies depleted on Fire Calls. Upon being seconded by Councilman McKenzie, and put to question, the motion was carried.

5. Councilman Sidell said that inasmuch as the Codification of the City Laws and Ordinances will not reach completion date for some time, that an Ordinance be adopted to

legalize the Montgomery County Fire Code for the City of Takoma Park, thereby giving the Fire Department enforcement authority in accordance with the Montgomery County Fire Code. Chief LaScola said that the City has been following the Montgomery County Code for some time, and this would enable the City to enforce as necessary. It was also said that at the time the Codification is adopted, that it would have to be readopted at that time. The Ordinance is as follows:

ORDINANCE NO. 1581

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

Section 1. THAT in the interest of public safety, the City of Takoma Park adopt as the City Fire Prevention Code, all of the provisions, rules, regulations and penalties as set forth in the Montgomery County Fire Prevention Code known as Chapter 84 of the Montgomery County Code (1955) as re-enacted effective November 1958, together with all amendments thereto;

Section 2. THEREFORE THAT by reference thereto henceforth, the Montgomery County Fire Prevention Code is hereby adopted by reference and is ordained by the Mayor and City Council to be the Fire Prevention Code of the City of Takoma Park and an Ordinance of the City the same as if it was physically incorporated herein, substituting the words "The City of Takoma Park, Maryland" in all appropriate references to the words "Montgomery County, Maryland" and substituting the words "The Mayor and City Council" in all appropriate references to the words "County Council" or "County Manager";

Section 3. AND THAT the Fire Marshall of the City of Takoma Park is hereby empowered to enforce all of the provisions, rules and regulations of the Fire Code as set forth by reference in Sections 1 and Section 2.

Councilman Roth questioned if Montgomery County Code was more effective than the Prince George's County, and was informed that in some instances the rules were better. Upon being seconded by Councilman Forshee, and put to question, the Ordinance was adopted by a roll call vote as follows: Yeas: Councilmen Collison, Forshee, McKenzie, Roth and Sidell. Nays: None. Excused: Councilwoman Monitor and Councilman Turner.

5. Councilman Sidell said that when the budget was adopted it was decided that the item setting up a fund for attendance at conferences be dropped, and at times when funds were needed, they be allotted. He therefore, moved that the sum of \$200.00 be transferred from Account No. 11.212C, credit to A/C 11.212N, in order that Acting Chief LaScola will be able to attend the Fire Instructor's Conference at Memphis, Tenn., from February 28th to March 6th. Chief LaScola will travel with Chief Thayer of the Silver Spring Fire Department. Upon being seconded by Councilman Collison, and put to question, the motion was carried.

CIVIC IMPROVEMENTS COMMITTEE:

1. Councilman Roth reported on the fence on Kennewick Avenue mentioned earlier in the evening by Mrs. Shatz. He said that he could not see where the planting of shrubbery would be harmful, as he could see no futuer plans where the City would widen the street, or put in a sidewalk. He, therefore, moved that the Council express support of changing location of fence to the property line, provided the owner, Giant Food Properties, Inc., will agree to maintain same, and notify the proper authorities involved. Councilman Collison said that he would not vote for this arrangement, that although he did not disagree to the fence placement, he was not in accordance with the shrubbery being

planted on City right of way. Upon being seconded, and put to question, the vote was as follows: Yeas: Councilmen Forshee, McKenzie, Roth and Sidell. Nays: Councilman Collison.

It was also stated in regard to the fence, that to place it at the lower level, would present a situation that might serve as a trash collection base; also that it would be the responsibility of the Shopping Center to keep the area clean.

There being no further business to come before the Mayor and Council, upon motion made, seconded and carried, the meeting adjourned at 9:38 p.m.

George M. Miller
Mayor

Haynes M. Pindley
Clerk-Treasurer

PUBLIC HEARING
Mayor and Council
February 29, 1960

Re: Robert Rice - Registration No. 508, 7110 Sycamore Avenue:

Mayor Miller opened the Hearing at 7:45 p.m., stated that it had been called at the request of Mr. Rice concerning a citation for an alleged violation of the Housing Ordinance. Councilmen present were: Collison, Forshee, McKenzie, Roth, Sidell and Turner. Councilwoman Monitor, excused. Building Inspector Williams, Clerk-Treasurer Pridge and Corporation Counsel Gingerich were also present. Mayor Miller turned the Hearing over to Councilman McKenzie, Chairman of the Public Welfare Committee and to Councilman Sidell as Mayor pro-tem, and excused himself for another meeting.

Councilman McKenzie called upon Mr. Williams for a report on the conditions under which Mr. Rice had been cited. Mr. Williams stated that upon a recent inspection he verified a memo written by former Inspector Mr. Remsen, dated December 10th, 1954, stating the terrace or basement apartment had insufficient ceiling height of only 6'2" and insufficient light and ventilation according to the standards of the Housing Ordinance.

Mr. Rice explained that the building was originally constructed in such manner that this ceiling height cannot be corrected and that it was in that condition when he purchased the property in 1950 and that he had made no change in the construction.

Being a next door neighbor to the property in question, Councilman Collison verified that the condition was brought about by a former owner sometime during the period between 1930 and 1950, that the house was originally constructed for single family use, but had been converted during that period and the basement apartment occupied by the former owner.

Mr. Rice stated that his interpretation of the Housing Ordinance was that an agent or an owner could occupy such sub-standard units. He stated that the present tenant is in fact an agent for him as he lives some distance from the City and that the tenant looks after the building and grounds.

Mr. Gingerich inquired as to what consideration was given to the tenant as an agent. Mr. Rice stated that it was on a rent free basis, however, that the tenant-agent did have the responsibility of the utility bills. Mr. Rice said that in order that he maintain his own credit in this area that the tenant-agent remits the money for the utility bills to Mr. Rice and he in turn disburses same. He said that other than the utility bills, the arrangement was rent free.

Mr. Gingerich stated that the intent of the Ordinance was to fix the responsibility or liability on an agent in that legal service could be made on an agent, in the case of a non-resident owner. He also stated this could be a method to circumvent the intent of the Ordinance and that he did not think it a proper agency arrangement.

Mr. Rice inquired about the fact that the building was constructed at the time he purchased same.

Mr. Gingerich pointed out that the existing use of the property is in violation of the Zoning Ordinance of the County, inasmuch as the property had been used as a single family dwelling subsequent to the adoption of the County Zoning Ordinance. He pointed out that the Mayor and Council had decided upon the adoption of the Housing Ordinance that any building in use at that time (1957) would be considered by them as non-conforming but in all appearances this case is a violation because the building had been used single family subsequent to the Zoning Ordinance adoption.

Councilman McKenzie stated that the question in this case as he understood it is as to whether the basement tenant can be considered as an agent. He asked Mr. Rice if he admitted that the unit is sub-standard.

Mr. Rice stated that he realized the unit to be sub-standard but that his contention is that the tenant is actually an agent, or a Manager for the owner.

Mayor pro-tem Sidell informed Mr. Rice that the matter would have to be considered by the Public Welfare Committee which would submit a recommendation to the Mayor and Council at a regular meeting and that he would be notified of the Council's decision.

Mr. Rice inquired as to what he could do if the Mayor and Council should turn him down. He pointed out that he had just had to cancel a sale of the property because he could only get a \$7,500 loan and he had asked for \$9,500, that the building loans were not favorable to this type property.

Councilman Sidell pointed out that if the tenant's name were placed on the deed as a co-owner, that this would solve the problem. He also stated that the Mayor and Council did appreciate that some one be on the property who is interested in its maintenance, that this is one of the problems, out of town owners and no one present to keep the property presentable.

The Hearing adjourned at 8:10 p.m.

George M. Miller
Mayor

Haynes M. Pindgen
Clerk-Treasurer