

THE CITY OF TAKOMA PARK, MARYLANDEXECUTIVE MEETING OF THE MAYOR AND COUNCIL

March 13, 1967

The Mayor and Council for the City of Takoma Park convened in Executive Session in the Council Room, #8 Columbia Avenue, Takoma Park, Maryland at 8:07 p.m. on March 13, 1967.

CITY OFFICIALS PRESENT

| | |
|---------------------|---------------------------------|
| Mayor Miller | Corporation Counsel Gingerich |
| Councilman Geib | City Administrator Pridgen |
| Councilman Jones | Fire Chief LaScola |
| Councilman Kennedy | Police Chief Foster |
| Councilman McKenzie | Director of Public Works Rhodes |
| Councilman Roth | Building Inspector Williams |
| Councilman Turner | Deputy City Clerk Ziegler |

Excused: Councilman Forshee

The Pledge of Allegiance to the Flag was led by the Camp Fire Girls.

Mayor Miller read a Proclamation proclaiming the week of March 19, 1967 as "Camp Fire Girls Week" in Takoma Park. Pointed out that the eight Camp Fire Girls groups in Takoma Park are a part of the Potomac Area Council of Camp Fire Girls which is celebrating its 25th anniversary this year. Stated that the Camp Fire Girls serve the community through such projects as the Needlework Guild, assisting at local hospitals and community clean up days and are now working on a beautification program. Welcomed the Camp Fire Girls present at the meeting and their leader, Mrs. Abby Mandel.

Mayor Miller welcomed the members of Girl Scout Cadet Patrol Troop 1703 of Takoma Park and their leader, Mrs. Frank Grice. Noted that the girls were studying "My Government". Mayor Miller gave a brief explanation of our local City Government to the girls.

Mayor Miller read a Proclamation proclaiming the week of March 19-25, 1967 as "Wildlife Week" in Takoma Park, pointing out that the theme of National Wildlife Week this year is "This is Your Land", referring to the public lands, local, county state and federal and the importance of seeing that these lands are maintained and used with care and appreciation by all.

Mayor Miller called for a motion to dispense with the reading of the minutes of the meeting held on February 27, 1967. Councilman Kennedy moved that the minutes of the meeting be approved as submitted. The motion was seconded by Councilman McKenzie and duly carried.

CORRESPONDENCE RECEIVED: Deputy City Clerk Ziegler reporting

1. Supervisors of Elections for Montgomery County: Request for use of the Firehouse as a polling place in Special Election on June 13, 1967 to elect delegates to the Constitutional Convention. (Fire Protection)
2. Mrs. Jennifer V. Magnus, Corresponding Secretary, Takoma Park Elementary School PTA: Thanking Mayor Miller for speaking before the Board of Education in support of an addition to the school. (Council Files)

Correspondence, cont.

- 3. Mr. Joseph M. Heard, Jr., Daly Cleaners, 7054 Carroll Avenue, City: Requesting installation of two or more ten minute limit parking meters in front of Daly Cleaners to help alleviate the parking problem: (Law Enforcement)
- 4. Mr. and Mrs. Joseph S. Laughlin, Jr., 7406 Aspen Avenue, City: Suggestion that Aspen Avenue be made a snow route, restricting parking only when a snow emergency is in effect. (Law Enforcement)
- 5. Mr. R. Quackenbush, 7404 Aspen Avenue, City: Suggestion that Aspen Avenue be made a snow emergency route with parking restrictions to be in effect only during such emergency. (Law Enforcement)

FINANCIAL STATEMENT: City Administrator Pridgen reporting:

See last page of these minutes.

Mayor Miller welcomed the audience.

PUBLIC PARTICIPATION:

- 1. Mr. James Whipple, 215 Manor Circle, City: Inquired what the City was doing about proposed legislation in Annapolis for Takoma Park, especially the legislation which would withdraw funds from municipal police departments and other legislation which would affect the City. Mayor Miller informed him that the City belongs to the Maryland Municipal League and the League provides constant representation in Annapolis. Also stated that the Mayor and the Councilmen have made several trips to Annapolis to support favorable and oppose unfavorable proposed legislation and have testified before the committees studying this legislation.
- 2. Mr. Curtis Baird, 7100 Central Avenue, City: Stated that he had been asked to speak for the committee elected at the March meeting of the Volunteer Fire Department. Felt that the Special Committee of the Fire Board appointed to make recommendations for changes in Article 4 of the Municipal Code did not truly represent the Volunteer Fire Department. Felt that more time was needed for the Volunteer Fire Department to study the proposed changes and requested a 90 day postponement of adoption of the changes to allow study by the volunteers and felt also that it was possible to get a workable Fire Board. (Mayor Miller referred his suggestions to the Fire Protection Committee).
- 3. Mr. Charles Fiske, President of the Fire Board: Stated that he had received a letter from the City Administrator September 14, 1966 requesting that he and 2 of the Fire Board members attend a meeting with the Mayor and Council to discuss the Fire Board. Stated that he had been asked to appoint a committee to make recommendations and had done so. Stated that the Council had requested that the proposed changes not be made public information until an agreement had been reached and then the Fire Board would be given the chance to release the recommendations. Stated that he had been confronted by several people who had seen the information and the committee had not divulged this information and felt it was a breach of faith. Mayor Miller stated that he could not say how the information had been prematurely released, but felt it was irrelevant to the recommendations. Councilman Turner stated that he felt the Council owed Mr. Fiske an apology.
- 4. Mr. Baron DeKalb, 7129 Sycamore Avenue, City: Stated that he was not opposed to the Fire Board being changed, but was opposed to its abolishment. Stated that prior efforts to change the Fire Board had been made. Felt that none of the following had lived up to the Codification: The Mayor and Council, the Fire Board, and the

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Fire Chief. Felt that if this triangle could not work together there would be no alternative but to abolish the Fire Board. Felt that the Volunteer Fire Department was not getting sufficient consideration. Felt that the fact that the Trial Board had been abolished, the volunteer recreation facilities abolished, the furniture in the alarm room which belonged to the Volunteers replaced with City-owned furniture, the proposed abolishment of the Fire Board, and a suggested budget for the volunteers presented to them by the Fire Chief were all signs that the volunteers were being downgraded and that a serious morale problem was present. Felt that the Fire Protection Committee Chairman should be instructed not to bring anything to the Council for approval before the Fire Board had given its recommendations. Felt that in Section 14 of the proposed changes it should be spelled out as to who was in charge from 5:00 p.m. to 8:00 a.m. Felt that in Section 15 of the proposed changes a definition of "active duty" was required. Felt that in Section 17 of the proposed changes consideration should be given to adding the Life Safety Code NFPA No. 101. Also suggested giving consideration to adopting the BOCA Basic Housing Code, several sections of which refer to fire protection.

5. Girl Scout, Troop 1703, City: Asked what the Fire Board is. Councilman Turner stated that the Fire Board is a body legalized by the Mayor and Council and does not represent the Volunteer Fire Department. Stated that the Fire Board advises the Fire Protection Committee and represents the City.
6. Mr. Darl McBride, 114 Sherman Avenue, City: Felt that the functions of the Fire Board and the Fire Protection Committee of the Council were overlapping and that this caused a breakdown. Stated that when the Fire Board was organized in 1948 there had been no Council Committee. Felt that the Fire Board was not living up to its responsibilities and that 4 of the 10 members did not even reside in the City.
7. Mr. Philip Young, 7418 Maple Avenue, City: Stated "On behalf of the Save Takoma Park Committee I would like to ask that the following statement be made a part of the minutes of this meeting: 'The Save Takoma Park Committee notes with alarm that the Mayor and Council recently passed two incompatible Resolutions: one supporting the proposed North Central Freeway and another one deploring air pollution. The Committee believes it is obvious that any freeway automatically adds to air pollution. The Committee further believes that all future transportation corridors in the Washington metropolitan area must be on rails, underground. Therefore we call your attention to the so-called Tydings-Bingham bill introduced into Congress. The bill provides that at the discretion of a locality, Federal 90-10 interstate highway money may be used for rapid rail transit. In the interest of the citizens, the Save Takoma Park Committee urges: 1. That you retract your support of the proposed freeway, and 2. That you resolve instead to support the Tydings-Bingham bill.'"
8. Mr. James Jeffas, 7600 Hammond Avenue, City: Requested that the proposed amendment to Article 10, section 27, concerning parking on front lawns be given a 90 day continuation for further consideration. (Mayor Miller referred the suggestion to the Civic Improvements Committee)

Councilman Roth commended the Volunteer Firemen and expressed concern at any decrease in the activity of the Volunteers. Stated that he appreciated the thoughts and efforts expressed tonight so that the Council could take them into consideration.

COMMITTEE REPORTS

LAW ENFORCEMENT COMMITTEE: Councilman Kennedy reporting

1. Takoma Avenue: Reported that the matter of parking on one side of the 7300 block of Takoma Avenue had come before the Council some time ago. Stated that the traffic

Law Enforcement Committee, cont.

in this block is very limited and that parking space in the area is also limited because parking is prohibited on one side of Piney Branch Road. Felt that it was not in the best interests of the community to ban parking on one side of Takoma Avenue. Requested the item be removed from the agenda and a letter sent to the citizen making the request explaining the reasons for the Committee's recommendation.

2. Warning Sign: Reported that the State Roads Commission has a warning sign denoting a sharp curve on Piney Branch Road before the intersection with Takoma Avenue and that the Commission is maintaining a double yellow line on Piney Branch Road to keep motorists to the right at this point. Therefore, the Committee feels that the request for a "Sharp Curve - Slow Down" sign at the corner of Piney Branch Road and Takoma Avenue could serve no useful purpose because this is where the accidents would occur and all that can be done has been taken care of by the State Roads Commission. Moved the item be removed from the agenda and a letter of explanation be forwarded to Mrs. Pennifield.

4. Aspen Avenue: Reported that there had been many points of view expressed on the proposed ordinance and felt that consideration should be given to the suggestions that Aspen Avenue be made a snow route. Noted that the original request to limit parking to one side of the street had come from a snow problem.

PUBLIC WELFARE COMMITTEE: Councilman McKenzie reporting

1. 7504 Alfred Drive: Reported that after a re-inspection all violations have been corrected except for an auto which is to be taken to be repaired. The auto will be impounded if it is not removed within the time limit.

2. Taxicab Ordinance: Reported that notification of a hearing before the Montgomery County Council on March 14th had been received and the City Administrator would attend.

3. Grocery Carts: Stated that the proposed ordinance had been read at the last Council meeting and since there have been no objections moved the following Ordinance be adopted:

ORDINANCE NO. 1940

See next to last page of these Minutes.

The motion was seconded by Councilman Geib and the Ordinance was adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: Councilman Forshee.

4. 6907 Westmoreland Avenue: Stated that the condemned house at this address has been boarded up.

5. Assistant Building Inspector: Reported that for some time they have been discussing the need for an assistant building inspector. Moved the adoption of the following Ordinance:

ORDINANCE NO. 1941

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

SECTION 1. THAT Ordinance No. 1905 adopted June 27, 1966 effective July 1, 1966 be hereby amended by inserting under the Public Works Department a position titled Assistant Building Inspector, with a starting salary

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Public Welfare cont.
Ordinance No. 1941, cont.

of SIX THOUSAND ONE HUNDRED FORTY THREE DOLLARS (\$6,143.00) per annum, AND

SECTION 2. THAT the City Administrator be hereby authorized to screen and interview qualified applicants for such position, AND

SECTION 3. FURTHER THAT funds for such position for the period from April 1 to June 30, 1967 be hereby appropriated from the RESERVE FUND in the amount of ONE THOUSAND FIVE HUNDRED THIRTY SIX DOLLARS (\$1,536.00) to Account No. 11.311.

The motion was seconded by Councilman Geib and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: Councilman Forshee.

Discussion ensued and Councilman Turner commented that as he had recommended before there should be a review and reconstruction of the Merit Plan.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting

1. Sanitation Truck: Reported that the new sanitation truck had been received and it is hoped that the increased capacity of the truck would cut down on the trips to the incinerator.
2. Street Lights: Reported that the improved street lighting across from Montgomery Junior College has been installed and that PEPCO is working on installation of the pole and lights on the lot itself.
3. 7600 Maple Avenue: Reported that work on the apartment building to be built at this address is expected to start soon.
4. Traffic Signal: Reported that the East bound traffic signal pressure detector on Philadelphia Avenue at Maple Avenue has been damaged beyond repair by snow plows. Moved that the Director of Public Works be authorized to authorize Hawkins Electric Co., Inc. to replace the pressure detector with a magnetic detector to be installed under the road bed, thus eliminating damage from cars, trucks, and snow plows for a cost of \$618.45, funds to be transferred from the Reserve Fund to a/c 11.123. The motion was seconded by Councilman Jones and duly carried.
5. Personnel: Reported that Johnny Boeteker, Sr., Street Supervisor, is planning to retire at the end of the month. Stated that he will be greatly missed and that everyone is sorry that he is leaving but wishes him all the best for the future. Stated that they were considering a replacement for him and would have a recommendation at the next meeting.

FIRE PROTECTION COMMITTEE: Councilman Turner reporting

1. Commendation: Read a letter of commendation from the Gowen family, 705 Beacon Road, Silver Spring for the Fire Department's efforts in helping to save their home.
2. Commendation: Read a letter of commendation and thanks for the Fire Department's cooperation in the search for Stephen M. Bailey of Rockville on March 2nd.
3. 7504 Alfred Drive: Reported that an inspection of the premises revealed no violation of the Fire Prevention Code.

4. Training: Reported that there has been a large increase in the hours devoted to training since Lt. Kearns joined the Department as training officer. Also reported that Volunteer Cpt. T. L. Jarboe had given a First Aid Refresher Course.

5. Fire Board: Councilman Turner stated that "For a number of years, the scope and function of the City Fire Board has been the subject of discussion not only by the Fire Service, both paid and volunteer but by the Mayor, the City Council and by private citizens. It was generally held that due to the change in make-up of the Fire Service and the need for day to day decisions and leadership that the Fire Board as presently constituted, no longer fulfilled the needs nor carried out its responsibilities as outlined in the municipal code. Because of this condition, committees were appointed by the President of the Fire Board as long ago as 1961 and/or 1962 to study the Rules and Regulations and to make recommendations concerning them as well as the function of the City Fire Board itself. The first committee, as I remember it, and I could be mistaken as to some names, consisted of Mr. Woodall, Mr. McBride, Deputy Chief DeKalb and myself with one other name eluding my memory at this time. The following year due to the new administration the committee changed by one or two members. The general feeling though remained and this was that the City Fire Board no longer functioned effectively and should be abolished or completely reconstructed. These sentiments were relayed to the Board by Mr. Woodall on or about the time his term would end. Mr. Woodall pleaded for complete discretion at this time, asking that nothing under discussion by the Board be divulged for general discussion. However, as we all knew it would, the entire subject matter was being bandied about the Fire House floor within 5 minutes after the end of the meeting. Since that time there have been a number of informal discussions on this matter by all concerned. Approximately six months ago the Fire Board was requested to sit with the Mayor and Council and review mutual problems. The committee representing the Fire Board at this meeting were Charles Fiske, President of the Volunteer Fire Department; Karl Kearns; former Chief McBride; Cpt. Baker and Kester Jenkins. The meeting ended with strong expressions by the committee that the Fire Board had outlived its usefulness. A request was also made that the Fire Board's Special Committee also review and make recommendations to the proposal by the Fire Chief regarding Article 4. This was done over the ensuing months and generally every recommendation made by the Special Committee was adopted." Stated that the first reading of the proposed ordinance had been placed in the record of the minutes of the meeting held on February 27, 1967; therefore, moved adoption of the ordinance. It was duly seconded by Councilman Geib. Councilman Turner read a proposed amendment to the ordinance submitted by Councilman Roth noting it was the only suggestion that he had received and amended his motion to include the following: "The Chief of the Fire Service shall be responsible for taking all possible steps to encourage and support the growth of membership in the Volunteer Fire Department and participation of the volunteers in active fire fighting."

Councilman McKenzie read a prepared statement making the point that the proposed ordinance does not propose to modify the Fire Board or aid the Volunteer Fire Department but rather to eliminate both completely. (Complete text of Councilman McKenzie's statement is on file in the City Office). Councilman McKenzie moved that the motion be tabled. This motion failed for lack of a second.

Councilman Kennedy spoke to the motion pointing out that he was a member of the Fire Protection Committee and had been privileged to sit in with the committees that drew up the proposed ordinance. Stated he was in complete sympathy with the proposed ordinance. Commented he was very much impressed with the gentleman

5. Fire Board contd.

who had spoken earlier in the Public Participation portion of the meeting but that he felt a request for a 90 day postponement was unnecessary. Stated it was the better part of judgment to postpone action for 30 days until those groups wishing to be heard would have an opportunity. He proposed that Councilman McKenzie's motion to table be amended to provide 30 days or two weeks in order that the speakers may be given further opportunity to submit their opinions. Stated he wished to make it clear that he personally felt the proposed ordinance is fair and that he was in full accord with the proposal but that everyone should be given the opportunity to express themselves.

Councilman Turner spoke against delaying the adoption of Article 4 and reminded the Council that the proposed ordinance had been circulated to them some two months ago and he had had no suggestions for amendments or changes except for Councilman Roth's amendment.

Discussion ensued with Councilman Geib speaking against a 30 day postponement and Councilman Roth sympathizing with Councilman Turner and Councilman Geib for action at this time but feeling there was no need for immediate action. Councilman Roth, therefore, moved that the motion be tabled until the next meeting. Councilman McKenzie seconded the motion which was duly carried with Councilmen Geib and Turner dissenting.

Mayor Miller stated that in fairness to Councilman Turner it should be pointed out that the problem of the Fire Board was of long standing and that even back in 1954 the Fire Board only met spasmodically. Felt the proposed ordinance was certainly not a move to hinder or jeopardize the volunteer Fire Department and that ample opportunity had been given to study and discuss the proposed ordinance and submit recommendations to the Committee.

CIVIC IMPROVEMENTS COMMITTEE: Councilman Geib reporting

1. Proposed Ordinance - Ban on Parking in Front Yards: Mr. James Jeffas, 7600 Hammond Avenue and Mr. Joseph Murr, 7000 New Hampshire Avenue both spoke against the proposed ordinance, especially in regard to the parking of Mr. Murr's camper and similar cases in the City. After some discussion Councilman Geib stated that the proposed ordinance would be held in abeyance for two weeks for further study.
2. Proposed Community Improvement Ordinance: Reported that the reaction at the Public Hearing had been generally favorable and requested that the proposed ordinance be placed in the minutes as a first reading. (PROPOSED ORDINANCE - see page 9)
3. Reassessments: Stated that the Council would have a closed meeting with Mr. Duvall and Mr. Riley of the State Department of Assessments and Taxation on March 20.
4. Appeal: Z.A.P. E-511, 9532 sq. ft., 7418 Hancock Avenue, Lot 3 Sec 6, SS Carroll's Addition, R-60 to R-10, Bd. of Trustees, Dupont Park SDA Church, Applicant-Owner: Stated that the case had been heard in court and he had attended. Stated Mr. Gingerich made a very good presentation and we now had to await the Court's decision.

PARKS AND RECREATION COMMITTEE: Councilman Jones reporting:

1. Playground Equipment: Moved that the following Ordinance be adopted:

1. Playground Equipment contd.

ORDINANCE NO. 1942

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

SECTION 1. THAT it has been determined that the City playgrounds are in need of additional playground equipment, AND

SECTION 2. THAT the City Administrator be authorized to negotiate for three (3) 10 ft. diameter steel construction Miracle Life Time Whirls at a price not to exceed THREE HUNDRED DOLLARS (\$300.00) each, to be erected at Jeque Park, Spring Park and Forest Park and one (1) 6 ft. diameter steel construction Miracle Junior Whirl at a price not to exceed ONE HUNDRED FIFTY DOLLARS (\$150.00) to be erected at Heffner Park, AND

SECTION 3. THAT the City Administrator also be authorized to negotiate for eight (8) spring type animals, two (2) animals for each of the above named parks at a price not to exceed SEVENTY DOLLARS (\$70.00) each plus four (4) park stoves, one each for the above named parks at a cost not to exceed FIFTY DOLLARS (\$50.00) each, AND

SECTION 4. FURTHER THAT the above equipment not to exceed a total amount of ONE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$1,460.00) plus freight not to exceed FOUR HUNDRED DOLLARS (\$400.00) be transferred from the RESERVE FUND to account No. 19.303 Capital Outlay.

The motion was seconded by Councilman Geib and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: Councilman Forshee.

Councilman Roth requested that a letter be transmitted to the Maryland National Park and Planning Commission requesting that they give consideration to installing the same type of equipment in the 2 parks under their jurisdiction in the Prince George's section of the City; namely, Sligo Park Terrace and Longbranch.

FINANCE COMMITTEE: Councilman Jones, Vice Chairman, reporting

No report at this time. Explained that Councilman Forshee was excused this evening due to illness.

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:45 p.m. to reconvene in Regular Session March 27, 1967.

Attest: Bele Ziegler Deputy City Clerk Approved: George M. Miller Mayor

SECTION 4. FURTHER THAT the above equipment not to exceed a total amount of ONE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$1,460.00) plus freight not to exceed FOUR HUNDRED DOLLARS (\$400.00) be transferred from the RESERVE FUND to account No. 19.303 Capital Outlay.

The motion was seconded by Councilman Geib and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: Councilman Forshee.

Councilman Roth requested that a letter be transmitted to the Maryland National Park and Planning Commission requesting that they give consideration to installing the same type of equipment in the 2 parks under their jurisdiction in the Prince George's section of the City; namely, Sligo Park Terrace and Longbranch.

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PROPOSED

ORDINANCE NO. _____

WHEREAS, there exist in the City numerous dwellings which are, or may be in the future, substandard in one or more important features of structure, equipment or maintenance; and

WHEREAS, such conditions adversely affect public health, safety and welfare, or interfere with the enjoyment of and reduce the value of private property; invite plundering; and create, extend and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be abated or prohibited;

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

SECTION 1. If the Inspector of Buildings finds that any building or structure within the City, by reason of deterioration of materials, lack of repair or maintenance is, or will become, a hazard to the health, safety or welfare of its occupants or the public or is or will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of neighboring property, he shall report such facts to Council which may, thereupon, declare such building or structure to be a nuisance. The Council may specify upon the advice of the Inspector of Buildings what reasonable repairs or maintenance measures are necessary to abate such nuisance.

SECTION 2. Upon such finding and declaring, the Inspector of Buildings may proceed in the manner provided in Article 13 of the City of Takoma Park, Maryland, Municipal Code 1961, for the abatement of nuisances or the Inspector of Buildings may order the owner of such building or structure to make such repairs or to take such maintenance measures within a reasonable time. Failure to comply with such order shall be considered a misdemeanor and upon conviction therefor, the owner of such building or structure shall be fined in an amount not to exceed fifty dollars (\$50.00) per day, each day of violation to be considered a separate offense.

ORDINANCE NO. 1940

WHEREAS, the removal of shopping carts from the property of any business establishment and the abandonment thereof on public places is dangerous to and interferes with pedestrian and vehicular travel within the City and is dangerous to the health, safety, and welfare of the citizenry of Takoma Park, Maryland,

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

- SECTION 1. THAT with or without intent to steal the same it shall be unlawful for any person to take or remove without permission any shopping cart from the premises of any store or business establishment except to convey the same to an adjoining private parking lot or sidewalk area immediately in front of or contiguous to such store or business establishment and except that the owners or their agents of such businesses may move such shopping carts from one store to another store or another location, AND
- SECTION 2. THAT it shall be unlawful for any person to abandon or suffer to be abandoned any shopping cart on any street, highway, sidewalk, alley, park, or any other public space within the City, AND
- SECTION 3. THAT any shopping cart left or abandoned on any public space is hereby defined and declared to be a public nuisance and the Director of Public Works of the City is hereby directed and empowered to remove or cause the removal of any shopping cart found so left or abandoned to City property where it shall be held until redeemed, sold or otherwise disposed of as hereinafter provided, AND
- SECTION 4. THAT such shopping cart may be redeemed by the owner or agent thereof upon adequate proof of ownership upon the payment of the sum of \$10.00 to the Treasurer of the City and in the event such vehicle is not redeemed within a period of 30 days from the date of impoundment the City Treasurer be hereby authorized to offer same for sale at public auction in the same manner as provided for by Section 46 of Article 10 of the Municipal Code (1961) covering the sale of abandoned, etc. vehicles procedure generally, AND
- SECTION 5. FURTHER THAT any person violating the provisions of this Ordinance, shall, upon conviction thereof be subject to a fine not exceeding \$50.00 and costs or imprisonment for not over 30 days or both fine and imprisonment.

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FINANCIAL STATEMENT: City Administrator Pridgen reporting:

BANK BALANCE AS OF FEBRUARY 28, 1967

SUBURBAN TRUST COMPANY - GENERAL FUND

| | | |
|---|-------------------|----------------------|
| Balance as of January 31, 1967 | \$ 59,415.43 | |
| *February Receipts | <u>129,679.06</u> | \$ 189,094.49 |
| February Disbursements | | <u>72,993.27</u> |
| Balance as of February 28, 1967 | | <u>\$ 116,101.22</u> |
| *Includes \$50,000.00 Treasury Bill matured 2/28/67 | | |

CITIZENS BANK OF MARYLAND - GENERAL FUND

| | | |
|---------------------------------|-------------|--------------------|
| Balance as of January 31, 1967 | \$ 7,076.51 | |
| No Receipts during February | <u>---</u> | \$ 7,076.51 |
| February Disbursements | | <u>4,649.75</u> |
| Balance as of February 28, 1967 | | <u>\$ 2,426.76</u> |

CITIZENS BANK OF MARYLAND - SPECIAL IMPROVEMENT FUND

| | | |
|----------------------------------|---------------|--------------------|
| Balance as of January 31, 1967 | \$ 8,619.63 | |
| February Receipts | <u>966.10</u> | \$ 9,585.73 |
| No Disbursements during February | | <u>---</u> |
| Balance as of February 28, 1967 | | <u>\$ 9,585.73</u> |

CITIZENS BANK OF MARYLAND - RECREATION SAVINGS a/c T-63

| | | |
|---------------------------------|-------------|--------------------|
| Balance as of January 31, 1967 | \$ 1,148.66 | |
| No transactions during February | <u>---</u> | \$ 1,148.66 |
| Balance as of February 28, 1967 | | <u>\$ 1,148.66</u> |

SUBURBAN TRUST COMPANY - PAYROLL ACCOUNT

| | | |
|---------------------------------------|------------------|---------------------|
| Balance as of January 31, 1967 | \$ 9,751.22 | |
| February transfers from General Funds | <u>48,645.82</u> | \$ 58,397.04 |
| February disbursements | | <u>45,896.24</u> |
| Balance as of February 28, 1967 | | <u>\$ 12,500.80</u> |

AMERICAN NATIONAL BANK OF MARYLAND - GENERAL FUND

| | | |
|---------------------------------|------------|------------------|
| Balance as of January 31, 1967 | \$ 125.85 | |
| No transactions during February | <u>---</u> | \$ 125.85 |
| Balance as of February 28, 1967 | | <u>\$ 125.85</u> |

PETTY CASH FUND

| | | |
|---------------------------------|--|------------------|
| Balance as of February 28, 1967 | | <u>\$ 200.00</u> |
|---------------------------------|--|------------------|

U. S. TREASURY SECURITIES

| | <u>COST</u> | <u>MATURITY VALUE</u> |
|--------------------------|----------------------|-----------------------|
| Due for Maturity 3/31/67 | \$ 48,417.50 | \$ 50,000.00 |
| Due for Maturity 4/30/67 | 48,305.83 | 50,000.00 |
| Due for Maturity 5/31/67 | 48,133.33 | 50,000.00 |
| Due for Maturity 6/30/67 | 47,901.08 | 50,000.00 |
| | <u>\$ 192,757.74</u> | <u>\$ 200,000.00</u> |

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND COUNCIL

March 27, 1967

The Mayor and Council for the City of Takoma Park convened in Regular Session in the Council Room, #8 Columbia Avenue, Takoma Park, Maryland at 8:03 p.m. on March 27, 1967.

CITY OFFICIALS PRESENT

| | |
|---------------------|---------------------------------|
| Mayor Miller | Corporation Counsel Gingerich |
| Councilman Forshee | City Administrator Pridgen |
| Councilman Geib | Police Chief Foster |
| Councilman Jones | Fire Chief LaScola |
| Councilman Kennedy | Director of Public Works Rhodes |
| Councilman McKenzie | Building Inspector Williams |
| Councilman Roth | Deputy Fire Chief Fickes |
| Councilman Turner | Deputy City Clerk Ziegler |

The Invocation was rendered by Pastor Robert Wilson of Sligo Seventh Day Adventist Church.

Mayor Miller led in the Pledge of Allegiance to the Flag.

Mayor Miller called for a motion to dispense with the reading of the minutes of the meeting held on March 13, 1967. Councilman Geib moved that the minutes be approved as submitted. The motion was seconded by Councilman Roth and duly carried.

CORRESPONDENCE RECEIVED: Deputy City Clerk-Ziegler reporting

1. Mr. Clifford J. Waldron, Corresponding Secretary, Spring Park Community Association: Suggesting that budget hearings be held early enough that the citizens can hear the proposals of the Department heads. (Finance)
2. Mr. Charles J. F. Fiske, President, Takoma Park Volunteer Fire Department, Inc.: Enclosing a proposal revising the City Codification Article 4 in its entirety. (Fire Protection) (Council as a Whole)
3. Mr. Jan Strompf, Jan Strompf Construction Co., 8555 Sixteenth Street, Silver Spring, Maryland: Requesting a traffic light at the intersection of New Hampshire Avenue and Merwood Drive and construction of turn or deceleration lane on the south bound lane of New Hampshire Avenue at the entrance to the Hampshire Towers Apartments. (Law Enforcement)
4. Mrs. James Ramsay, 720 Maplewood Avenue, City: Requesting that parking on Maplewood Avenue be limited to the East side of the street. (Law Enforcement)
5. Mrs. Margaret Moore, 714 Auburn Avenue, City: Thanks for fire tax refund and paving of street and repairing of curb. (Finance)
6. Miss Lynn Knight, Camp Fire Girls of Takoma Park: Thanking Mayor Miller for speaking to the Camp Fire Girls at the last Council meeting. (Council Files)
7. Miss Rebecca Guidas, Merry Blue Birds, Camp Fire Girls of Takoma Park: Thanking Mayor Miller for speaking to the Camp Fire Girls at the last Council meeting. (Council Files)

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Correspondence, cont.

8. Queen Susan Bona, Puyallup Valley Daffodil Festival, Inc., Tacoma, Washington: Announcing shipment of Daffodils to Mayor Miller. (Council Files)

Mayor Miller welcomed the audience.

Mayor Miller presented a plaque to John Roland Boetker, Sr. "In recognition and appreciation of 33 years of loyal and faithful service as a valued employee of the Public Works Department of the City August 15, 1934 to March 31, 1967". Mayor Miller remarked that it was with a deep sense of loss that the Council finds itself making this presentation. Commented that "Johnny" had served the City for 33 years and had served under all the Public Works Directors that he can remember. Briefly reviewed Johnny's activities since 1934, pointing out that Johnny has 21 years of dedicated service as Public Works Street Supervisor and that he has left his mark not only on the streets of Takoma Park but also in the hearts of all his associates. Re-marked that it was with deep regret that the City learned of Johnny's retirement but wished him the best of everything at his new farm in Culpepper, Va.

PUBLIC PARTICIPATION

1. Mr. Robert Hamilton, 10123 Dallas Avenue, Silver Spring, Maryland: Stated that he had served 26 years with the Volunteer Fire Department and was now on the Board of Trustees. Stated that there had been two special meetings and one regular meeting to discuss the proposed changes in Article 4. Stated that he was present to present a proposal revising the City Code's Article 4 in its entirety and that the proposal was submitted by the Board of Trustees to the Takoma Park Volunteer Fire Department, Inc. and had received the unanimous support of the Takoma Park Volunteer Fire Department, Inc. at a special meeting held March 22, 1967. The basic change would be the deletion of the Fire Board and the addition of the Fire Protection Board which would consist of nine members: three from the City Council, three from the Volunteer Fire Department who must live in the Fire Tax Area of the City of Takoma Park and be elected by the membership of the Volunteer Fire Department and three from Citizens Groups in the Takoma Fire Tax Area: one member each from Prince George's County, Montgomery County and the 22nd Precinct. Mr. Hamilton read the sections of the proposal having to do with the duties of the proposed Fire Protection Board. Councilman Turner inquired if the proposal would do away with the present Fire Protection Committee of the Council. Mr. Hamilton said that it would not.

2. Mrs. Joseph Simpson, 7300 Cedar Avenue, City: Stated that she was one of the members of the Community Improvement Council who proposed the improvement Ordinance to the City Council. Stated that they were very conscious of a person's property rights and it was to protect these rights that the Ordinance was suggested. Spoke in favor of the proposed ordinance and urged its adoption. Noted that 800 signatures had been gathered in favor of such an Ordinance. Stated that the Ordinance was not intended to penalize anyone for temporary housekeeping problems but was meant to apply to every piece of property within the City whether of private or public ownership. Spoke in favor of the proposed Resolution to guide administration of the Ordinance, and suggested that it should be mandatory on members of the City Council, the members of the Citizens Advisory and Review Board, the Police and Fire Departments and City employees to report such defective properties. Felt that such a City-wide effort would make it impossible for people to say that nothing was going to be done about enforcement of the Ordinance.

3. Mr. Raymond Borgmann, 615 Elm Avenue, City: Stated that he was representing Bob Lohr for the Takoma Park Lions Club and that they wished to express their support of the proposed Community Improvement Ordinance.

Public Participation, cont.

- 4. Mrs. Eva McBride, 7006 Westmoreland Avenue, City: Stated that in her 26 years and 9 months in Takoma Park she had never seen such deplorable conditions. Stated that bluestone chips and oil from the Takoma Motor Co. were spread on the street and also on her grass plot at the curb. Complained of the condition of the street, with debris and trash and inquired why it could not be cleaned up. Mayor Miller requested the Public Welfare Committee and Mr. Rhodes to check into the situation. Councilman Turner spoke in favor of an organized street cleaning program which he stated he and others have suggested before. Capt. Rhodes reported that truckloads of dirt and trash had been hauled away as a result of the regular street cleaning program. Mrs. McBride stated that the cartons from Paul's Electric were scattered around and that the house next door to her was a fire trap. Councilman McKenzie stated that a man had recently been retained to clean the streets full time but that the main effort was in the business districts. Stated her complaints would be looked into.
- 5. Mrs. Cornwell, 7005 Westmoreland Avenue, City: Requested something be done about conditions at 7010 Westmoreland Avenue, stating that dirt from where a retaining wall had been removed was constantly washing out into the street.
- 6. Mrs. Margaret Holmes, 10 Pine Avenue, City: Stated that she was in favor of the proposed Community Improvement Ordinance but would not wish to see a "witch hunt".

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COMMITTEE REPORTS

PUBLIC WELFARE COMMITTEE: Councilman McKenzie reporting

- 1. Taxicab Ordinance Hearing: Reported that a preliminary hearing had been held but the Montgomery County Council was still to hold the final hearing.
- 2. Sidewalks: Reported that they had been discussing a suggested program for sidewalks and would come up with one for the next year.
- 3. Amendment - Article 21 - Private Pick-up Concerns: Read the following proposed Ordinance:

Proposed Ordinance - First Reading

See pages 13 and 14 of these minutes.

- 4. Spring Clean Up: Moved that the following rules to apply to the special pick ups be adopted:

RULES FOR SPECIAL REFUSE COLLECTION DURING SPRING CLEAN-UP 1967

During Spring Clean-Up this year, the Sanitation Division will make pick-ups on the last two Wednesdays in April and the first two Wednesdays in May, namely April 19th and 26th and May 3rd and 10th.

Due to disposal problems, citizens are requested to segregate combustible articles from non-combustibles, before placing items at the curb for collection. (The incinerator accepts only combustible material, whereas the land fill accepts only non-combustible articles). Normally, one truck will pick up combustible material and another truck will pick up non-combustible material.

The size of articles which may be picked up must be limited to 4 feet long by 2 feet in diameter or (4' x 2' x 2'), due to the capacity of the packing mechanism on the sanitation trucks, thus, large articles such as old stoves, washers,

Public Welfare Committee, cont.

dryers, refrigerators, water heaters and large pieces of furniture, such as couches and bed springs, cannot be picked up by our trucks. However, in an effort to be of the greatest possible service, any such article which has been reduced in size to 4' x 2' x 2' will be picked up. (This does not include rocks, dirt, stumps and parts of automobiles).

During the four weeks of spring clean-up it will not be necessary to telephone for special pick-up service. Just be sure to limit the size of the articles to be picked up to not greater than 4' x 2' x 2' and segregate the combustibles from the non-combustibles when placed at the curb for collection.

The motion was seconded by Councilman Forshee and duly carried.

5. Assistant Building Inspector: Reported that applicants for this position have been interviewed by the Director of Public Works, the City Administrator and the Building Inspector and the applicants' qualifications reviewed by the Committee. Upon the recommendations of all, moved that Mr. Frank E. Wollner of 712 Chesapeake Avenue, Silver Spring be given a probationary appointment under the Merit Plan to the position of Assistant Building Inspector at a starting salary of \$6,143.00 effective April 1, 1967. The motion was seconded by Councilman Geib and duly carried.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting

1. Personnel: Reported that because of Johnny Boetker, Sr.'s retirement, the position of Street Supervisor was open. Moved that Mr. John Roland Boetker, Jr., present automotive equipment supervisor, and who has had ten years with the Public Works Department, be appointed to the position of Street Supervisor effective April 1, 1967 at a starting salary of \$7,035 per annum. The motion was seconded by Councilman Forshee and duly carried.

2. Personnel: Reported that John Roland Boetker, Jr.'s appointment as Street Supervisor left the position of Automotive Equipment Supervisor open. Remarked that Mr. Carl Fiske, present Sanitation Supervisor had held the position of Automotive Equipment Supervisor until he had to relinquish it because of his health. Reported that he has since recovered and moved that Mr. Fiske be appointed Automotive Equipment Supervisor at a starting salary of \$6,878.00 per annum effective April 1, 1967. The motion was seconded by Councilman McKenzie and duly carried.

3. Personnel: Reported that the appointment of Mr. Carl Fiske to Automotive Equipment Supervisor leaves open the position of Sanitation Supervisor. Sanitation coming under the jurisdiction of Public Welfare, Councilman McKenzie, Chairman of that Committee, moved that Mr. Kenneth Jones be appointed to the position of Sanitation Supervisor at a starting salary of \$5,618.00 per annum effective April 1, 1967. The motion was seconded by Councilman Jones and duly carried. Remarked that Mr. Jones had acted as assistant supervisor for many years.

FIRE PROTECTION COMMITTEE: Councilman Turner reporting

1. Resignation: Reported that a resignation from the active Volunteer Fire Crew had been received from Mr. Baron DeKalb for the reason that his present job requires a great deal of travel.

2. Article 4, The Fire Department, of the Municipal Code: Moved that the following Ordinance which had its first reading on February 27, 1967 be adopted:

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

SECTION I. THAT after due consideration by the Mayor, members of the City Council the Fire Protection Committee, the Fire Chief and the Special Committee of the Takoma Park Volunteer Fire Department, Inc., Article 4, titled "THE FIRE DEPARTMENT: of the Municipal Code (1961) as adopted September 25, 1961 by Ordinance No. 1666 and all amendments thereto and subsequent thereof be hereby repealed in its entirety, AND

SECTION II. THAT a new Article 4, titled "THE FIRE DEPARTMENT: be hereby ordained and adopted which shall read as follows:

ARTICLE 4

THE FIRE DEPARTMENT

GENERAL

Section 1. The Fire Service of the City shall be composed of the City of Takoma Park Fire Department and the Takoma Park Volunteer Fire Department, Inc.

Section 2. The Takoma Park Volunteer Fire Department shall consist of voting and non-voting members in accordance with its By-Law, Article I, Section 1, and members of the Active Fire Crew in accordance with Article VII, Section 1.

Section 3. There is hereby created the City of Takoma Park Fire Department which shall consist of the Fire Chief, the Deputy Fire Chief, paid and volunteer Fire Officers, paid and volunteer members of the Active Fire Crew. The Fire Chief shall be the Fire Marshall and the Deputy Fire Chief shall be the Assistant Fire Marshall for the enforcement of the City Fire Prevention Code. The above personnel with the exception of volunteer members of the Active Fire Crew shall be recommended by the Fire Chief, designated by the City Council, and sworn in by the Mayor of the City of Takoma Park or other authorized personnel as delegated by the Mayor. Members of the Volunteer Fire Department, Inc., desiring status on the Active Fire Crew, shall be recommended by the Fire Committee, and approved by the Fire Chief.

Section 4. The Takoma Park Fire Department as outlined in Section 3, shall be directed by the Fire Chief under the supervision of the Fire Protection Committee, as outlined in Article 2, paragraph (b) of this Code. The Fire Officers, both paid and volunteer, shall be known as a Fire Committee and shall assist the Fire Chief in all matters referred to this Committee by the Mayor and City Council, the Fire Protection Committee, or the Fire Chief.

CHIEF OF THE FIRE SERVICE

Section 5. The Chief of the Fire Service shall be appointed by the Council. He shall be subject to suspension by the Mayor for good and sufficient cause, until the next meeting of the Council thereafter, when his status shall be determined. The Council shall have the power to remove him at its discretion. The Chief of the Fire Service shall assign to the members of his force such duties not inconsistent with the general rules and regulations heretofore or hereafter promulgated by the Mayor and Council, as he may deem advisable. The Chief of the Fire Service shall be responsible for taking all possible steps to encourage and support the growth of membership in the Volunteer Fire Department and participation of the volunteers in active fire fighting.

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Section 6. The original and one copy of all written communications and reports from personnel of the Fire Service to the Mayor and Council of an official nature shall be made through the office of the Chief of the Fire Service. All such communications shall be forwarded promptly by the Chief of the Fire Service, with or without comments thereon, to the City Clerk. Communications from the Board of Trustees of the Volunteer Corporation may be sent directly to the Mayor and Council.

Section 7. The Chief of the Fire Service shall be held responsible to the Mayor and Council for the prevention and extinguishment of fires within the corporate limits of the City, and for the enforcement by himself and his subordinates of all laws, regulations, and ordinances pertaining to the prevention and extinguishment of fires.

Section 8. The Chief of the Fire Service shall make daily inspection of the fire station and all equipment, and shall be held responsible for the condition of the premises and for the efficient maintenance of the equipment.

Section 9. The Chief of the Fire Service shall investigate all complaints made by citizens as to the conduct of personnel under his supervision. The Chief shall appoint a review board consisting of two paid and two volunteer Fire Fighting Officers to investigate said complaints. Recommendations by the review board shall be submitted in writing to the Fire Chief for determination. If found to be justifiable, the Chief shall forward all such complaints to the Mayor and Council for action by an Investigative Committee, if in his judgment any action is required.

Section 10. The Chief of the Fire Service shall take personal charge of all personnel and equipment at all fires.

Section 11. The Chief of the Fire Service shall permit no poster or placard, other than those relating to or essential for Fire Department purposes, to be placed or displayed in or upon the fire station, except by permission of the Mayor and Council.

Section 12. The Chief of the Fire Service shall be responsible for the prudent and economical use of gas, electricity, telephone, oil, gasoline, lubricants, and all other expendable property, and will permit no public property of the Department to be used for private purposes.

Section 13. The Chief of the Fire Service shall be considered to be on duty at all times. He shall arrange to maintain communication with the station at all hours, day and night, and to that end issue definite instructions to subordinates that he be promptly advised by such subordinates of the details of any matters requiring his active presence. Days off shall be an exception to the foregoing but such days off may be cancelled in case of emergency.

Section 14. The Deputy Chief of the Fire Service, when on duty, in the absence of the Chief of the Fire Service, shall assume all the duties and responsibilities of the Chief, and for the time being, shall possess all of the authority under the existing laws and regulations as have been laid down for the guidance and direction of said Chief.

VOLUNTEER OFFICES

Section 15. Volunteer Fire Fighting Officers while on active duty shall be vested with authority to act in accordance with Article 6, Section 20 through 23 of the Municipal Code of the City of Takoma Park.

AREAS OF SERVICE

Section 16. The Fire Department of the City of Takoma Park is directed to confine its fighting and emergency activities within the boundaries of the City, except as hereinafter provided:

- (a) Areas outside the City limits which are designated as special fire tax areas; and from which the fire tax is received by the City.
- (b) Areas outside the City limits which are compensating the City for the service of its Fire Department.
 - (1) Any area outside of the City may apply for fire protection by the City Fire Department. Upon approval of said application by the Council, and payment to the City of a sum of money amounting to at least seventeen cents (17¢) per annum for each hundred dollars assessed valuation within the area, the City will furnish the services of its Fire Department.
 - (2) All payments shall be based on the fiscal year of the City, and must be made prior to the adoption of the budget for that fiscal year, except that the Council may make adjustment of charges for services for less than a year.
- (c) Such calls as are necessary to comply with mutual aid agreements and civil defense requirements.
- (d) When in the judgment of the Chief of the Fire Service property within the City, or within areas above specified, are in immediate danger of damage by fire originating outside of such areas.

FIRE PREVENTION

Section 17. All of the provisions, rules, regulations and penalties as set forth in the Montgomery County Fire Prevention Code known as Chapter 86 of the Montgomery County Code (1965), together with all amendments thereto and hereafter, 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 Mayor and City Council" in all appropriate references to the words "County Council" or "County Manager" and the Fire Marshal of the City of Takoma Park is hereby empowered to enforce all the provisions, rules and regulations of the Fire Code within the corporate limits of the City of Takoma Park, Maryland.

- (1) Any area outside of the City may apply for fire protection by the City Fire Department. Upon approval of said application by the Council, and payment to the City of a sum of money amounting to at least seventeen cents (17¢) per annum for each hundred dollars assessed valuation within the area, the City will furnish the services of its Fire Department.
- (2) All payments shall be based on the fiscal year of the City, and must be made prior to the adoption of the budget for that fiscal year, except that the Council may make adjustment of charges for services for less than a year.
- (c) Such calls as are necessary to comply with mutual aid agreements and civil defense requirements.
- (d) When in the judgment of the Chief of the Fire Service property within the City, or within areas above specified, are in immediate danger of damage by fire originating outside of such areas.

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Fire Protection Committee, cont.

The motion was seconded by Councilmen Kennedy and Geib. Discussion ensued with Councilman Forshee suggesting that more time be taken to study the propoal submitted by the Volunteer Fire Department, Inc. Councilman Turner stated that he felt that any changes suggested by this proposal could be made later by amendment after they had been worked out in meetings with the Volunteer Fire Department. Councilman McKenzie stated that he wished to make it clear that he had not discussed the report until it had been distributed to the entire Council by the City Office, a couple of weeks ago. Councilman Roth asked Chief LaScola to say a few words concerning his support for the Volunteer Fire Department. Chief LaScola stated that he supported the Volunteers 100% and that he has been a volunteer for 26 years. Also stated that if there was better response from the volunteer fire fighters the department could be run with less paid men. Councilman Forshee moved that the motion to adopt the proposed Ordinance be tabled for two weeks in order that the proposal submitted to-night be studied further. Councilman McKenzie seconded the motion. The motion failed by a 5 to 2 vote. Councilman Forshee noted that in Section 3 of the proposed Ordinance final approval was left to one man, the Fire Chief. Councilman Forshee moved that this section be amended to read "Approved by the Fire Chief and the Fire Protection Committee". Councilman McKenzie seconded the motion. Councilman Jones expressed the opinion that the Chief must be the head of the department. Chief LaScola pointed out that he would be held responsible if an improperly trained man was used on the Fire Crew. Mayor Miller pointed out that when the present Fire Chief was appointed on a probationary basis one councilman abstained and two voted nay. Stated he pointed out at that time that if the Fire Chief were found to be incompetent that serious consideration should be given to a replacement and that if factual information detrimental to the position were brought in, he would be the first to make a change. At the end of the probationary period, upon the recommendation of the Fire Board and the Committee, the Council unanimously voted to give the present Fire Chief a permanent appointment with Councilman Forshee seconding the motion. Requested that any information, rumors or factual, be brought to the attention of the Mayor and Council. Councilman Geib moved to table the amendment for more study until the next meeting. Councilman Turner requested that Councilmen McKenzie and Forshee sit in with the Fire Protection Committee at its meetings to consider possible amendments to the proposed Ordinance. Councilman Turner seconded the motion to table. The motion carried by a 4 to 3 vote, and the amendment was tabled. A vote on the motion to adopt the Ordinance was called and the Ordinance was adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Geib, Jones, Kennedy, Roth and Turner. Nay: Councilmen Forshee and McKenzie. Excused: None.

2. Public Statement of Fire Chief: Councilman Turner read parts of a prepared statement by Fire Chief LaScola defending his loyalty and integrity.

CIVIC IMPROVEMENTS COMMITTEE: Councilman Geib reporting

1. Parking on Front Lawns: Moved that the following Ordinance be adopted:

ORDINANCE NO. 1944

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

SECTION 1. THAT any boat, trailer, motor vehicle, part or parts of such parked or stored in the front setback area of any lot in a residential zone, or the side setback area facing a street on a corner or reverse corner lot in a residential zone is hereby declared to be a public nuisance except that such vehicles may be parked on permanently constructed driveways within such front or side setback area, if such vehicle has displayed thereon a current license plate, AND

Civic Improvements Committee, cont.
Ordinance No. 1944, cont.

SECTION 2. THEREFORE THAT Article 10 of the Municipal Code (1961) be amended by addition to Section 27 the following provision:

- (i) Within the front setback area of any lot in a residential zone, or the side setback area facing a street on a corner or reverse corner lot in a residential zone on any space other than on a permanently constructed driveway within such front or side setback areas provided that such vehicle shall have displayed thereon a current license plate. The term vehicle shall include boat, trailer, motor vehicle, part or parts thereof.

SECTION 3. AND THAT this Ordinance shall become effective on April 1, 1967, AND

SECTION 4. FURTHER THAT the penalty for violation of this Ordinance shall be the same as prescribed by the Municipal Code (1961) governing traffic violations in the City of Takoma Park, Maryland.

The motion was seconded by Councilman Turner and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Forshee, Geib, Jones, Kennedy, McKenzie, Roth, and Turner. Nay: None. Excused: None.

2. Article 32 - Municipal Code: Reported that Article 32 of the Code was in conflict with county ordinances and needed amending. Moved the adoption of the following Ordinance:

ORDINANCE NO. 1945

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

SECTION 1. THAT Article 32, SECTION 1 (a) of the Municipal Code (1961) be amended to read as follows:

- (a) No person or person, firm or corporation shall set up, maintain or establish within the corporate limits of the City of Takoma Park, Maryland, any camp or temporary or permanent place of abode in trailers, tents, wagons, vans, automobiles or trucks without first having obtained a permit therefor from the City Clerk, such permit shall be valid for a period of no more than three days, and then only for use upon private property. Before issuing any such permit the City Clerk shall receive from the applicant a fee of three dollars (\$3) and any such permits issued pursuant to the terms of this section shall not thereafter be renewed.

The motion was seconded by Councilman McKenzie and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Forshee, Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: None.

3. Meeting - Recent Reassessments: Reported that the Mayor and Council with the exception of Councilmen Roth and McKenzie met with Mr. Duvall, Montgomery County Supervisor of Assessments and Mr. William Riley from the State Office of Assessments and Taxation on the evening of March 20th to discuss the recent reassessments in Takoma Park. Stated that the Council had presented statistics to the assessment officials representing over 100 properties in the City showing the wide variation in the reassessments in the City. Commended the City Administrator for the fine

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Civic Improvements, cont.

work in compiling the statistics. Reported that the assessment officials agreed to take another look at these properties and if there is any great variance they will take a complete look at the whole Montgomery County section of the City.

4. Antique Seminar: Reported that he had spoken with Mr. and Mrs. McGuire and Mr. Robert Johnson and a number of others in Takoma Park and there is interest. Requested Mrs. Ziegler to work with Mrs. McGuire to get publicity for the proposed series. Noted that there would be a meeting at Mrs. McGuire's home at 7212 Willow on March 29.

5. Community Improvement: Reported that there had been a Public Hearing held on this proposed Ordinance and a first reading of it at the last meeting. Commended the members of the Community Improvement Council for their hard work. Reported that very little opposition to the proposed Ordinance had been expressed. Moved the adoption of the following Ordinance:

ORDINANCE NO. 1946

See page 15 of these Minutes.

The motion was seconded by Councilman Kennedy. Councilman Forshee inquired if it would not be better to spell out the standards in the Ordinance. Corporation Counsel Gingerich replied that he felt the present proposed Ordinance is the most effective one and will give the Committee an opportunity to see what they can do. The Ordinance was adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Forshee, Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: None.

6. Resolution on Administration of Ordinance No. 1946: Moved the adoption of the following Resolution:

RESOLUTION

See pages 16 and 17 of these minutes.

The motion was seconded by Councilman Jones. Councilman Forshee moved to amend the Resolution by changing the word "will" in Section (e) to "may". The motion failed for want of a second. After further discussion, the motion to adopt the Resolution was carried. Mayor Miller read the following list of members of the Citizens Advisory and Review Board: General Chairman: Dr. J. P. Laurence; General Vice Chairman: Mrs. Joseph Simpson; Area Improvement Chairmen: Zone 1 - Mr. Ralph F. Sidell; Zone 2A - Mrs. Raymond McGuire; Zone 2B (Co-chairmen) - Mr. Lee Jordan and Mr. Clarence Boatman; Zone 3 - Dr. Stephen S. Hiten; Zone 4 - Mr. Carl A. Neilson; Zone 5 - Mr. Harry A. Dickson; Zone 6 - Mr. John D. Emler; Zone 7A - Mr. Joseph J. Diamond; Zone 7B - Mr. Clifford J. Waldron.

PARKS AND RECREATION COMMITTEE: Councilman Jones reporting

No report at this time.

SPECIAL LIBRARY COMMITTEE: Councilman Jones reporting

1. Reported that they have worked out the rearrangement of the building with the proposed new space of approximately 2400 sq. ft. The architect is working on this.

FINANCE COMMITTEE: Councilman Forshee reporting

1. February Disbursements: Moved approval of February disbursements in the amount of \$73,008.27. The motion was seconded by Councilman Kennedy and duly carried.

2. Transfer of Funds: Moved the adoption of the following ordinance:

ORDINANCE NO. 1947

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

SECTION 1. THAT certain funds were provided for salary increases and other benefits in the adopted Budget for the current fiscal year under the general heading "Mayor and Council Appropriations a/c 22.0 etc.;" AND

SECTION 2. THAT it has been determined that funds should and are hereby authorized to be transferred as follows:

From:

| | |
|--|--------------------|
| Account 22.1B Merit Plan Pay Scale Increase | \$25,115.00 |
| Account 22.1E Provision for Dept. Head Increase | 2,600.00 |
| Account 22.1F Compensatory Leave | 6,000.00 |
| Account 22.1G Library Clerk 1/4 time to 1/2 time | 1,200.00 |
| Account 19.201A Recreation Salaries - Counselors | 267.00 |
| Total to be Transferred | <u>\$35,182.00</u> |

Transfer to:

| | |
|---|--------------------|
| Account 10.141 Administrator's Office | \$ 735.00 |
| Account 10.421 Accounting Office | 2,750.00 |
| Account 10.811A Building Maintenance Supervisor | 320.00 |
| Account 10.811B Building Maintenance Labor | 350.00 |
| Account 11.111 Police Department Salaries | 7,800.00 |
| Account 11.111A Police Dept. Compensatory Leave | 3,000.00 |
| Account 11.131A Parking Meter Patrol Contract | 500.00 |
| Account 11.211 Fire Department Salaries | 4,100.00 |
| Account 11.211A Fire Dept. Compensatory Leave | 3,000.00 |
| Account 11.311 Protective Inspection | 695.00 |
| Account 12.101 Public Works Office | 815.00 |
| Account 12.201 Public Works Highways Supervisor | 205.00 |
| Account 12.201B Public Works Highways Labor | 2,375.00 |
| Account 12.901 Public Works Repair Shop | 395.00 |
| Account 13.101 Public Works Sanitation Supervisor | 56.00 |
| Account 13.401 Public Works Sanitation Labor | 3,250.00 |
| Account 19.101 Library Salaries | 2,800.00 |
| Account 19.201B Recreation Dept.-Labor | 565.00 |
| Account 19.202C Christmas Tree Lights-Labor | 165.00 |
| Account 19.202F Fourth of July - Labor | 1,273.00 |
| Account 19.202G Halloween Expenses - Labor | 33.00 |
| Total Funds Transferred | <u>\$35,182.00</u> |

SECTION 3. THEREFORE THAT the Deputy Treasurer be instructed to make appropriate entries into books of accounts to reflect Transfers as itemized in Section Two of this Ordinance.

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Finance Committee, cont.

The motion was seconded by Councilman Geib and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Forshee, Geib, Jones, Kennedy, McKenzie, Roth and Turner. Nay: None. Excused: None.

3. Budget Hearing: Reported that the Budget Hearing will be held at the Fire House Gymnasium on May 25, 1967 at 8:00 p.m. and urged all to attend.

LAW ENFORCEMENT COMMITTEE: Councilman Kennedy reporting:

1. Piney Branch Road and Ritchie Avenue: Reported that this area had been surveyed previously by the Police Department and that there is a "Stop Sign" at the intersection of Ritchie Avenue and Piney Branch Road and traffic on Piney Branch Road can be observed in both directions. Requested the item be removed from the agenda until more specific recommendations have been received.
2. K-9 Dog and Handler: Reported that King, the Police Department's K-9 Dog and Officer Stitely, his handler, had both graduated from the K-9 training school on March 17th and were now in service.
3. Cruiser: Moved that the Chief of Police and the City Administrator be authorized to advertise for bids for a replacement for Car #5. The motion was seconded by Councilman Turner and duly carried.

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:50 p.m. to reconvene in Executive Session on April 10, 1967 at 8:00 p.m.

PROPOSED
ORDINANCE NO. _____

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

SECTION 1. THAT Article 21 of the Municipal Code of the City of Takoma Park, Maryland (1961) be amended by the addition of the following Sections:

Section 20 It shall be unlawful for any person, firm or corporation other than a duly constituted governmental agency to collect and/or transport any refuse on or over any public street, except designated State Highways, within the corporate limits of the City of Takoma Park, Maryland, except as provided further in this Article; provided that this shall not prohibit a person, firm or corporation from transporting his own refuse and none other to an approved municipal incinerator, dump or sanitary land fill.

Section 21 (a) No person, firm or corporation shall engage in the business of collecting or transporting refuse within the City without first obtaining a permit from the City Treasurer. Application for such a permit shall be made to the City Treasurer on or before the first day of May of each year on such forms and contain such information as he may prescribe.

(b) No permit to engage in the business of collection or transportation of refuse in the City shall be issued until the applicant complies with the following conditions:

(1) Maintain an office within the Metropolitan Area of Washington, D. C., where business may be conducted with the permittee and serviced by a business telephone listed in the telephone directory by trade name.

(2) Deposit and maintain with the City Treasurer a cash or surety bond in a minimum amount of one hundred fifty dollars (\$150.00). Such bond may be forfeited by the City Administrator upon failure of the permittee to comply with specific provisions of this Article, Sections 6, 7, 11, 14, 17, 20, 21, and 22.

(3) Pay to the City Treasurer an annual registration fee in the amount of twenty-five dollars (\$25.00) for each and every vehicle to be used in the collection or transportation of refuse within the City, every such vehicle must be registered as a commercial vehicle for hire with the Maryland Department of Motor Vehicles with current year license plates attached thereto. For each vehicle so registered the City Treasurer shall issue a registration record containing the name of the owner, the description and serial number of the vehicle and the current number of the Maryland license plates. There shall be furnished by the City a metal refuse collector's tag containing the registration number and the date of expiration, such tag to be attached by the registrant to the rear of such vehicle in such manner as to be readily visible. Such registration record and tag may not be transferred to another vehicle without prior approval of the City Treasurer.

(4) No vehicle shall be registered until it has been inspected by the Director of Public Works and Inspections or his duly authorized representative and found to be equipped with a suitable metal body, not to exceed seven feet in height, designed for the collection of refuse, constructed so that fluid will not leak, drip or escape from the confines thereof, and shall have a suitable tightly fitting cover, which cover shall be in place excepting when loading or unloading.

Section 22 It shall be the responsibility of those persons, firms or corporations permitted under Section 21 of this Article to engage in the collection of refuse within the City to operate in accordance with the

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following provisions:

(a) Remove all rubbish in containers, bundles or otherwise packaged for disposal from every point of pickup, plus cleanup of spillage by the collector at pickup point and along the route to the truck from the point of pickup.

(b) Maintain regular service in accordance with a written or oral contract and provide prior notice for the discontinuance of service for any cause.

(c) Furnish to each customer an identification card, showing the trade name, principal business address, telephone number and regular office hours of the collector.

(d) Provide alternate service in the event of mishap or breakdown of regular equipment.

(e) Maintain the vehicle body so as to prevent leakage of contents and use required covers to prevent refuse from blowing or otherwise escaping from the confines of the vehicle.

Section 23 Any person, firm or corporation violating any of the provisions of Sections 20, 21 and/or 22 of this Article shall be punished by a fine of not more than fifty dollars for each such offense or by confinement in the county jail of the county in which the offense occurs for not more than thirty days, or both fine and imprisonment, at the discretion of the court. Each day a violation of the provisions of aforesaid Sections continues to exist shall constitute a separate offense. In addition thereto, the City may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of aforesaid Sections or to correct violations of this Article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

SECTION 2. THEREFORE THAT this Ordinance shall be in full force and effective on May 1, 1967 and the Takoma Park Police Department is hereby empowered to enforce the provisions of this Ordinance on May 1, 1967 and thereafter.

ORDINANCE NO. 1946

WHEREAS, there exist in the City numerous dwellings which are, or may be in the future, substandard in one or more important features of structure, equipment or maintenance; and

WHEREAS, such conditions adversely affect public health, safety and welfare, or interfere with the enjoyment of and reduce the value of private property; invite plundering; and create, extend and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be abated or prohibited;

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

SECTION 1. If the Inspector of Buildings finds that any building or structure within the City, by reason of deterioration of materials, lack of repair or maintenance is, or will become, a hazard to the health, safety or welfare of its occupants or the public or is or will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of neighboring property, he shall report such facts to Council which may, thereupon, declare such building or structure to be a nuisance. The Council may specify upon the advice of the Inspector of Buildings what reasonable repairs or maintenance measures are necessary to abate such nuisance.

SECTION 2. Upon such finding and declaring, the Inspector of Buildings may proceed in the manner provided in Article 13 of the City of Takoma Park, Maryland, Municipal Code 1961, for the abatement of nuisances or the Inspector of Buildings may order the owner of such building or structure to make such repairs or to take such maintenance measures within a reasonable time. Failure to comply with such order shall be considered a misdemeanor and upon conviction therefor, the owner of such building or structure shall be fined in an amount not to exceed fifty dollars (\$50.00) per day, each day of violation to be considered a separate offense.

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RESOLUTION

WHEREAS, The Mayor and Council have this day adopted Ordinance No. 1946 regulating the exterior appearance and maintenance factors of buildings and structures that by reason of deterioration of materials, lack of repair or maintenance are, or will become, a hazard to the health, safety and welfare of their occupants or the public or are or will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of neighboring property, AND

WHEREAS, It is the desire of the Mayor and Council that an order and routine of procedure be set forth as guide-lines governing the administration and enforcement of said Ordinance No. 1946

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following procedure shall regulate the administration and enforcement of Ordinance No. 1946:

(a) THAT a permanent citizens advisory and review board be appointed by the Mayor and Council. Such board shall consist of a General Chairman for a two year appointment, a General Vice Chairman for a one year appointment and a sufficient number of Area Improvement Chairmen to adequately represent the various sections of the City, set up somewhat along the boundary lines of the seven City Election Wards with adjustment of lines in certain sections for practical operation purposes. Appointments of Area Improvement Chairmen shall be for alternate one and two year overlapping terms for continuity purposes. Area Improvement Chairmen shall select at least two assistants from within each area, such selection to be approved by the Mayor and Council, their terms to be also for one and two year periods.

(b) Members of the Citizens Advisory and Review Board, Members of the Police and Fire Departments and other City employees are urged to report to the City Administrator any property that appears to be subject to the provisions of Ordinance No. 1946. When the City Administrator receives information from any person concerning a specific property he shall direct the Inspector of Buildings to observe the premises and issue a report containing the defects as observed, sufficient copies of such report to be forwarded to the City Administrator. This shall not preclude the Inspector of Buildings from initiating an observation and report of his own volition. Upon receipt of any such reports, which shall be numbered for record purposes, the City Administrator shall correspond with the property owner, enclosing therewith a copy of the report as issued by the Inspector of Buildings. The City Administrator shall simultaneously also send a copy of such report with the date of mailing to the property owner noted thereon to each of the following: the Area Improvement Chairman, the General Chairman and the City Councilman, Chairman of the Committee charged with the supervision and enforcement of Ordinance No. 1946.

(c) The Area Improvement Chairman in company with two assistants will verify the defects as reported by the Inspector of Buildings and upon such verification will confer in person with the property owner and/or owners if residents of the City, encouraging the renovation of the property. Upon forms to be furnished by the City,

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the Area Improvement Chairman will report the results of the conference with the property owner to the General Chairman and the City Administrator. City officials shall keep the several chairmen informed of any activity observed and information obtained relating to a particular property. In the event such property is owned by other than a resident of the City, the Area Improvement Committee will verify the Inspector's report and notify the City Administrator. City officials will proceed on such non-resident owned properties as may become necessary to bring the property into conformity with the provisions of Ordinance No. _____. The Area Improvement Chairman through the General Chairman will report any unusual delay in activity on the part of City officials to the Mayor and City Council.

- (d) The Citizens Advisory and Review Board should be enlarged to include several specific subcommittees such as:
1. A subcommittee consisting of knowledgeable persons in the fields of architecture, engineering, etc.
 2. A subcommittee consisting of several persons knowledgeable in the fields of mortgages and home improvement financing.
 3. A subcommittee consisting of several persons knowledgeable in the social sciences.

The General Chairman should call at least quarterly meetings of the subcommittees' chairmen and Area Improvement Chairmen to evaluate the program and benefit from individual experiences and refine the procedure.

(e) In extreme hardship cases or due to unusual circumstances, consideration will be given to methods by which financial aid may be provided.

Attest: Belle Ziegler
Deputy City Clerk

Approved: George M Miller
Mayor