

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

FEBRUARY 9, 1970

CITY OFFICIALS PRESENT

Mayor Miller	Deputy City Clerk Levine
Councilman Forshee	City Treasurer Turner
Councilman Geib	Director of Public Works Rhodes
Councilman Hutmire	Chief LaScola, Fire Department
Councilman Jones	Captain Porter, Police Department
Councilman Kennedy	Director of Recreation Ziegler
	Corporation Counsel Gingerich
	Asst. Corporation Counsel Culpepper
	Code Enforcement Officer Thorowgood
	Assistant Fire Marshal Williams
	Deputy Fire Chief Fickes

EXCUSED

Councilman Roth

The Mayor and Council for the City of Takoma Park, convened in Executive Session in the Council Chambers, 8 Columbia Avenue, Takoma Park, Maryland, at 8:03 p.m., February 9, 1970. Mayor Miller led in the Pledge of Allegiance to the Flag. Mayor Miller noted that the Council Chambers are overcrowded at this meeting due to the expansion of the City Offices to the upper floor of the building. He further noted that the next Council Meeting to be held on February 23rd will be in the Municipal Gymnasium in the Fire House Building, 7201 Carroll Avenue, as well as all Council Meetings thereafter.

At this time, Chief LaScola spoke regarding the contribution of a Homalite Saw for the use of the Fire Department by Mr. Aubrey Kinzer, Director of Building Planning and Maintenance for Columbia Union College. Chief LaScola further noted that Mr. Kinzer has been very active and cooperative in Fire Department activities. Chief LaScola presented Mr. Kinzer with a Certificate of Award which read: "This Certifies that Aubrey F. Kinzer is given recognition for outstanding achievements in assisting in the training and fire prevention activities".

Mayor Miller presented an engraved plaque to former Councilman Edwin S. Turner who resigned from the City Council after serving twelve years. He subsequently accepted an appointment as City Treasurer. The plaque was inscribed: "The City of Takoma Park, Maryland - Awarded to: Edwin S. Turner in recognition of his faithful service as City Councilman and Chairman of the following Committees: Law and Ordinances, Parks and Recreation, Fire Protection, Law Enforcement, also as a member of the Takoma-East Silver Spring Commission. April 14, 1958 - January 12, 1970. Mayor and City Council". Mr. Turner thanked the Mayor and Council for the honor and stated that he has always believed that man was put here on earth to serve his fellow-man and he hoped that he would be able to continue to do so in his new position.

READING OF THE MINUTES: Mayor Miller called for a motion to dispense with the Reading of the Minutes of the meeting held on January 26, 1970. Councilman Hutmire moved the adoption of the minutes as submitted. Councilman Kennedy seconded the motion and the Minutes were approved.

February 9, 1970

CORRESPONDENCE RECEIVED: Deputy City Clerk Levine reporting.

1. Governor Marvin Mandel; Comptroller of the Treasury, Louis Goldstein, Dr. Strasser, President, Montgomery College: Acknowledgements and comments regarding Mayor Miller's letter relative to Montgomery College's request for funds. Council Files.
2. Senator Charles McC. Mathias, United States Senate, Washington, D.C.: Acknowledgement of Mayor Miller's letter regarding the proposed North Central Freeway: Council Files.
3. Honorable Idamae Garrott, Montgomery County Council, Rockville, Maryland: Acknowledgement of Mayor Miller's letter regarding the Piney Branch Middle School: Council Files.
4. Mr. Lionel W. Nelson, Director, Public Relations, Montgomery College, Takoma Park, Md.: Letter of congratulations to Mayor Miller for election as Secretary-Treasurer of the Metropolitan Washington Council of Governments for 1970: Council Files.
5. Lt. Colonel W. H. Conroy, Maryland State Police, Pikesville, Maryland: Transmittal of questionnaire and survey for the 1970 Pedestrian Safety Inventory Program: Law Enforcement.
6. Notice of Meetings - Metro Impact Speaker Series: Notification of meetings on 2/19; 3/19; 4/16 and 5/21 with speakers from cities regarding impact of the rapid transit systems on their city, Hampshire Motor Inn: Council Files and Newsletter.
7. Mrs. Kathryn T. Simpson, Chairman, Community Improvement Board,: Request for inspection and determination of responsibility for eroded bank at 7406 Holly Avenue: Public Works.
8. Mrs. James H. Gordon, Jr., 7310 Piney Branch Road, Takoma Park, Maryland: Letter of commendation for young man who assisted her injured daughter recently: Council Files.
9. Mr. Russell W. Shipley, Kahler, Shipley and O'Malley, 3731 Branch Avenue, S.E., Hillcrest Heights, Maryland: Letter regarding service facilities at the proposed Professional Building on New Hampshire Avenue: Civic Improvements and Corporation Counsel.
10. Mrs. Herbert Parcover, Mrs. James Paylor, Major Malachi B. Jones, Mapleview Tenants Committee, 7710 Maple Avenue, Takoma Park, Maryland: Letter requesting that owner of building be notified of the law regarding locks on doors. Public Welfare.
11. Mrs. Charles E. Kreinbuhl, 1011 Elm Avenue, Takoma Park, Maryland: Letter of complaint regarding incident with police officer: Law Enforcement Committee.

PUBLIC PARTICIPATION:

1. Mr. Rick Hewitt, 7012 Sycamore Avenue, Takoma Park, Maryland: Inquired as to when the subject of the requested zoning change to rooming house at the above address will be discussed. Mayor Miller stated that the matter is being handled by the Civic Improvements Committee and will be reported on at the time of the Committee report, however, if he would like to make a statement, this would be the proper time.
2. Mr. James Lyko, 7012 Sycamore Avenue, Takoma Park, Maryland: Mr. Lyko noted that a statement has been sent to each of the Councilman regarding the requested change in zoning to a boarding house classification for 9 persons including 2 children at 7012 Sycamore Avenue. Mr. Lyko stated that the change is necessary due to the fact that there are more than 5 unrelated people living in the house and the law limits the number to 5. He noted that in November of 1969, notice was received that some of the tenants would have to move or take the necessary steps to obtain a special exception for such use of the property. Mr. Lyko further noted that a petition has been signed by 35 residents of the area stating that they have no opposition to the approval of the Special Exception.

3. Mrs. Martinson, Sycamore Avenue, Takoma Park, Maryland: Mrs. Martinson spoke regarding the petition signed by neighbors attesting to their approval of the granting of the Special Exception for a rooming house at 7012 Sycamore Avenue. Mrs. Martinson stated that the neighbors are pleased with the condition of the property. Councilman Hutmire inquired as to the status of the property as related to code violations. Code Enforcement Officer Thorowgood replied that the property is in compliance with the housing code.

4. Mrs. Kathryn T. Simpson, Chairman, Community Improvement Board: Mrs. Simpson thanked the Mayor and Council and the Code Enforcement Division for their prompt action regarding the re-occupancy of the property at 7107 Cedar Avenue. Mrs. Simpson stated that the Community Improvement Board is meeting on February 19th at the Municipal Gymnasium. She stated that the Board is very fortunate in having Mr. Frederick Anderson scheduled to speak regarding the activities of the TESS Commission. Mrs. Simpson urged members of the Council and any other interested citizens to make an attempt to attend.

5. Mr. Stuart Sweeney, 11 Sherman Avenue, Takoma Park, Maryland: Mr. Sweeney expressed his concern over the fact that boys in his neighborhood are making sport of the activity of killing rats around 13 Sherman Avenue. He noted that the property is unoccupied and littered with stuffed furniture in a decomposing state which has been there for six months. Mr. Sweeney stated that he has spoken with Mr. Rhodes and Mr. Thorowgood about the problem. Councilman Geib noted that this particular area has had problems with representation by the Community Improvement Board and a small number of inspections by the Code Enforcement Division. Mr. Rhodes noted that the Public Works Department has issued bait to all of the homes in the area. Mr. Sweeney noted that he withheld his complaint until after speaking with the owner. He stated that he received very little response. Mr. Sweeney stated that Code Enforcement Officer Wollner inspected the property and had stated that he had done all he could and that the matter would have to be handled by a higher authority.

COMMITTEE REPORTS:

CIVIC IMPROVEMENTS COMMITTEE: Councilman Geib, Chairman.

1. 250 Manor Circle: Councilman Geib inquired of Code Enforcement Officer Thorowgood as to the status of the property. Mr. Thorowgood stated that stronger action is going to be required in order to force the owner to replace the front door as required by the code.

2. 1111 Sligo Creek Parkway: Upon inquiry, Corporation Counsel Gingerich stated that the owner is just barely staying in compliance.

3. 114 Grant Avenue: Councilman Geib recommended that the Code Enforcement Division keep in close contact with the owner in order to gain compliance.

4. 7107 Cedar Avenue: Councilman Geib requested that this address be added to the agenda for future reports. Councilman Geib noted that the property has been condemned however, the garage is being used for storage. Councilman Forshee inquired of Assistant Fire Marshal Williams as to what can now be done under the Fire Code. Mr. Williams noted that the property will either have to be rehabilitated or razed. It was pointed out that the cost of rehabilitation has been determined to be approximately \$10,000. to \$15,000. Mr. Williams further noted that the mortgage makes razing prohibitive as it must be paid in a lump sum if the property were razed. Corporation Counsel Gingerich noted that the property could be declared a nuisance. Councilman Geib stated that as it is a fire code violation that the City should proceed with further action under the Fire Code provisions.

5. 7012 Sycamore Avenue: Regarding the application for a Special Exception for the operation of a boarding house at the above address (see public participation section of minutes) Councilman Geib moved that the County Board of Appeals be advised that the City Council objects to the application. He stated that the City has been working for a number of years to relieve over-crowded conditions and approving this would be a step backwards. The street is limited to parking on one side and presents problems in inclement weather when the driveway cannot be used. The Corporation Counsel is requested to represent the City at the Hearing. The motion was seconded by Councilman Hutmire for the purpose of discussion. There was considerable discussion regarding the request as related to the affect on the neighborhood and parking problems. At the request of Councilman Jones, Councilman Geib repeated the motion prior to the Roll Call Vote recorded as follows: Aye: Councilman Forshee, Geib, Jones, Kennedy (prefaced by a statement regarding the fact that he recognized that denial could present hardships, however, in view of everything, he is not inclined to recommend approval of the application.) Nay: Councilman Hutmire. Excused: Councilman Roth.

Mrs. Martinson of Sycamore Avenue stated her disappointment in the fact that the Council is recommending disapproval of the application and pointed out that the group is known in the neighborhood and is similar to a family with many children all working together. Councilman Geib remarked that he appreciated what the group is attempting to accomplish and particularly appreciated their honest and sincere approach to the Council. He noted however, that the basis for the "family" is rather unstable and that the whole situation could change overnight and present considerable problems to the City. He further noted that approval of such an application could be rather precedent setting.

SPECIAL LIBRARY COMMITTEE: Councilman Jones, Chairman.

NO REPORT

PARKS AND RECREATION COMMITTEE: Councilman Jones, Chairman.

1. Takoma-Langley Community Center: Councilman Jones referred to a memorandum from the Director of Recreation regarding the necessity for a light to be installed on New Hampshire Avenue at Merwood Drive. He stated that it is his understanding that this is one of the items holding up the opening of the Takoma-Langley Community Center. He noted that the Park and Planning Commission has obtained permission to use the apartment driveway but the apartment owners insist on a traffic light being installed first. Councilman Jones noted that this is a very dangerous spot and with additional cars from the Community Center a traffic light would be a "must". Councilman Jones noted that the Recreation Council is writing to the State Roads Commission as well as the Park and Planning Commission's letter. Councilman Jones moved that a letter be written to the State Roads Commission again requesting that a light be provided at the intersection of the apartment complex and New Hampshire Avenue in order that an entrance to the Community Center may be obtained and in turn, the Community Center opened. The motion was seconded by Councilman Kennedy and duly carried.

FINANCE COMMITTEE: Councilman Forshee, Chairman.

1. Personnel: Councilman Forshee moved the appointment of Mrs. Maureen Edenfield to the position of Cashier-Assistant Bookkeeper at an annual salary of \$5,512.00 per annum, to become effective February 9, 1970 for the customary one-year probationary period under the Merit Plan. The motion was seconded and duly carried.

February 9, 1970

LAW ENFORCEMENT COMMITTEE: Councilman Geib, Vice Chairman, reporting.

1. Request for flashing light at Takoma and Philadelphia Avenues: Councilman Geib referred to a memorandum from the Deputy City Clerk in reference to his conversation with Mr. Forrest of the Traffic Engineering Division of the State Roads Commission. Councilman Geib noted that Mr. Forrest reported that nothing had been done as of yet by the individual assigned to check into the matter. He stated that he was planning to be in the area and would make his own inspection and inform Mr. Levine of the results on February 16th. Councilman Kennedy noted that since the previous Council Meeting, there have been two serious accidents requiring an ambulance. Councilman Geib stated that perhaps the City should inform the State Roads Commission at the time that accidents occur at this location.
2. Personnel: Councilman Geib moved the appointment of Mr. William H. Shewell as a Special Police Officer to be effective February 15, 1970. The motion was seconded and duly carried. Councilman Geib noted that Mr. Shewell is employed as Construction Supervisor and Field Representative for Ronald S. Senseman, Architect.
3. Personnel: Councilman Geib moved the appointment of Mr. Aubrey F. Kinzer as a Special Police Officer to be effective February 15, 1970. Councilman Geib noted that Mr. Kinzer is the Director of Building Planning and Maintenance for Columbia Union College. The motion for the appointment was seconded and duly carried.
4. Personnel: Councilman Geib moved the appointment of Michael Eugene Gross as a Police Officer for a one-year probationary period, to be effective February 15, 1970. The motion for the appointment was seconded and duly carried.
5. Larch Avenue: Councilman Geib referred to a letter addressed to Mayor Miller relating to signs on Larch Avenue. Councilman Geib stated that the matter would be looked into.
6. Carroll and Garland Avenues: Councilman Geib referred to a memorandum from the Deputy City Clerk relating to the frequency of accidents at the above intersection. Mr. Rhodes stated that a telephone pole was removed from the intersection of Carroll and Central Avenues and a reflector placed on a nearby tree. Councilman Geib requested that Captain Porter make a study of the area.
7. Youth Action Program: Councilman Geib commented on the application made by Captain Porter for participation in a matching funds program sponsored under the Governor's Commission on Law Enforcement and Administration of Justice. Councilman Geib noted that this is a very progressive program and it strikes out at the problem of juvenile delinquency which has been on the rise in the City. Captain Porter noted that the Federal Government appropriates 60% of the required funds with the City appropriating 40%. He further noted that the program will require a very special type person in order to make it work. He added that college student volunteers would be utilized by the Youth Officer. Deputy City Clerk Levine noted that the Council of Governments has approved the application and now the Public Safety Planning Staff must meet with the Public Safety Planning Board to ascertain priorities. He stated that notification should be received by the middle of March. Councilman Geib requested that the application for participation in the program be placed on the Agenda.
8. Loading Zone: Councilman Forshee stated that he has observed an area on Carroll Avenue for some time, where the entrance to a building is marked "No Parking - Loading Zone", however, is not being used at this time. He noted that 7026 Carroll Avenue was previously occupied by the Seventh Day Adventist Health and Welfare Agency which has now relocated. Chief LaScola stated that the location of a fire hydrant in the immediate vicinity may prevent removal of the sign and placement of a parking meter. Councilman Geib requested that Captain Porter look into the matter.

9. Carroll Avenue property: There was some discussion relating to the use of the property on Carroll Avenue across the street from the Esso Station for parking as well as abandoning automobiles. Councilman Geib moved that the owner of the property, Mr. Brisker, be notified that a period of fifteen days is hereby allowed for the removal of the cars and the erection of a barricade to prevent future parking. Councilman Geib stated that after the fifteen day period if the owner has not complied that further legal action will be taken. The motion was seconded and duly carried.

PUBLIC WELFARE COMMITTEE: Councilman Hutmire reporting.

1. Street Cleaning: Councilman Hutmire referred to a memorandum from the Director of Public Works which stated that considerable effort has gone into street cleaning during the last two weeks with several loads of trash having been picked up from the Jefferson Avenue wooded area. He further noted that this area has been used as a dumping ground.
2. Mapleview Apartments: Councilman Hutmire noted that a letter has been received from the Tenants Committee at the above apartments located at 7710 Maple Avenue regarding the interior door locks. Councilman Hutmire recommended that a detailed response be written to the Committee indicating that the locks have been inspected and found to be in compliance with the housing code. Councilman Hutmire further recommended that the Code Enforcement Officer for that area demonstrate the mechanics of the locking mechanism.
3. Code Enforcement Activities: Councilman Hutmire noted that the number of inspections is increasing. He stated that a large number of notices are being mailed and detailed reports being filed under the new housing code.
4. 7107 Cedar Avenue: Councilman Hutmire stated that the tenants who moved in while the house was boarded up have vacated and the house is for sale again. He stated that there was a conditional sales contract, however, the broker should not have released the keys.

PUBLIC WORKS COMMITTEE: Councilman Hutmire, Vice Chairman, reporting.

1. Parking Meters: Councilman Hutmire stated that the new lease signed for the Sister City Thrift Shop does not include the use of the parking lot which is now equipped with parking meters. Councilman Hutmire moved the adoption of the following Ordinance:

ORDINANCE NO. 2090 *2090*

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

SECTION 1. WHEREAS, by Ordinance No. 1939 adopted by the Mayor and City Council on February 27, 1967 authorized the purchase of fourteen (14) parking meters to be installed on the property of the former Shell Service Station located at 7301 Carroll Avenue, AND

SECTION 2. THAT, the City recently executed a new lease agreement for the State Roads Commission which necessitates the discontinuance and removal of parking meters at this location, AND

SECTION 3. THEREFORE THAT, the Director of Public Works is hereby authorized to remove the parking meters from this property, AND

SECTION 4. THAT Sections 6 and 7 of Ordinance No. 1939 be hereby repealed.

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

2. Kass Parking Lot: Councilman Hutmire moved the adoption of the following Ordinance:

Ordinance No. 2091 - BSM per WJ Clerk

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

SECTION 1. WHEREAS an agreement with the owner was ratified on June 9, 1969 for a month-to-month lease of the Kass land on Carroll Avenue, identified as Parts of Lot 32, 33, 34, 35, 36, 37 and Lot 39, Block 19, B. F. Gilbert's Addition to Takoma Park, AND

SECTION 2. WHEREAS the City has improved this property by grading, surfacing, and beautification for the purpose of a municipal parking lot.

SECTION 3. THEREFORE THAT the Director of Public Works is hereby authorized to install twenty-one parking meters with spaces marked accordingly, AND

SECTION 4. THAT the fee for parking a motor vehicle in such metered parking spaces shall be five cents (5¢) for each hour between the hours of 7:00 a.m. and 7:00 p.m. on every day of the year except Sundays and Holidays, and the continuous use or occupancy by any vehicle of such individual space for a period of time in excess of THREE HOURS is hereby prohibited, AND

SECTION 5. FURTHER THAT enforcement and the penalty for violation of Section 4 of this Ordinance shall be the same as prescribed in Section 9, as amended, Article 11, titled Parking Meters, of the Municipal Code (1961) of the City of Takoma Park, Maryland, AND

SECTION 6. THAT spaces for five vehicles be reserved for official permit parking, AND

SECTION 7. THAT the spaces be designated for parking of vehicles by Roland Fayard, et al, under rental agreement at the rate of six dollars (\$6.00) per space, per month, effective February 1, 1970, AND

SECTION 8. THAT the Director of Public Works is hereby authorized to remove four parking meters from the east side of the 7600 block of Maple Avenue and install the same as designated in Section 3 of this Ordinance, AND

SECTION 9. FURTHER THAT Sub-section II (e) of Section 5, of Ordinance No. 2000 be hereby repealed.

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

3. Councilman Hutmire noted that the other items under the Public Works Committee are under active study, however, he is not prepared to make a report at this time.

4. Installation of Radios: Councilman Hutmire stated that the radios were to be installed in the trucks on Sunday, February 8, however, due to the illness of some members of the crew, RCA was unable to do the work.

5. Gymnasium Flooring: There was considerable discussion relating to the delay in repairing the floor in the gymnasium and the necessary cancelling of a large amount of recreational activities as well as Council meeting inconvenience. Councilman Hutmire requested that the City Administrator send an official telegram at the direction of the Mayor and Council demanding that work begin immediately on the repair and refinishing of the floor as promised.

FIRE PROTECTION COMMITTEE: Councilman Kennedy reporting.

1. Issuance of burning permits: Councilman Kennedy spoke regarding the complaint received about the health hazards created recently with the burning of the old Central Hall at Columbia Union College. In referring to a memorandum from Chief LaScola, Councilman Kennedy noted that in a controlled situation, particularly where there is danger of arson, Montgomery County does not require the City to obtain a burning permit. The memo stated that the Washington Sanitarium and Hospital was contacted to see if there were objections and there were none. Chief LaScola's memo further indicated that there were no other complaints received until receipt of the letter. Councilman Kennedy requested that Mr. Diamond be advised of the facts surrounding the burning of the building and the necessity for doing such.
2. 7219 Maple Avenue: Councilman Kennedy stated that reports indicate that work is progressing satisfactorily.
3. Emergency Vehicle: Councilman Kennedy referred to a memorandum from Chief LaScola and moved that the Council authorize the leasing of Chief LaScola's automobile for a period of three years for the sum of one dollar per year for the purpose of designating the automobile as an "Emergency Vehicle". The motion was seconded and carried.
3. Personnel: Councilman Kennedy referred to a memorandum from Chief LaScola and moved that the Volunteer Lieutenant rank now held by Lieutenant Carpenter, be declared vacant, effective immediately. The motion was seconded by Councilman Geib and duly carried.
4. Fire Prevention Contest: Councilman Kennedy referred to a memo from Chief LaScola relating the purposes and the results of the 1969 Annual Contest of National Fire Protection Association International. The memo noted that the City of Takoma Park Fire Department received the First Honorable Mention in the State of Maryland chiefly due to the efforts of Assistant Fire Marshal Williams and Captain West. It was pointed out that the contest is intended to measure the success of the community in enlisting widespread public support for fire prevention.
5. Fire Responses: Councilman Kennedy referred to the monthly report submitted by the Fire Prevention Division of the Fire Department relating to the number of inspections, re-inspections and complaint follow-ups. Mayor Miller noted that this information should be submitted to the Newsletter editor.

There being no further business to come before the Mayor and Council at this time, the meeting was adjourned at 10:15 p.m. to reconvene in the Municipal Gymnasium at 8:00 p.m. on February 23rd.

APPROVED: George M. Miller
Mayor

ATTEST: Dorothy Irvine
City Clerk

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

FEBRUARY 23, 1970

CITY OFFICIALS PRESENT

- | | |
|--------------------|-------------------------------------|
| Mayor Miller | City Administrator Pridgen |
| Councilman Forshee | Deputy City Clerk Levine |
| Councilman Geib | City Treasurer Turner |
| Councilman Hutmire | Director of Public Works Rhodes |
| Councilman Jones | Chief LaScola, Fire Department |
| Councilman Kennedy | Captain Porter, Police Department |
| Councilman Roth | Director of Recreation Ziegler |
| | Corporation Counsel Gingerich |
| | Asst. Corporation Counsel Culpepper |
| | Code Enforcement Officer Thorowgood |

The Mayor and Council for the City of Takoma Park, Maryland, convened in Regular Session in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland, at 8:06 p.m. The Invocation was rendered by Councilman Forshee. Mayor Miller stated that future meetings of the Mayor and Council will be held on the lower level of the gymnasium which, unfortunately was not finished sufficiently for tonight's meeting.

Mayor Miller called for a motion to dispense with the Reading of the Minutes of the meeting held on February 9, 1970. Councilman Jones moved the adoption of the minutes. Councilman Hutmire requested that an addition be made to the minutes (Page 4, Item 5 under the Civic Improvements Committee) as follows: "Councilman Hutmire indicated that he would not vote in support of the motion because (1) the Code Enforcement Officer has reported that a recent inspection of the property disclosed no overcrowding nor any other housing code violations; (2) the matter of parking the four cars had not, in his view, been proven to be an insurmountable problem, and (3) the requested County authority to operate a boarding house, if granted, would be temporary only and issued non-transferably in the name of the applicant, as was brought out by others during the earlier discussion." The motion for the adoption of the minutes was seconded and duly carried.

CORRESPONDENCE RECEIVED: Deputy City Clerk Levine reporting.

1. Arthur Dorman, O.D., Vice Chairman, Prince George's County Delegation, House of Delegates, Annapolis, Maryland: Expression of pleasure at meeting with Mayor and Council at Congress of Cities and offer of assistance. Council Files.
2. Department of Health, State of Maryland, Environmental Health Services, 2305 North Charles Street, Baltimore, Maryland: Notice of Public Hearing regarding proposed air quality standards. Public Welfare Committee.
3. Dr. Homer O. Elseroad, Superintendent of Schools, Montgomery County Public Schools, 850 North Washington Street, Rockville, Maryland: Progress report on Middle School project. Council Files.
4. Metropolitan Washington Council of Governments, 1225 Connecticut Avenue, N.W., Washington, D.C.: Memo of information regarding action taken by Board of Directors of COG on pending legislation regarding the Potomac River Compact. Public Welfare.

5. Archilles M. Tuchtan, Chairman, Montgomery County Municipal League, Box 216, Gaithersburg, Maryland: Invitation to attend February meeting of the Montgomery County Municipal Association on 2/26/70 in Rockville City Hall Council Chambers. Council Files.
6. Mr. Richard T. Scott, 2303 57th Avenue, Cheverly, Maryland: Request that week of March 15 - 22 be proclaimed as International Demolay Week. To be held for next meeting.
7. Mr. John E. Hammond, Chairman, Takoma Park Community Action Forum, 8 Sherman Avenue, Takoma Park, Maryland: Letter of appreciation to Mayor and City Council for efforts made in behalf of the proposed Piney Branch Middle School. Council Files.
8. Mr. Hyman Korth for Nathan Brisker, et al, Brisker-Campitelli Enterprises, 1010 Arcola Avenue, Silver Spring, Maryland: Request for extension of 45 days to remove cars and construct barricade on property on Carroll Avenue: Civic Improvements and Public Welfare Committees.
9. M's Amelia Jon, Property Manager, Shapiro Realtors, 1413 K Street, N.W., Washington, D.C.: Letter of appreciation for service rendered by the Fire Department through the cooperation of Fire Marshal I.T. Williams. Fire Protection Committee.
10. Mrs. Dorothy M. Porter, 7305 Maple Avenue, Takoma Park, Maryland: Correction of letter from Mr. Robert Bullard relating to the property at 7128 Willow Avenue. Public Welfare Committee.
11. A. Blonar, 7205 Sligo Parkway East, Takoma Park, Maryland: Complaint regarding roaming dogs in the Hillwood Manor area. Public Welfare Committee.
12. Mr. William E. Lewis, 7304 Willow Avenue, Takoma Park, Maryland: Letter of complaint regarding trash service. Public Works and Public Welfare Committees.
13. Miss Francie Davis, 1022 East West Highway, Takoma Park, Maryland: Letter requesting City sponsorship of a drum and baton corps. Parks and Recreation Committee.
14. Mr. Aubrey F. Kinzer, 8125 Carroll Avenue, Takoma Park, Maryland: Donation proposal regarding proposed addition to the Police Department and City Offices. Law Enforcement.
15. Mr. William H. Shewell, 313 Elm Avenue, Takoma Park, Maryland: Donation proposal regarding proposed addition to the Police Department and City Offices. Law Enforcement.
16. Mr. Leslie D. Adams, Recording Secretary, Takoma Park Volunteer Fire Department, Inc. 7201 Carroll Avenue, Takoma Park, Maryland: Letter of concurrence regarding action of Mayor and Council in vacating rank of Volunteer Lieutenant. Fire Protection Committee.
17. Mr. G. R. Schock, District Representative, Mobile Radio Department, General Electric Company, 3720 Farragut Avenue, Kensington, Maryland: Notice of eligibility to participate in contract purchase agreement as a Municipality located in Prince George's County. Referred to all Departments.
18. Mrs. Susanne Bliss, 3700 Nebraska Avenue, Washington, D.C. c/o Baptist Home: Note of praise for picture post cards showing azalea garden and request for same. Council Files

Mayor Miller welcomed those present to the second Council meeting for the month of February and stated that the next Council meeting will be held on the 9th of March in the Municipal Gymnasium. Mayor Miller further noted that the Public Caucus for the purpose of nominating candidates for the City election will be held on March 10th at 8:00 p.m. in the Municipal Gymnasium. He noted that the Election is scheduled for March 24th. Mayor Miller noted that the Caucus is conducted by the City Clerk who receives nominations for the offices of Mayor and seven Councilmen. Mayor Miller further spoke regarding the importance of this election due to the many changes which will take place during the next two years. He noted that finances are a major problem in all jurisdictions. Mayor Miller spoke regarding legislation now before the General Assembly and stated that the City is unique in the fact that delegates from both Montgomery and Prince George's Counties must be worked with.

PUBLIC PARTICIPATION:

1. Mr. Stuart Sweeney, 11 Sherman Avenue, Takoma Park, Maryland: Mr. Sweeney stated that several months ago he inquired about the possibility of obtaining a copy of the Impact study prepared by the Council of Governments as authorized by the City of Takoma Park. He noted that another individual inquired as to the same report at the meeting of January 12th. He noted that he has been told that the report is not available at the City Office, although it is public information. Mr. Sweeney noted that Mr. Turner spoke with the Park and Planning Commission regarding the possibility of obtaining a copy and was told that copies were insufficient in number to make available to the public, however, copies could be made by machine. Mr. Sweeney stated that after spending so much money for the report, it should be duplicated and made available to the public. Mayor Miller spoke regarding the report and noted that it was initiated by the Mayor and Council in order to determine the impact that a transit station would make on the City. He stated however, that the report only indicated the worst impact on the City and did not show any benefits. He stated that the report was done in conjunction with the Park and Planning Commission (both Maryland and the District of Columbia) and the Council of Governments. Upon inquiry, Mr. Pridgen noted that the City received only 10 copies of the report. Mayor Miller further noted that the Park and Planning Commission is again studying the area taking into consideration only the area that will be affected from Eastern to Tulip Avenues. Councilman Geib stated that his personal copy is out on loan at the present time, however, when it is returned Mr. Sweeney would be welcome to use it.

2. Mr. John Hammond, 831 Hayward Avenue, Takoma Park, Maryland: Mr. Hammond spoke as Chairman of the Community Action Forum and referred to a letter directed to the Mayor and Council recommending that certain action be taken now that the Piney Branch Middle School will become a reality. The letter urged the display of a model or architects' renderings of the new school in the Library. He further recommended that a full description of the facilities that will be available for "community use" be compiled as soon as possible. In addition, the letter recommended that a community committee be formed for the purpose of publicity, drawing up criteria for use of the facilities, and a monthly schedule for such use. The letter further recommended that an auditorium be included in plans for the proposed Civic Center, to be built solely for auditorium purposes and not gymnasium/auditorium purposes. He noted that it is felt that the new school will provide for additional athletic facilities. Mr. Hammond further reminded the Council and the general audience of the meeting of the Community Action Forum scheduled for February 25th at which time taxes will be discussed. He noted that Comptroller Goldstein, Commissioner Aluisi, Councilwoman Garrott, and Zoning Examiner Rita Davidson will speak at the meeting to be held in the Auditorium of the Takoma Park Junior High School.

3. Mr. Vernon Ricks, Vice Chairman of the Community Action Forum: Mr. Ricks invited the Mayor and Council to a meeting of the candidates for public office to be held on March 18th. He stated that the purpose of the meeting is to air the issues and bring the candidates to the firing line.

COMMITTEE REPORTS:FIRE PROTECTION COMMITTEE: Councilman Kennedy reporting.

1. Remodeling of the Fire House: Councilman Kennedy stated that he had nothing further to report since the last meeting. He stated that the Council is aware that a new fire truck is on order which necessitates the remodeling of the fire house building to accommodate the new vehicle.
2. Revision of Article 4 of the Municipal Code: Councilman Kennedy noted that this item has been on the agenda for some time. Councilman Kennedy stated that he and Councilmen Forshee and Jones together with Chief LaScola and Captain McBride in an advisory capacity, met with the Board of Trustees of the Takoma Park Volunteer Fire Department, Inc., and had a very productive session. He noted that recommendations will be forthcoming.
3. 7219 Maple Avenue: Upon inquiry, Chief LaScola stated that satisfactory progress is being made.
4. 15 Sherman Avenue: Councilman Kennedy stated that a joint code enforcement and fire prevention inspection was made and a letter written to the owner of the property requiring that certain conditions be removed or rectified.

CIVIC IMPROVEMENTS COMMITTEE: Councilman Geib reporting.

1. 7012 Sycamore Avenue: Councilman Geib stated that the case has come before the Board of Appeals with Mrs. Abbey Mandel and Mr. Brinton Dillingham speaking in support of the application and defense of Mr. Lyko's desired style of living. Councilman Geib noted that a decision will be rendered within thirty days.
2. 1111 Sligo Creek Parkway: Upon inquiry, Corporation Counsel Gingerich stated that his office has filed with the Court on this property.
3. 250 Manor Circle: Corporation Counsel Gingerich stated that this property will probably require bringing up for a hearing.
4. 7107 Cedar Avenue: Councilman Geib requested a report on the storage use of the garage behind the building on this property.
5. 7125 Sycamore Avenue: Councilman Geib stated that the Board of Appeals stated that they felt there was no adverse activity that could take place to down-grade the area and granted the Special Exception for the operation of the home occupation (upholstering). Councilman Geib further noted that Mr. Gingerich is of the opinion that the information in the files will show that the Board of Appeals is incorrect. Councilman Geib moved that Corporation Counsel Gingerich be directed to appeal the decision. The motion was seconded by Councilman Hutmire and duly carried.
6. 903 Fairview Avenue: Councilman Geib referred to an application for a waiver of the off-street parking requirement from the Prince George's County Commissioners and moved that they be advised as follows: The subject property is not within the Corporate limits of the City and in this specific situation, it would not be proper for the City to make any recommendations. It was however, felt that this situation resulted from poor planning when the building was constructed. The motion was seconded and duly carried.
7. Carroll Avenue: Councilman Geib referred to a letter written to Mr. Brisker requesting the removal of cars on his property and read the reply received through Mr. Korth. Councilman Geib stated that there have been so many questions regarding the expected date for the start of construction on the apartment for senior citizens, he is pleased to note that the closing date for the submission of bids is March 12th with the job to be awarded and settlement made on the land before March 30th and construction to start immediately.

PARKS AND RECREATION COMMITTEE: Councilman Jones reporting.

1. Recreation Council: Councilman Jones noted that the Recreation Council will meet on February 24th for the purpose of electing officers for the coming year.
2. Recreation Activities: Councilman Jones reported that the Recreation Department's monthly movies were quite a success with 380 attending last month and 228 this month even though the location had to be changed due to the repairing of the gym. Movies are held the 3rd Friday of each month. Art Classes will start on March 5 for elementary school age children in the all purpose room of the Takoma Park Elementary School. Plans are for bridge and guitar lessons to begin sometime in April. The Children's Drama Class will be putting on the production of "Sleeping Beauty" sometime in April or early May and are in need of volunteers to help with the costumes and scenery. The Recreation Council will be holding a meeting tomorrow night at 8 Sherman Avenue as noted above.

FINANCE COMMITTEE: Councilman Forshee reporting.

1. Revision of Charter and Municipal Code: Councilman Forshee spoke regarding the need for revising the City Charter and Code and stated that NIMLO has submitted the most acceptable offer for such services. Councilman Forshee moved the adoption of the following Ordinance.

ORDINANCE NO. 2092

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

- SECTION 1. THAT both the City Code and City Charter have been amended numerous times since they were last codified, AND
- SECTION 2. THAT both the City Code and the City Charter are in need of revision, AND
- SECTION 3. THAT several firms were invited to submit estimates of their charges for preparing such codification, AND
- SECTION 4. THAT the National Institute of Municipal Law Officers (NIMLO), an organization with much experience in this field has submitted the most acceptable proposal.
- SECTION 5. THEREFORE THAT the expenditure of five thousand dollars (\$5,000.00) be authorized for this purpose, twenty five hundred dollars (\$2,500.00) to come from this fiscal year's budget and the remaining twenty-five hundred dollars (\$2,500.00) to come from the next fiscal year's budget.

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

LAW ENFORCEMENT COMMITTEE: Councilman Geib, reporting.

1. AAA Pedestrian Safety Inventory Questionnaire and Survey: Upon inquiry, Captain Porter noted that the information has been submitted and acknowledged as to receipt by the AAA. Councilman Geib requested that the item be removed from the agenda.
2. Personnel: Councilman Geib moved the acceptance of the resignation submitted by Special Police Officer Theodore C. Hunt. The motion for acceptance, with regrets, was seconded by Councilman Hutmire and duly carried.

3. Proposed addition to the Police Department: Councilman Geib stated that a plan for the addition has been submitted by Captain Porter. He noted however, that there is a question as to whether the building must be advertised for bids. Mr. Pridgen stated that the building can be built by the City with some sub-contracting. It was stated that the job would be closely supervised by Mr. Rhodes. Councilman Geib stated that he is not requesting official Council approval at this time, however, it is his feeling that the agreements submitted should be recorded in the Official Minutes.

"I shall be pleased to donate the necessary plans to complete the proposed addition to the Takoma Park City Police Department and City Offices. This will include the following: 1. Site Plan; 2. Architectural Plans; 3. Structural Plans; 4. Mechanical Plans (heating and air conditioning) 5. Plumbing Plans. This will also include necessary supervision to coordinate the various phases of construction. Mr. Kinzer and I will coordinate our activities very closely to complete this addition at the earliest possible date. s/ Mr. William H. Shewell, 313 Elm Avenue, Takoma Park, Maryland."

"I will be very pleased to donate excavation equipment to excavate for the proposed addition to the Takoma Park City Police Department and City Offices. I also propose to furnish supervision and to secure the necessary subcontractors to complete the various phases of construction. Mr. Shewell and I will coordinate our activities very closely to complete the new addition as rapidly as possible and will be available at any time when necessary to accomplish this. s/ Aubrey F. Kinzer, 8125 Carroll Avenue, Takoma Park, Maryland."

4. Request for flashing light at Takoma and Philadelphia Avenues: Councilman Geib referred to a memo from Deputy City Clerk Levine at the request of Councilman Kennedy, which stated that the State Roads Commission will not install a flashing amber light at the subject intersection as the accident pattern does not warrant same. Councilman Kennedy spoke at some length regarding the number and seriousness of accidents occurring at this intersection and stated that possibly the State Roads Commission does not have reports of all accidents at this location. Councilman Kennedy requested that a letter be written to the State Roads Commission requesting that the installation be reconsidered and enclosing copies of reports filed for accidents which have occurred through September 1969 at the subject location.

PUBLIC WELFARE COMMITTEE: Councilman Hutmire reporting.

1. Columbia Union College Fire: Councilman Hutmire spoke regarding the fire at the Administration Building and commended the Fire Department for their efforts. He further noted that clean up activities are continuing around the burned building.

2. Carroll and Laurel Avenues: Councilman Forshee requested that attention be given to the littered conditions in existence on these streets. He noted that dirt seems to be a problem since the melting of snow and also some occurrences of heavy rains.

3. 312 Philadelphia Avenue: Councilman Hutmire stated that this property remains boarded up at this time.

4. Code Enforcement Division: Councilman Hutmire noted that the program of systematic code enforcement has begun with notices having been sent to the apartment owners notifying them of the pending inspection. He further noted that for the information of those involved, there will be a working session-meeting held on February 26th for the purpose of working on schedules and procedures.

Mrs. Simpson, Chairman of the Community Improvement Board inquired as to the result of the reports that lights were seen on in the boarded up house at 312 Philadelphia Avenue. Councilman Hutmire stated that this was checked and no lights were observed. Code Enforcement Officer Thorowgood stated that all utilities have been disconnected.

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5. Dog Control: Councilman Hutmire moved that the City Administrator be requested to look into the possibility of contracting with either one or two of the organizations charged with the regulation and control of dogs. Councilman Hutmire requested that he find out what might be set up on contract for part time such as once a week patrols. Councilman Hutmire amended his motion to state that the City Administrator be authorized to poll the Council for their wishes in the matter and come back in a few weeks with preliminary recommendations. The motion was seconded and duly carried.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting.

1. 7406 Holly Avenue: Councilman Roth stated that with Council approval, the Public Works Department will assist the Azalea Committee to improve this portion of the Public Right of Way with appropriate plantings.
2. Closing of Grant Avenue: Councilman Roth noted that a sketch is being drawn up for submission to the Board of Education for their approval.
3. Street lighting: Councilman Roth stated that the Committee is awaiting replies from PEPCO regarding several areas.
4. 517 Albany Avenue: Councilman Roth stated that the owners of the nursing home have requested permission to construct a sidewalk along their property on Buffalo Avenue. Councilman Roth moved that the Council go on record as reporting back to the the Park and Planning Commission that they are willing to not insist on the fifty foot right of way at the subject location. The motion was seconded by Councilman Geib and duly carried.
5. Purchase of Chain Saw: Councilman Roth referred to a memorandum from Mr. Rhodes requesting authorization for the purchase of a chain saw. Councilman Roth moved the authorization of the purchase of a Homelite XL 904 Medium weight saw for the amount of \$299.95 with funds to be transferred from Account No, 12.202A to 12.203 Capital Outlay. The motion was seconded and duly carried for the purchase.
6. Mobile Radio Equipment: Councilman Roth stated that the radios have now been installed in the trucks but F.C.C. still must supply the license to operate and call letters. He stated that the Public Works Director did receive permission to use the units during the last snow storm.

Councilman Geib expressed his appreciation and that of the entire Council for the seating arrangement constructed by the Public Works Department.

There being no further business to come before the Mayor and Council at this time, the meeting was adjourned at 9:37 p.m.

APPROVED:

George M. Miles
Mayor

ATTEST:

Sam Lewis
Deputy City Clerk

SPECIAL HEARING7128 Willow Avenue
Takoma Park, MarylandMr. and Mrs. Tracy PorterFebruary 23, 1970

Mayor Miller opened the Special Hearing at 7:05 p.m. and suggested that the proceedings be conducted by Councilman Hutmire, Chairman of the Public Welfare Committee. Those present included; Mayor Miller, Councilmen Forshee, Geib, Hutmire, Jones, Kennedy and Roth.; Corporation Counsel Gingerich; City Administrator Pridgen; Mr. and Mrs. Tracy Porter; Mr. Robert Bullard, Attorney for Mr. and Mrs. Porter.

Councilman Hutmire stated that the Hearing would be on an informal basis regarding 7128 Willow Avenue as a two-family non-conforming use. Mayor Miller requested that Mr. and Mrs. Porter and their attorney, Mr. Bullard, sit at the table and present their reasons as to why they believe the building should be registered by the City under the Housing Registration Code (Article 14).

Mr. Bullard stated that the previous owners, Mr. and Mrs. M. E. Fagerstrom and Miss Olive Bennett stated that there was a lawful non-conforming use in effect on the property at the time it was purchased in July, 1968 by the Porters. Mr. Bullard noted that the property was bought with the assumption that it was legally registered as two apartments and stated that Mrs. Porter's testimony is based on the fact that the building was maintained as a two-family dwelling unit, and the owners, Mr. and Mrs. Fagerstrom and Miss Bennett, occupied the apartments in the dwelling, each in a separate unit. He stated that the building was occupied as a multiple-family dwelling at all times.

Upon inquiry from Mr. Bullard, Mrs. Porter stated that the apartments were discussed with the previous owner in addition to the fact that two apartments were observed upon inspecting the building. Mrs. Porter stated that there were two doorbells and two separate doors to living units which further substantiated the obvious use as two apartments. Mrs. Porter stated that one of the co-owners, Miss Bennett, appeared to be residing in the second floor apartment with her step-father (her mother resided there until her death shortly before). Mrs. Porter enumerated the number and type of rooms found on each floor which included several bathrooms and two kitchen units.

Upon inquiry regarding the reputation of the building in the neighborhood, Mrs. Porter stated that the property has always been regarded as a two-family dwelling, to the best of her knowledge.

Councilman Geib inquired of Mr. Pridgen as to how long the property apparently was used as a two-family after the owners requested elimination of the Registration. Mr. Pridgen noted that it would appear that the building was in such use since 1954.

There was considerable discussion relating to the fact that both apartments were occupied by one or more of the co-owners as tenants in common with an undivided interest which had been physically divided in actual use.

Mayor Miller thanked Mr. and Mrs. Porter and their attorney, Mr. Bullard, for their testimony and noted that the Council will take this matter under consideration and advise them when a decision is reached.

The Hearing was adjourned at 7:40 p.m.

ATTEST: Hayes M. Pridgen

APPROVED: George M. Miller