

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

August 10, 1970

CITY OFFICIALS PRESENT

Mayor Miller
 Councilman Eppes
 Councilman Forshee
 Councilman Geib
 Councilman Hutmire
 Councilman Roth
 Councilman Sidell

City Administrator Pridgen
 Corporation Counsel Gingerich
 City Treasurer Turner
 Deputy Fire Chief Fickes
 Captain West
 Captain Kearns
 Police Captain Porter
 Director of Public Works Rhodes
 Dep. Dir. Public Works Barile
 Director of Recreation Ziegler

EXCUSED:

Councilman Nishimoto

The Mayor and City Council of Takoma Park, Maryland, convened in Regular Session at 8:05 PM, August 10, 1970, in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland. Mayor Miller led in the Pledge of Allegiance to the flag, after which he called for a motion to dispense with the reading of the minutes of the last meeting. Motion was made by Councilman Geib, seconded by Councilman Forshee and duly passed.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting

1. Jackson Graham, General Manager, Washington Metropolitan Area Transit Authority, D. C. Reporting that demolition of unsightly building at Cedar Street and Eastern Avenue has been completed as requested. Council Files
2. Achilles M. Tuchtan, President, Maryland Municipal League, Annapolis. Copy of questionnaire being forwarded to State office candidates. Council Files
3. Maryland National Capital Park and Planning Commission. ZAP A-8419, Darlene L. Black, et al., R-55 to C-2 zone, Lot 4, Block 27, Gilbert's Addition to Takoma Park, 6911 New Hampshire Avenue. Planning and Zoning Committee
4. Prince George's County Clerk to Commissioners. Special Exception Case No. 2353, Potomac Electric Power Co. Expansion of existing substation, 6601 New Hampshire Avenue, Parcel A, Takoma Substation No. 27. Planning and Zoning Committee
5. Leslie D. Adams, Recording Secretary, Takoma Park Volunteer Fire Dept., Inc. Results of annual election of officers held on July 8, 1970. Fire Protection Committee
6. Francis W. White, Chairman, Prince George's County Municipal Association. Report of formation of special committee to study problems created by closing of Anacostia land fill. Public Works Committee. (Director of Public Works requested to cooperate to extent possible in this activity.)

- 7. Alfred P. Vogel, 7117 Garland Avenue, City. Complaints and suggestions: (a) special trash pick-up--explain problem rather than promise; (b) debris on vacant lot on New Hampshire Avenue adjacent to BP gas station; (c) litter along Sligo Creek Parkway-Carroll Avenue to Piney Branch Road. Public Works Committee
- 8. Mr. and Mrs. William Tracey, Jr., 1402 Erskine Street, City. Complaint of storm drainage flowing from ditch beside their property. Public Works Committee
- 9. Maryland Police Training Commission. Transmittal of instructions to State Law Enforcement Agencies relative to mandatory training of part-time police officers. Law Enforcement Committee
- 10. Jesse H. Merrell, 7777 Maple Avenue, City. Observations and constructive critique of police activities. Law Enforcement Committee
- 11. Caroline Hardy, 6814 Westmoreland Avenue, City. Complaint of conditions at 65 Walnut Avenue. Housing and Code Enforcement Committee
- 12. Bert Tollefson, Jr., 504 Hennleigh Road, Silver Spring. Registration #386, 19 Montgomery Avenue; request for relief concerning ceiling height under Section H-421. Housing and Code Enforcement Committee

FINANCIAL STATEMENT: City Treasurer Turner reporting

See page 8.

MAYOR'S COMMENTS:

Mayor Miller welcomed those present and announced the next meeting would be held on August 24, at 8:00 PM, in the Municipal Gymnasium.

The Mayor then presented a certificate of award to Mr. and Mrs. Mel Hall for their work in renovating their home at 7401 Flower Avenue. He stated that the Code Enforcement and Fire Protection Committees had unanimously recommended this award, and it was affirmed by the Council. Mayor Miller added that this is the first such award, but Council hopes to make it a continuing thing. The award was inscribed as follows: "For their great personal initiative and responsibility in the major improvements at 7401 Flower Avenue, Takoma Park, Maryland, awarded 10 August 1970. Signed: Fire Marshal, Director of Public Works, Mayor."

PUBLIC PARTICIPATION:

1. Robert Mandel, 7003 Woodland Avenue, City. Mr. Mandel spoke of the pending rezoning on Colby Avenue to permit construction of town houses, stating that this application had been turned down previously because of Prince George's County regulations on space requirements, although the City Council had made no objection to the rezoning at that time. He went on to say that there has been a change in the law and the townhouse plans now meet zoning requirements. He expressed concern that townhouses would be detrimental to the area in that they would increase population density; adding that Colby

Avenue is dead end at both ends and there are no playground facilities in the immediate area--that children must play in the streets; and that increased population would naturally mean increased traffic, thereby endangering the children. He stated that Mrs. Alice Matthews had taken an informal poll among the residents and concluded that attitudes toward the project were rather ambivalent. He then said the area residents had bulldozed a vacant lot in anticipation of the City's promised playground but that, as yet, nothing has been done. He suggested that if Council approves proposed townhouses that they give serious consideration to providing a small recreation area.

Mr. Mandel then inquired about the proposed revision of the Municipal Code, to which Mr. Gingerich replied that it is in process but will not be ready for at least another six months.

Councilman Sidell stated that Council does have definite plans for a park in the Colby Avenue area; that the Public Works Department will remove debris and grade the lot very soon as the first step.

Councilman Geib noted that the rezoning which Mr. Mandel referred to was originally turned down, but since then the law was changed, permitting Mr. Strahle to go ahead with his plans. However, since then the Planning Board has reviewed plans and turned it down. He added that this is a very depressed area and that Council felt the new townhouses would be a start toward improving the area, and possibly have a snowball effect.

LAW ENFORCEMENT COMMITTEE, Vice-Chairman Geib reporting

1. Purchase of rifles. Councilman Geib moved that Council approve the purchase of two automatic rifles with scopes from Atlas Sporting Goods Co., Wheaton, Md., for a total sum of \$484. Motion was seconded by Councilman Hutmire and passed unanimously.

2. Personnel. Councilman Geib moved that Cpl. John P. Morgan be promoted to the rank of sergeant, effective August 1, 1970. Motion was seconded by Councilman Forshee and passed.

3. Personnel. Motion was made by Councilman Geib to promote Det. Cpl. J. R. Crider to the rank of Det. Sergeant, effective August 1. Motion was seconded and duly passed.

HOUSING AND CODE ENFORCEMENT COMMITTEE, Councilman Hutmire reporting

1. Code compliance--20 Hickory Avenue. Councilman Hutmire stated that residents have been informed of trash pick-up regulations and the situation is under control.

2. Code compliance--7346-68 Carroll Avenue. Councilman Hutmire reported that an honest effort is being made to comply--trash has been cleaned up and building is being painted.

3. Tenants' complaints--610-12 Kennebec Avenue. The deadline for completion of work has been set for September 14, Councilman Hutmire reported, and the Committee will keep a close watch.

4. Ritchie Avenue Assoc. requests. Councilman Hutmire reported Contee Sand & Gravel has complied with request to clean up lot adjacent to 119 Geneva Avenue and progress is being made at other locations.

5. Prince George's Housing Authority resolution. Councilman Hutmire stated that the Housing Authority has requested this resolution in addition to one previously adopted; adding that they are essentially the same except for reference to federal law in the first and state law in the second. He read the following resolution and moved that Council adopt it:

RESOLUTION

WHEREAS, under the provisions of Section 23, Article 44A of the Code of Public General Laws of Maryland, 1957, as amended, the Housing Authority of Prince George's County is authorized to provide financial assistance to local public housing agencies in providing low-rent housing by leasing dwelling units in existing privately-owned structures, AND

WHEREAS, said Section 23 provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by Resolution approved the application of such provisions to such locality.

NOW, THEREFORE, be it resolved by the Mayor and Council of Takoma Park, Maryland, that the application of the leasing provisions of Section 23, Article 44A of the Public General Laws of Maryland, 1957, as amended, and administered by the Housing Authority of Prince George's County, Maryland, to the City of Takoma Park is approved with provision that such consent is given for a total of five (5) units within the Prince George's County Section of the City of Takoma Park, Maryland, AND

THAT the Housing Authority of Prince George's County, Maryland is to give priority in the occupancy of these units to residents of the City of Takoma Park, Maryland and to notify the City of the specific units leased, AND

FURTHER THAT this Resolution shall become effective immediately.

Motion was seconded by Councilman Roth and resolution adopted unanimously.

6. Information booklet for new residents. Councilman Hutmire reported progress is being made preparatory to completion of a draft for circulation among Council and submission to printer.

7. Animal control. This has been under study for some months Councilman Hutmire reported, and proposed adoption of the following ordinance which permits City to exercise control in this area:

ORDINANCE NO. 2113

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

SECTION 1. THAT in order to cope with the local problem of roaming dogs, it is desirable that an Animal Warden be appointed, AND

SECTION 2. THAT such Animal Warden shall hereby be empowered to enforce Sections 1, 2, 3 and 4 of Article 30, Municipal Code of Takoma Park, Maryland (1961) AND

SECTION 3. THAT Section 2, Article 30, Municipal Code of Takoma Park, Maryland (1961) be hereby amended to read as follows:

SECTION 2. It shall be the duty of any owner of a dog at all times either (a) to confine his dog securely on his own premises so that it cannot escape therefrom, or (b) to have the dog (1) accompanied by a responsible person and (2) effectively restrained by leash or otherwise from molesting the person or property of any other person. Dogs running at large without being so accompanied and restrained shall be impounded and released to the Humane Society at the earliest possible time, except that an owner may obtain a properly licensed dog prior to release to the Society by payment to the City a pound fee of ten dollars (\$10.00). Failure to comply with the provision of this Section will subject the owner or harbinger of the dog to a fine not exceeding fifteen dollars (\$15.00) and in default of payment of the fine so imposed to three (3) days imprisonment for each violation.

SECTION 4. AND THAT this Ordinance and Amendment shall become effective August 10, 1970.

Motion was seconded by Councilman Geib. Upon inquiry by Councilman Forshee, Mr. Hutmire stated that the new portion is as follows: "...and released to the Humane Society at the earliest possible time, except that an owner may obtain a properly licensed dog prior to release to the Society by payment to the City a pound fee of ten dollars (\$10)." Councilman Hutmire then stated that a second ordinance will probably be proposed at next meeting which will serve to implement present one through the appointment of an animal warden. Motion was adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Geib, Hutmire, Roth and Sidell. Nay: none. Excused: Councilman Nishimoto.

8. Status reports. Councilman Hutmire stated 25 Holt Place is reported as being technically in compliance with initial inspection requirements, bringing it up to minimum standards; however, another inspection will be made at an early date. The painting is not yet completed at 312 Philadelphia Avenue and it is not occupied. There are no outstanding complaints at the Winchester-Takoma; exterior lighting has been installed as well as a walkway to parking area.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting

1. Use of flyers on trash pick-up regulations. Councilman Roth stated that copies of regulations are available and are distributed to people unfamiliar with them; that a copy has been given to resident involved in this agenda item.

2. Wednesday special trash pick-up. Councilman Roth spoke of the difficulties Department has encountered; i.e., the ordinance prohibiting burning; the efforts of Code Enforcement Officers and the Fire Marshal in encouraging use of this special service (which, though good, still results in great quantities of trash to be disposed of); the closing of Anacostia landfill which means a two hour run to Prince George's County; and the fact that some serious accidents have occurred. He added that Mr. Rhodes is so concerned with the situation that he has requested an additional trash truck. Upon inquiry by Councilman Roth, Mr. Rhodes stated that the entire city was picked up last week, thus eliminating the immediate backlog.

3. Bids for street resurfacing. Councilman Roth stated that bids are due on August 18.
4. Drainage problem near 1001 Sligo Creek Parkway. The Department plans to do preliminary work prior to street resurfacing Councilman Roth stated, adding that Mr. Preston has been notified.
5. Improvement of First Avenue at Allegheny (CIB recommendation). Councilman Roth reported Department plans to go ahead with some modest improvements including keeping gravel on the unimproved area.
6. Closing of Grant Avenue. Councilman Roth stated that the City Administrator has sent out letters to 20 residents seeking their approval of the proposed cul-de-sac; to date he has received one negative and 12 favorable responses.
7. Remodeling of Fire House. Councilman Roth stated that the architect's specifications for raising the doors and installing a 20-year roof have been circulated and approved. He moved for Council authorization to advertise for bids. Motion was seconded by Councilmen Eppes and Forshee and passed.
8. Municipal Building. Councilman Roth stated the architect has requested authorization to (1) make a topographical survey of site to locate trees and determine grades and (2) make sub-surface test borings. He moved that authorization for both these tasks be granted. Motion was seconded by Councilman Geib and unanimously approved.
9. Wednesday special trash pick-up. Councilman Roth reported the Committee is considering changing present ordinance to state that "No person shall place refuse on the public right-of-way prior to the preceding Tuesday afternoon," and that this will be reported at the next meeting.
10. Committee to study problems created by closing of Anacostia landfill. Councilman Roth requested Mr. Rhodes to cooperate to fullest extent possible to give committee encouragement and motivation.

FIRE PROTECTION COMMITTEE, Councilman Eppes reporting

1. Personnel--resignation. Councilman Eppes moved that resignation of Pvt. Bruce O. Allen be accepted with regrets, effective August 16, 1970. Motion was seconded by Councilman Roth and passed.
2. Personnel--appointment. Councilman Eppes proposed that Thomas R. Baker, 1808 Briggs-Chaney Road, Silver Spring, be given a probationary appointment to fill vacancy created by above resignation, to be effective August 16, 1970, and subject to completion of satisfactory physical examination. Motion was seconded by Councilman Forshee and passed unanimously.
3. Purchase of training film. Councilman Eppes requested approval of an expenditure in the amount of \$610 for the purchase of four 16 MM films, adding that it had been included in this year's budget. Motion was seconded by Councilman Forshee and approved.

4. Overtime pay. Councilman Eppes proposed that Capt. Karl F. Kearns be paid 134 hours accumulated overtime. Motion was seconded by Councilman Geib. Councilman Forshee asked if this were not an administrative function and it was agreed it is, and should be handled accordingly. Councilman Eppes subsequently withdrew his motion.

5. Personnel--resignation. Councilman Eppes moved that Council accept the resignation of Capt. Karl F. Kearns, effective August 15, with deep regrets. Motion was seconded by Councilman Forshee and duly passed.

PLANNING AND ZONING COMMITTEE, Councilman Geib reporting

1. Application for Special Exception #2353, PEPCO, 6601 New Hampshire Avenue. Councilman Geib stated that this is an application to enlarge a substation and would include relandscaping. He moved that Prince George's County Commissioners be advised that, though this site is outside City jurisdiction, Council has no objection to granting the special exception. Motion was seconded by Councilman Eppes and unanimously passed.

PARKS AND RECREATION COMMITTEE, Councilman Sidell reporting

1. Personnel. Councilman Sidell proposed that Council approve the change in status of Mrs. Shirley Hutmire from Clerk-Typist to Secretary, effective July 1, 1970, at the annual salary of \$5843. Motion was seconded by Councilman Forshee and unanimously approved.

2. Supervision of playgrounds until September. Councilman Sidell stated that the request cannot be granted this year since it would involve recruiting new personnel and it much too late in the season for that; however, he added, it could be considered next year. He asked that Mrs. Ferry be notified of this.

3. Maryland Open Space program. Councilman Sidell reported that one site is being considered at the corner of Boyd and Jackson and the Committee along with three department heads are continuing their search for appropriate space.

4. Request for ordinance to preserve trees. Councilman Sidell stated that it is his understanding that Council has no control over trees on private property and this was confirmed by Counsel Gingerich, who stated that though some control can be exercised in issuing building permits, the ultimate responsibility rests in the hands of the state. Upon inquiry by Councilman Hutmire as to the possibility of enacting something along the lines of a recently adopted law in a California municipality, Mr. Gingerich stated he did not believe it could be enforced here. Councilman Sidell asked that initiator of request be notified.

5. Community Action Forum recommendations. Councilman Sidell made the following report: (a) No positive action has been taken on the establishment of a teen rec center; (b) After school begins the Committee will make an effort toward getting an advisory teen council established, however, Council's responsibility will end there; (c) Mrs. Ziegler is obtaining more information on a building for the Boys' Club.

6. Activities. Councilman Sidell announced the following scheduled activities: August 13, 11:00 AM, "Once a Princess," Recreation Center; August 17, 7:30 PM, Walt Disney Cartoons, Gym; August 19, 7:30 PM, First U.S. Army Band, Jeque Park; August 26, 7:30 PM The Docs of Dixieland, Jeque Park.

FINANCE COMMITTEE, Councilman Forshee reporting

1. Sponsorship of portion of Laurel centennial brochure. Councilman Forshee stated that it is now too late to carry this out.

2. Budget. Councilman Forshee reported that the City ended the fiscal year with a credit balance of \$10,000.

There being no further business to come before the Mayor and Council, Mayor Miller called for a motion to adjourn. Motion was made and seconded and meeting adjourned at 9:20 PM, to reconvene at 8:00 PM in the Municipal Gymnasium on August 24, 1970.

FINANCIAL STATEMENT OF BANK BALANCES AS OF JULY 31, 1970

SUBURBAN TRUST COMPANY--GENERAL FUND

Balance as of June 30, 1970	113,936.07	
July receipts	<u>66,431.33</u>	180,367.40
July disbursements		<u>109,827.56</u>
Balance as of July 31, 1970		<u><u>70,539.84</u></u>

SUBURBAN TRUST COMPANY--PAYROLL ACCOUNT

Balance as of June 30, 1970	10,230.40	
Transfers from General Funds	<u>87,434.88</u>	97,665.28
July Disbursements		<u>84,031.97</u>
Balance as of July 31, 1970		<u><u>13,633.31</u></u>

CITIZENS BANK OF MARYLAND--GENERAL FUND

Balance as of June 30, 1970	215.47	
July receipts	<u>249.62</u>	465.09
No disbursements during July		<u>--</u>
Balance as of July 31, 1970		<u><u>465.09</u></u>

CITIZENS BANK OF MD.--SPECIAL ASSESSMENT FUND

Balance as of June 30, 1970	364.65	
No transactions during July	<u>--</u>	<u>364.65</u>
Balance as of July 31, 1970		<u><u>364.65</u></u>

CITIZENS BANK OF MARYLAND--SAVINGS A/C TP63

Balance as of June 30, 1970	146.17	
Interest received for July	<u>1.62</u>	147.79
No disbursements for July		<u>--</u>
Balance as of July 31, 1970		<u><u>147.79</u></u>

AMERICAN NATIONAL BANK--GENERAL FUND

Balance of June 30, 1970	338.74	
No transactions during July	<u>--</u>	<u>338.74</u>
Balance as of July 31, 1970		<u><u>338.74</u></u>

PETTY CASH

200.00

Attest: Haynes M. Pridgen
City Clerk

Approved: George M. Miller
Mayor

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THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL
AUGUST 24, 1970

CITY OFFICIALS PRESENT

Mayor Miller	City Administrator Pridgen
Councilman Eppes	Corporation Counsel Gingerich
Councilman Forshee	City Treasurer Turner
Councilman Hutmire	Deputy Fire Chief Fickes
Councilman Nishimoto	Captain West
Councilman Roth	Police Captain Porter
Councilman Sidell	Director of Public Works Rhodes
	Dep. Dir. of Public Works Barile
Councilman Geib - EXCUSED	Director of Recreation Ziegler

The Mayor and City Council of Takoma Park, Maryland convened in Executive Session at 8:05 p.m., August 24, 1970 in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland. The Invocation was rendered by Reverend James Bryan of the United Church for the Deaf. Mayor Miller led in the Pledge of Allegiance to the Flag and stated that the business of the meeting would deviate from the printed agenda in order to pay tribute to a very dear friend of the City. Mayor Miller spoke regarding the presence of Delegate Edna M. Cook and noted that for years she has lived on the border of Takoma Park at Sligo Creek Parkway and Piney Branch Road. Mayor Miller stated that she has always been on hand at civic functions and has represented the best interests of Takoma Park on many occasions in Annapolis. Mayor Miller presented a plaque to Mrs. Cook thereby making her an Honorary Citizen of the City of Takoma Park. Mrs. Cook expressed her appreciation and stated that if the voters should chose to permit her to return to Annapolis she will continue to represent Takoma Park to the best of her ability.

Mayor Miller called for a motion to dispense with the reading of the Minutes of the Meeting held on August 10th. Motion was made by Councilman Roth and seconded by Councilman Eppes and duly carried.

CORRESPONDENCE RECEIVED:

1. Mr. Richard Oakland, Executive Director, Town Affiliation Association, National League of Cities, 1612 K Street, N.W., Washington, D.C.: Letter and enclosure of Certificate of Membership for 1970. Council Files and Sister City Committee.
2. Mr. M. M. Brodsky, Deputy Comptroller, State Roads Commission, 300 West Preston Street, Baltimore, Maryland 21201: Notice of 1971 Federal Aid Allocation to Municipalities: Public Works Committee.
3. Mr. Revan A. F. Tranter, Deputy Executive Director, Metropolitan Washington Council of Governments, 1225 Connecticut Avenue, N.W., Washington, D.C.: Notification from C.O.G. re Maryland Highway Improvement Program, Fiscal Years 1971-1975 - Montgomery and Prince George's Counties. Public Works Committee.
4. Mr. Henry Scoggins, Assistant Administrator, Washington Sanitarium and Hospital 7600 Carroll Avenue, Takoma Park, Maryland: Request for consideration of installation of a hospital zone sign on Carroll Avenue at the entrance to the Hospital. Law Enforcement Committee.
5. Mr. Lewis D. Brown, 25 Darwin Avenue, Takoma Park, Maryland: Letter of approval re the proposed closing of Grant Avenue. Public Works Committee.

CORRESPONDENCE RECEIVED:

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August 24, 1970

6. Mr. Alfred P. Vogel, 7117 Garland Avenue, Takoma Park, Maryland: Letter addressed to Councilman Geib expressing appreciation for clean-up efforts made at 1111 Sligo Creek Parkway and expression of concern for proposed rezoning at 6911 New Hampshire Avenue. Planning and Zoning Committee.

7. Mr. Mark Davies, Students for the Seventies, 30 Hickory Avenue, Takoma Park, Md. Inquiry regarding litter ordinance and request for consideration of banning sale of throw-away bottles within the City. Public Works Committee.

Mayor Miller welcomed those present to the second meeting for the month of August and noted that the next meeting will be held on the second Monday in September.

PUBLIC PARTICIPATION:

1. Mr. Michael Derato, 413 Lincoln Avenue, Takoma Park, Maryland: Mr. Derato noted that this is the first Council meeting he has attended in the newly renovated gymnasium and commended the Mayor and Council for prohibiting smoking in their new quarters. Mr. Derato reported that a tree located at Elm and Ethan Allen Avenues presents a traffic hazard as well as tree branches on the west side of Boyd Avenue at Lincoln Avenue. Mayor Miller requested that the Director of Public Works make arrangements for this to be checked.

2. Mr. John Mitton, 501 Philadelphia Avenue, Takoma Park, Maryland: Mr. Mitton stated that he has heard rumors to the effect that High's is considering moving from its present location at Carroll and Grant Avenues due to the large incidence of robberies. He further stated that he is surprised the B. F. Gilbert's Citizens Association hasn't brought the matter up in view of their efforts to have a grocery store in the area. Upon inquiry by Mayor Miller, Captain Porter elaborated on the crimes committed against the store and the large number of arrests made. Mayor Miller requested that the City Administrator inquire regarding this rumored move and express the desire of the Council to have the store remain in the City at this location.

COMMITTEE REPORTS:

FINANCE COMMITTEE: Councilman Forshee, Chairman.

1. Personnel: Councilman Forshee moved the acceptance of the resignation submitted by Barry S. Levine, Administrative Assistant and Deputy City Clerk to be effective August 31, 1970, with deepest regrets. The motion was seconded by Councilman Roth and duly passed.

2. International City Managers Conference: Councilman Forhsee moved the approval of the request by City Administrator Pridgen for authorization to attend the I.C.M.A. Conference in San Diego, California, September 20 - 23. The motion was seconded by Councilman Nishimoto and duly carried. Councilman Forshee noted that the necessary funds are provided for in the budget.

3. 35th Annual NIMLO Conference: Councilman Forshee moved the authorization of the request submitted by Corporation Counsel Gingerich for permission to attend the NIMLO Conference, October 11-14 in Boston, Mass. Councilman Forshee stated that the required funds have been provided for in the Budget. The motion was seconded by Councilman Roth and duly carried.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting.

1. Training of Special Police Officers: Councilman Nishimoto stated that this is a new requirement by the Maryland Police Training Commission and Captain Porter is looking into the matter to see how classes may be scheduled. Councilman Nishimoto noted that problems may be encountered as it is difficult for Special Officers to attend classes during the day, however, every effort will be made to accomodate everyone as they perform a very necessary service to the City and their services should be retained.
2. Observations and critique of police activities: Councilman Nishimoto stated that the Police Department is looking into the matter at this time and a report will be made at a future meeting.
3. Cedar Avenue: Councilman Nishimoto stated that a very complete report on the Police activities in this area indicates that over 100 warning tickets were issued during a month with eleven tickets requiring forfeiture and/or court appearance. He further noted that the increased patrol and use of radar in the area will continue.
4. Request for consideration of a walking patrol: Councilman Nishimoto stated that the request for a walking patrol had been considered, however, in view of the prohibitive cost, \$65,000.00 per year (would require a 10¢ per hundred tax increase) the request should be removed from the agenda at this time.
5. Cedar Avenue: Councilman Nishimoto moved the adoption of the following Ordinance:

ORDINANCE NO. 2114

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

- SECTION 1. THAT WHEREAS Section 22 of Article 10, Municipal Code (1961) limits the speed of automobiles, motorcycles or other vehicles to twenty five miles per hour (25MPH) on the streets of the City of Takoma Park, Maryland, except on those streets for which a higher rate of speed has been prescribed by competent authority, AND
- SECTION 2. THAT WHEREAS there have been many vehicles observed by citizens and law enforcement officers travelling on Cedar Avenue at excessive rates of speed,
- SECTION 3. THEREFORE THAT the Director of Public Works be hereby authorized to erect signs posting the speed limit (25MPH) as noted in Section 1 of this Ordinance, two signs controlling northbound traffic and two signs controlling southbound traffic one each in the 7300 block and one each in the 7400 block of Cedar Avenue at appropriate locations.

The motion was seconded by Councilman Hutmire and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nay: None. Excused: Councilman Geib.

6. Parking restriction at Fellowship Hall: Councilman Nishimoto referred to a letter from the business manager of the Takoma Park Presbyterian Church requesting that a "No Parking" zone be instituted in front of the Fellowship Hall on Tulip Avenue, for certain periods of time on weekdays. In view of the recommendations of the Police Department, Councilman Nishimoto moved the adoption of the following Ordinance.

ORDINANCE NO. 2115

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

SECTION 1. THAT in the interest of public safety vehicular parking be prohibited within a space of forty feet (40') parallel to the curb line in front of the entrance to Fellowship Hall located at 310 Tulip Avenue, between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, AND

SECTION 2. THAT the Director of Public Works be hereby authorized to paint the curb yellow and erect a sign at each end of the painted portion all in accordance with Section 1 of this Ordinance, AND

SECTION 3. 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 Hutmire and the Ordinance adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nay: None. Excused: Councilman Geib.

7. Police Equipment: In accordance with the request submitted by the Police Department, Councilman Nishimoto moved the adoption of the following Ordinance:

ORDINANCE NO. 2116

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

SECTION 1. THAT the Police Department be hereby authorized to purchase items as follows:

(1) Two (2) visi-bar units for each of two police cruisers at a cost of FIVE HUNDRED, SEVENTY FOUR AND 86/100 (\$574.86) order to be placed with Fargo International Company, Kensington, Maryland.

(2) One (1) Motorola Portable radio, model H21 DCN 1130AW at a cost of SEVEN HUNDRED THIRTY FIVE DOLLARS (\$735.00) order to be placed with Motorola Communications and Electronics, Inc.

(3) Twelve (12) Sight/Sound Training films at a cost of THREE HUNDRED SIXTY DOLLARS (\$360.00) order to be placed with the International Association of Chiefs of Police.

SECTION 2. THAT funds for the purchase of the items as stated in Section 1 of this Ordinance have been provided in the current budget under Capital Outlay a/c 11/113.

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

8. Purchase of Police Cruisers: Councilman Nishimoto noted that two replacement cruisers are needed and moved that authorization be granted for the advertising for bids, with the bid opening set for October 6th. The motion was seconded and duly carried. Upon inquiry, City Administrator Pridgen stated that the cars are not available through the Counties under their usual contract agreement as the automobile manufacturer's are no longer granting the fleet discount to governmental bodies. He further stated that in anticipation of this, the two Counties purchased this years requirements well in advance of the discontinuance of the discount.

9. Personnel: Councilman Nishimoto moved the appointment of Robert A. Holford as a Police Officer for the City of Takoma Park for a probationary period of one year, to be effective September 1, 1970. The motion was seconded by Councilman Eppes and duly carried.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Hutmire reporting

1. 65 Walnut Avenue: Councilman Hutmire noted that the Code Enforcement Division is following through with appropriate action on the property.

2. 19 Montgomery Avenue: Councilman Hutmire stated that a Public Hearing will be necessary for the consideration of the requested waiver with possible dates for such Hearing being September 2 or 9.

3. 7346-48 Carroll Avenue: Councilman Hutmire stated that the owner has begun work to bring the property into compliance, however, close scrutiny will be continued until completion of the required work.

4. 610-612 Kennebec Avenue: It was pointed out that the property owner has until September 14th to comply, however, a close watch is being kept on the property.

5. Requests of the Ritchie Avenue Citizens Association: Councilman Hutmire stated that a report will be made at a future date by the Fire Marshal regarding the house located at Ritchie Avenue and Piney Branch Road.

6. Community Improvement Board recommendations (a) hardsurface parking at commercial establishments; There was considerable discussion as to the ability of the City to require already established businesses to install hard surface parking. Councilman Hutmire stated that when erosion occurs, perhaps the suggestion of paving to the owner as a solution to his problem would suffice. Councilman Hutmire requested that the item be removed from the Agenda; Solution to trash problems: Councilman Hutmire noted that the trash problems occurring in commercial areas are the same as those for private residences and will have to be handled through the Code Enforcement Division. He requested that this item be removed from the agenda. Upon inquiry, Mrs. Simpson, Chairman of the Community Improvement Board, stated that she felt some solution could be reached on the question of hard surface parking being required for commercial establishments, including apartment buildings and requested that consideration be given to the item remaining on the agenda.

7. Information Booklet: Councilman Hutmire stated that discussions are being held regarding the preparation of the dummy and submission to the printer.

8. Animal Control: Councilman Hutmire moved the adoption of the following Ordinance for the appointment of an Animal Warden as follows:

ORDINANCE NO. 2117

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

- SECTION 1. THAT Mr. William Jarboe be hereby appointed to the office of Animal Warden in and for the City of Takoma Park, Maryland, and is hereby vested with authority to enforce control over dogs as enumerated in Sections 1, 2, 3 and 4, Article 30, Municipal Code of Takoma Park, Maryland (1961), more particularly as amended by Ordinance No. 2113, adopted August 10, 1970, AND
- SECTION 2. THAT Mr. William Jarboe will provide his own truck, helper and equipment except that the Public Works Department shall provide a compartment cage, net and ropes on a loan basis, AND
- SECTION 3. THAT Mr. William Jarboe shall patrol the streets of the City at various times, day and night, for a minimum of twenty hours and not to exceed thirty hours each month for an initial period of three months, AND
- SECTION 4. THAT the total cost of the operation as provided in Sections 1, 2, and 3 of this Ordinance shall not exceed the rate of fifteen dollars (\$15.00) per hour which is to include payment for the use of a truck and personal services rendered itemized charges for which are due to be approved by the City Administrator and City Treasurer, AND
- SECTION 5. THAT funds to provide for the initial period and special equipment in the amount of EIGHTEEN HUNDRED DOLLARS (\$1800) be transferred from the Emergency Fund, AND
- SECTION 6. THAT this Ordinance shall become effective September 1, 1970.

The motion was seconded by Councilman Sidel and the Ordinance adopted by a Roll Call Vote recorded as follows: Aye; Councilmen Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nat; None. Excused; Councilman Geib.

9. Purchase of dog runs: Upon the recommendation of Mr. Rhodes, Director of Public Works, Councilman Hutmire moved the authorization of the purchase of the following equipment: Four dog runs, 4 ft. by 6 ft. with swing gates 6 ft. high; back bracing pipes at \$6.00 per run for a total of \$309.70. The motion was seconded by Councilman Roth and duly carried. The dog runs are to be purchased from the Bob Long Kennel Run Systems and will be used to hold the dogs until picked up by the Montgomery County Animal Shelter or transported by Public Works to the Animal Shelter.
10. Middle School Facilities: Councilman Hutmire stated that everyone concerned wants the best use made of the facilities. He recommended that the item be deleted from the Agenda with the understanding that while the school is being built and plans being made Councilman Geib and himself will make recommendations and suggestions when attending meetings of the TESS Commission. Councilman Nishimoto stated that no reports on the proposed use of the building have been made. Councilman Hutmire noted that no discussion has been held on the subject to date.

HOUSING AND CODE ENFORCEMENT COMMITTEE

August 24, 1970

11. 312 Philadelphia Avenue: Councilman Hutmire suggested that this be removed from the agenda as work is being done on the property and the Code Enforcement Division will inform the Council when completed.
12. Winchester-Takoma Apartments: Councilman Hutmire requested that the item be removed from the agenda as there are no outstanding violations at this time.
13. CAFV consideration: Councilman Hutmire stated that CATV is still under study with such things as the possible location being discussed. Councilman Nishimoto suggested that the City should advertise for bids. Councilman Hutmire noted that offers have been received from several companies, so more than one firm would naturally be considered.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting.

1. Removal of Debris: Councilman Roth moved the adoption of the following revised amendment to Section 9 of Article 36.

ORDINANCE NO. 2118

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

- SECTION 1. WHEREAS past experience has demonstrated that the present City Code provisions (Section 9, Art. 36) governing the removal of excessive weeds, grass, undergrowth, ashes, refuse, rubbish or debris of any kind, has proven to be ineffective in accomplishing the desired result,
AND
- SECTION 2. THAT such regulation of excessive weeds, grass, undergrowth, ashes, refuse, rubbish or debris of any kind, is necessary to protect the health, safety, and public welfare of the citizens of Takoma Park, AND
- SECTION 3. THEREFORE, that the provisions of Section 9 of Article 36 of the Municipal Code (1961) regulating excessive weeds, grass, undergrowth, ashes, refuse, rubbish, or debris of any kind be hereby amended to read:

Section a.) Duty of property owners and occupants to cut and remove.

It shall be the duty of every owner, occupant, lessee or agent in charge of land lying within the City of Takoma Park to keep all weeds, grass and undergrowth on such land cut to a height of not over six inches, and to keep such land free of all accumulations of ashes, refuse, rubbish or debris of any kind.

Section b.) Notice to owners and occupants; removal by City.

Upon failure or neglect by the owner, occupant, lessee or agent to cut, destroy or remove weeds, grass, undergrowth, ashes, refuse, rubbish or debris of any kind as ordered by the Director of Public Works and Inspections, said Director shall notify in writing the owner, lessee, occupant, or agent at his last known address of the conditions existing on the land and shall direct such person to eliminate such weeds, grass, undergrowth, ashes, refuse, rubbish or debris of any kind within ten days. If the person to whom the order is directed fails to comply, said Director may cause the weeds, grass, undergrowth, ashes, refuse, rubbish or debris of any kind to be cut, destroyed or removed.

August 24, 1970

Section c.) Cost of removal by the City.

Whenever it is necessary for the Director of Public Works and Inspections to have weeds, grass, undergrowth, ashes, refuse, rubbish or debris of any kind cut, destroyed, or removed, as herein provided, the cost shall be a lien upon, and be assessed as a tax against the property and collected in the manner now provided for the collection of the general taxes of the City.

Section d.) Appeals from orders and decisions under Article.

The Mayor and Council shall have full authority to hear testimony and decide all appeals taken from decisions or orders of the Director of Public Works and Inspections under this Article. Any person aggrieved by the issuance, denial, renewal, suspension or revocation of a permit or any other decision or order of said Director made under this Article may appeal to the Mayor and Council within ten days from such order or decision. Upon notice, after hearing, the Mayor and Council shall have authority to affirm, modify or reverse the order or decision of the Director. Such appeal shall not stay execution of the order unless the Council, upon application, shall grant a stay of such order.

Section e.) Penalty for violation of Article, Injunctive relief, etc.

Any violation of any provisions of this Article shall, upon conviction thereof before a court of competent jurisdiction, be punished by a fine of not more than fifty dollars (\$50.00) or in default of payment of such fine, by imprisonment of not more than thirty days. Each day a violation of any provision of this Article 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 this Article, any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or other forms of remedy or relief.

The motion for the adoption of the Ordinance was seconded by Councilman Hutmire and duly carried by a Roll Call Vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nay: None. Excused: Councilman Geib.

2. Storm Drainage - Erskine Street: Councilman Roth referred to a memo from the Director of Public Works and stated that the storm drainage in this area is a problem of long standing. He stated that negotiations with property owners for the required easements have been conducted in the past and will be undertaken again, however, it will require time.

3. Street resurfacing: Councilman Roth moved the adoption of the following Ordinance authorizing acceptance of the lowest bid submitted for the resurfacing of certain streets within the City.

ORDINANCE NO. 2119

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

SECTION 1. THAT after having been duly advertised in accordance with law, bids were publicly opened on August 18, 1970 for resurfacing certain streets as recommended by the Director of Public Works and approved by the Public Works Committee, AND

SECTION 2. THAT of three bids submitted, a low bid of TWENTY NINE CENTS (29¢) per gallon for the tack coat and NINE DOLLARS TWENTY EIGHT CENTS (\$9.28) per ton for asphalt material applied was submitted by A. H. Smith.

SECTION 3. THEREFORE, the contract be awarded to A. H. Smith for work to be performed in an amount not to exceed TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) AND

SECTION 4. THAT funds as provided in Section 3 of this Ordinance be transferred from the Emergency Reserve Fund to a/c 12.203E.

The motion for the adoption of the Ordinance was seconded by Councilman Forshee and adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nay: None. Excused: Councilman Geib.

4. Adjustment of WSSC structures: Councilman Roth moved that the City Administrator be authorized to request WSSC to adjust their structures in the specified streets prior to resurfacing and to agree that the City will pay one-half the actual cost of adjusting the structures. The motion was seconded by Councilman Sidell and duly carried.

5. Maple Avenue: Councilman Roth stated that he has nothing new to report on the request for new cement curbs on Maple Avenue, however, he noted that the Washington Suburban Sanitary Commission will begin construction on a new water line on Maple Avenue shortly.

6. Grant Avenue: Councilman Roth stated that questionnaires have been sent to all residents on Grant Avenue and returns indicate that most are in favor of the cul-de-sac and some are urging that it be done as soon as possible to eliminate construction traffic. Councilman Roth moved that Corporation Counsel Gingerich be authorized to examine steps thus far taken to determine if sufficient for court action, and upon such determination proceed as specified by law. The motion was seconded by Councilman Hutmire and duly carried.

7. Wednesday Special Trash Regulations: Councilman Roth moved the adoption of the following Ordinance:

ORDINANCE NO. 2120

SEE FOLLOWING PAGE

ORDINANCE NO. 2120

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

SECTION 1. THAT Section 19, Article 21, (Garbage, Ashes and other Refuse) of the Municipal Code of Takoma Park, Maryland (1961) be amended by addition of the following subsection:

SECTION 19 (h) No person shall place refuse and/or items for Wednesday special collection on the public right of way prior to the preceding Tuesday afternoon.

SECTION 2. AND THAT this Ordinance shall become effective immediately.

The motion for the adoption of the Ordinance was seconded by Councilman Eppes and duly adopted by a Roll Call Vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nay: None. Excused: Councilman Geib.

8. Item of Information: Councilman Roth noted that PEPCO has increased their rates and stated that the increase may amount to as much as 10 to 20 percent.

9. Curb and sidewalk repair: Councilman Roth moved that Mr. Rhodes be authorized to request bids for the repair or replacement of sidewalks and curbs at various locations. The Motion was seconded and duly carried.

10. Proposed Bulletin Board: Councilman Nishimoto inquired as to the status of the proposed bulletin board to be used to announce civic events, etc. Mrs. Zeigler stated that a meeting was held with Mr. John Hammond as Chairman of the Committee to study the possible types of board to be used, however, no additional meetings have been held. Councilman Nishimoto requested that Mrs. Ziegler obtain additional information and report back to the Council.

FIRE PROTETCION COMMITTEE: Councilman Eppes reporting.

1. Prince George's County Human Relations Committee: Councilman Eppes stated that he has spoken with a prospective representative and will have more to report at a future meeting.

2. Revision of Article 4: Councilman Eppes noted that the proposed revision is still under study and will be reported on at a future meeting.

3. Personnel: Councilman Eppes moved the approval of a permanent appointment for Robert Michael Shepherd to be retroactive to August 19, 1970. The motion was seconded by Councilman Hutmire and duly carried.

4. Fire House Remodeling: Councilman Eppes stated that bids were opened for the remodeling of the Fire House building to accomodate the new fire truck and moved the adoption of the following Ordinance authorizing the acceptance of the lowest bid:

ORDINANCE NO. 2121

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

- SECTION 1. THAT Ordinance No. 2110, adopted July 27, 1970 authorized Mr. Philip W. Mason, A.I.A. to prepare architectural drawings and specifications to raise the height of the Fire House doors to accomodate the new aerial ladder truck, AND
- SECTION 2. THAT advertisement for bids for the project to include the installation of a new roof on the Fire House was duly authorized by Council at the meeting of August 10, 1970, AND
- SECTION 3. THAT six (6) bids were received and publicly opened on August 20, 1970 with the low bid having been submitted by Construction Services, Inc., 3601 Van Ness Street, N.W., Washington, D.C.
- SECTION 4. THEREFORE the contract be hereby awarded to Construction Services, Inc. as follows:
- Base Bid - SIX THOUSAND, EIGHT HUNDRED, TWENTY TWO DOLLARS (\$6,822.00)
 Plus alternate #2A - SIX THOUSAND DOLLARS (\$6,000.00)
 Option alternate #2B - TWO THOUSAND, SEVEN HUNDRED DOLLARS (\$2,700.00)
 Total Contract if option #2 is exercised not to exceed - FIFTEEN THOUSAND FIVE HUNDRED, TWENTY TWO DOLLARS (\$15,522.00) AND
- SECTION 5. THAT Mr. Philip W. Mason, A.I.A. be authorized to administer the project during the execution of the contract for the sum of FOUR HUNDRED DOLLARS (\$400.00) AND
- SECTION 6. THAT FIFTEEN THOUSAND, NINE HUNDRED, TWENTY TWO DOLLARS (\$15,922.00) be transferred from the Emergency Reserve Fund to Account No. 10.813B

The motion for the adoption of the Ordinance was seconded and the Ordinance adopted by a Roll Call Vote recorded as follows: Aye: Councilman Eppes, Forshee, Hutmire, Nishimoto, Roth and Sidell. Nay: None. Excused: Councilman Geib.

PLANNING AND ZONING COMMITTEE: Councilman Sidell reporting.

1. Z.A.P. A-8419, Carlene L. Black, et al, R-55 to C-2, 6911 New Hampshire Avenue: Councilman Sidell referred to a letter from Mr. Alfred P. Vogel and noted that the letter expressed the Committee's feelings very well regarding the subject application. He stated that the Committee feels that the C-2 zoning would be the wrong approach for the best use in that area. Councilman Sidell moved that the Council go on record as disapproving the application, and further that the City be represented at the Hearing. The motion was seconded by Councilman Eppes and duly carried.
2. Z.A.P. A-8399 - Ann E. Fogarty, R-18 to C-0, 1011 University Lane E.: Councilman Sidell requested that action be withheld on this application until the next Council meeting thereby allowing the City Administrator necessary time to ascertain why no sign has been placed on the property stating that a Zoning change has been requested.

August 24, 1970

PARKS AND RECREATION COMMITTEE: Councilman Sidell reporting.

1. Jeque Park: Councilman Sidell stated that the "Docs of Dixieland" will be performing at Jeque Park on Wednesday, August 26th at 8:00 p.m. and urged everyone to attend this last concert of the summer season. He noted that attempts are being made for the rescheduling of some of the concerts that were cancelled due to the threat of rain, however, it is not known at this time if this can be arranged.

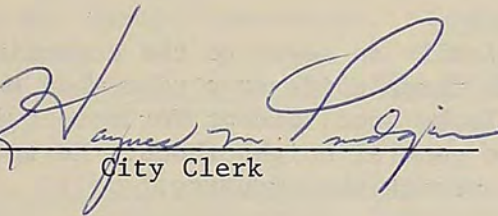
2. Request for toilet facilities at Spring Park: Councilman Sidell noted that the parks in the City are neighborhood parks and therefore the children attending them can go to their homes and use toilet facilities. The temporary facilities are not really satisfactory for this type of operation and vandalism would be a danger. Permanent facilities are very expensive and impractical insofar as custodial supervision at this time. Councilman Sidell requested that the item be removed from the agenda.

Mrs. Simpson commended the City for their efforts in working with the Winchester-Takoma Apartments and making it possible for the item to be removed from the agenda.

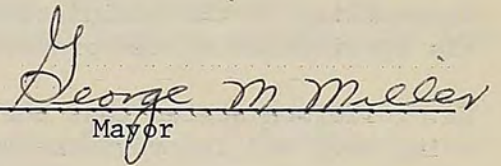
Councilman Sidell stated that a request had been received for additional supervised time at the parks prior to the opening of school. He stated that due to a "windfall" from Montgomery County, funds were available for supervisory personnel at Spring Park for an additional length of time.

There being no further business to come before the Council at this time, a motion was made for adjournment, seconded and duly carried. The meeting was adjourned at 9:47 p.m.

Attest:


City Clerk

Approved:


Mayor

HEARING

SEPTEMBER 9, 1970

BERT TOLLEFSON, JR. RE: 19 MONTGOMERY AVENUE (REG. #386)

The Mayor and several members of the City Council met at 7:30 PM, in the Office of the Director of Public Works, 31 Oswego Avenue, Takoma Park, Maryland, on September 9, 1970, to hear Mr. Bert Tollefson, Jr., 504 Hermleigh Road, Silver Spring, Maryland, reference to 19 Montgomery Avenue, Takoma Park, Maryland. Mr. Tollefson had requested such hearing as a result of having received a notice from Code Enforcement Officer Donald L. Olson as to a violation of Section H-421 of Article 13A (BOCA), "The Housing Code" of the Municipal Code of Takoma Park, Maryland (1961 as amended) relating to the low ceiling in the ground floor apartment. Mr. Tollefson arrived at 9:20 PM, at which time there was present Mayor Miller, Councilmen Hutmire, Geib and Nishimoto. Also present were Director of Public Works and Inspection Rhodes and Deputy Director Barile, Code Enforcement Officer Olson, and City Administrator-Clerk Pridgen.

Mr. Tollefson stated that his investment in the subject property during 1964 or 1965 represented the accumulated savings of himself and his wife and that if something satisfactory could not be arranged in connection with the violation he would probably have to sell at some considerable loss. He stated that the building is of substantial construction and that he had personally installed the ceiling tile to improve the appearance of the ground floor apartment, which in turn had the effect of lowering the ceiling heights. He claimed that to remove the ceiling tile would detract from the appearance and livability of the unit, stating that it is not a basement apartment, but a ground level apartment with adequate light and ventilation. He also claimed that the concrete floor on which a wooden floor had been placed would be impractical and too costly to lower sufficiently to meet the requirements of the Code. He made the point that there should be some flexibility in the administration of the Code and that it had been adopted subsequent to his acquisition of the property.

Mr. Tollefson stated that the property was basically an asset to the community as now being used and is providing adequate housing in three units at a time when there is a great need for housing. He said the property looks good, except for some trim painting which his son is to do and is compatible to the general neighborhood. He invited the Mayor and members of the Council to visit and inspect the property.

Upon inquiry, Mr. Tollefson said that the rental income is \$150 per month for the main house, \$75 per month for the ground floor apartment and \$45 per month for an efficiency apartment. There was some vagueness as to whether he or the main house tenant receives the rent from the efficiency apartment. He indicated that he is taking a 25 year depreciation for income tax purposes and as a result shows a small taxable income from the property.

Councilman Hutmire stated that the Housing and Code Enforcement Committee would consider the matter and make a recommendation to the Mayor and Council at a subsequent meeting. Mr. Tollefson stated that if relief could not be provided, his only alternative will be to sell it to a large family with a lot of in-laws, etc.

Attest: Haynes M. Pridgen
City Administrator-Clerk

Approved: George M. Miller
Mayor