

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

September 13, 1971

City Officials Present

Mayor Miller	City Administrator Pridgen
Councilman Eppes	Corporation Counsel Gingerich
Councilman Forshee	Asst. Corp. Counsel Culpepper
Councilman Hutmire	City Treasurer Turner
Councilman Nishimoto	Deputy Fire Chief Fickes
Councilman Sidell	Captain West
Councilman Webb	Police Chief Porter
Excused: Councilman Roth	Director of Public Works Rhodes
	Code Enforcement Officer Olson
	Director of Recreation Ziegler

The Mayor and Council of Takoma Park, Maryland convened in regular session at 8:05 PM, September 13, 1971, 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 waive the reading of the minutes of the last meeting, if there were no corrections or additions. Motion was made by Councilman Eppes, seconded by Councilman Forshee, and carried.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting

1. Richard C. Wertz, Executive Director, Governors Commission on Law Enforcement and the Administration of Justice, Cockeysville, Maryland. Instructions on making application for grants under the Federal Omnibus Crime Control & Safe Streets Act. Law Enf. Committee
2. Spencer P. Ellis, Director, Maryland Department of Forests and Parks, Annapolis. Notice of FY-72 fund allocations for acquisition of open space. Parks & Recreation Comm.
3. James M. Hennessey, Chief, Zoning & Planning Administration, Park & Planning Comm., Riverdale. Request for Council recommendation on the following zoning amendment petitions:
 ZAP A-8616, 1007 University Boulevard, from R-18 to C-0 zone; Hing and Hun Lew, applicants.
 ZAP A-8646, 1021 University Boulevard East, from R-18 to C-G, Hang and Yuon Chon, applicants. Planning and Zoning Committee
4. Sue G. and Joseph Lerner, 7708 Takoma Avenue. Letter asking Council to request Montgomery College to refrain from condemnation of Block 69 until after Maryland law is made more equitable. Planning and Zoning Committee
5. Adelaide H. Fraser, 7200 Holly Avenue, City. Request to board up 7112 Holly Ave. and keep under police surveillance. Housing and Code Enforcement Committee
6. Alfred P. Vogel, 7117 Garland Avenue, City. Request for correction of some maintenance items (weathered library sign, erosion of parking lot behind library, maintenance of parks, overflowing litter containers). Public Works Committee
7. Rita K. and Paul C. Marth, Jr. 7308 Cedar Avenue, City. Proposal for recycling of newspapers. Public Works Committee
8. Shirley T. Moore, 1007 Elm Avenue, City. Suggestions for City brochure. H & CE Comm.

9. George H. Akers, President, Columbia Union College, City. Expression of interest in CATV input. Housing and Code Enforcement Committee
10. Jon Hur, 7309 Holly Avenue, City. Letter expressing opposition to Transit Area Impact Plan. Planning and Zoning Committee
11. J. Minor Sachlis, 3 Valley View Avenue, City. Letter to Park & Planning Commission expressing some concerns re Impact Plan; offers some alternative suggestions. Planning and Zoning Committee
12. Ad Hoc Committee to Save Takoma Park. Petition from 54 residents to reschedule September 13 public hearing on Impact plan and hold in Takoma Park. Planning and Zoning Comm.

FINANCIAL STATEMENT OF BANK BALANCES AS OF 8-31-71: City Treasurer Turner reporting

SUBURBAN TRUST COMPANY--GENERAL FUNDS:

Balance as of July 31, 1971	23,376.42	
August receipts	<u>177,968.72</u>	201,345.14
August disbursements		<u>134,780.99</u>
Balance as of August 31, 1971		<u>66,564.15</u>

SUBURBAN TRUST COMPANY--PAYROLL ACCOUNT:

Balance as of July 31, 1971	16,329.98	
August transfers from General Funds	<u>82,021.87</u>	98,351.85
August disbursements		<u>91,316.26</u>
Balance as of August 31, 1971		<u>7,035.59</u>

CITIZENS BANK OF MARYLAND--GENERAL FUNDS:

Balance as of July 31, 1971	217.12	
August receipts	<u>8,245.29</u>	8,462.41
No August disbursements		--
Balance as of August 31, 1971		<u>8,462.41</u>

CITIZENS BANK OF MARYLAND--SPECIAL ASSESSMENT FUND:

Balance as of July 31, 1971	551.62	
No transactions during August	<u>--</u>	551.62
Balance as of August 31, 1971		<u>551.62</u>

CITIZENS BANK OF MARYLAND--PUBLIC IMPROVEMENT FUND:

Balance as of July 31, 1971	25,311.60	
August deposits	<u>75,500.00</u>	100,811.60
August disbursements		<u>167,758.30</u>
Balance as of August 31, 1971		<u>33,053.30</u>

CITIZENS BANK of MARYLAND--SAVINGS A/C TP-63:

Balance as of July 31, 1971	152.84	
No transactions during August	<u>--</u>	152.84
Balance as of August 31, 1971		<u>152.84</u>

AMERICAN NATIONAL BANK--GENERAL FUNDS:

Balance as of July 31, 1971	500.00	
August receipts	<u>211.27</u>	711.27
No August disbursements		--
Balance as of August 31, 1971		<u>711.27</u>

PETTY CASH

		<u>200.00</u>
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PUBLIC IMPROVEMENT FUNDS:

Citizens Bank of Maryland Certificates of Deposit:
 \$400,000.00 @ 4-1/8%
 \$ 75,000.00 @ 4%

Mr. Turner stated that the above type of investment has earned about \$20,000 on money earmarked for the new municipal building.

MAYOR MILLER'S COMMENTS:

Mayor Miller announced that the next Council meeting would be held on September 27, and invited all to attend. He then made the following statement:

For the past 18 years, it has been my pleasure and privilege to work with and for the citizens of Takoma Park. During that time, even though all the citizens have never agreed with either the Mayor or the Council, never have I felt that my motives or integrity were subject to vicious rumors. For the past six weeks, rumors have been coming to me and I had discounted them as simply rumors. However, last Friday night a reporter from the Montgomery County Sentinel called for a telephone interview, saying he had been given information that I owned property in the transit station impact area and there was a question as to whether this constituted a conflict of interest. I told him that in 1928, my father-in-law, Charles Knott, purchased 7019 Eastern Avenue and moved there with his wife and only daughter, who is now my wife. In 1937, Mr. Knott died and the property was vested in his daughter and his wife. In 1942, I married his daughter, and in 1943 went off to war. Returning from the war, my mother (a widow), my wife's mother (also a widow), my wife and I, all lived there for 13 or 14 years. In the early 1950s Montgomery County rezoned this area to R-30, garden type apartments. We knew nothing of this until we received a new assessment, after which we protested and got some relief. My wife and I raised three children in that house until we needed a larger place and mortgaged 7019 Eastern to purchase our present home at 7505 Hancock Avenue.

I can only pray for persons who would perpetuate a rumor that I was guilty of a conflict of interest because of this house, and was using influence on the City Council, the Park and Planning Commission, and Montgomery County Council to develop a large parcel of land, which actually consists of one house and 16,600 sq. ft. of land. If this has caused the County Council, the City, or the Park and Planning Commission any embarrassment, I regret it. However, I can assure you there is no conflict. If I had the money and experience in such matters, I might build a garden type apartment on the land; however, by the time this came to pass, I should have passed on. It is ironic that when the North Central Freeway was going to pass through the City, no mention was made that this piece of property might have been adversely affected.

I bear no malice toward the persons responsible for these rumors. I have tried for 18 years to be honest and forthright; I have attended every meeting possible to represent the interests of the City of Takoma Park. If the Council feels that I have a conflict of interest, I will gladly step aside. I do feel that in the years to come, there will be demands for more police and fire protection, more recreation facilities, increased salaries, capital improvements, etc., and the citizens of Takoma Park will have to come to the conclusion that in some areas of the City not affecting residential properties, there must be some new assessable bases created to help bear the burden of municipal government.

The person or persons who perpetuated this rumor, when advised by friends that I have only one piece of property on Eastern Avenue, then said that I was working with two other gentlemen buying up property that would be rezoned to permit me to make a lot of money.

My bank and savings accounts are open to anyone who requests information; not one cent has come from any type of land deal.

I do not mean to infer that I favor or disfavor the proposed plan. It was done in order that the citizens would have input at a public hearing. If they are for it, fine; if they are against it, fine. It is a proposal. Councilman Sidell will also have a statement on this later tonight. If the Council had not come to the Park and Planning Commission with some kind of proposal, it would have been derelict in its duties. Perhaps the plan is too grandiose, or maybe it shouldn't exist at all. But if we had not made some plans, in 15 years we would be accused of having lacked foresight because of the hodgepodge of zoning. Soon after the plan was released, a group of young people living in the area that might be affected, requested an appointment with me at my home. They presented me with a petition requesting a delay on the hearing and that it be held in Takoma Park. They asked that I use my influence as Mayor of the City to have their request complied with. I had it hand carried to Mrs. Caroline Freeland, who was then Chairman of the Park and Planning Commission. The public hearing has been postponed and a series of workshop sessions have been scheduled.

Councilman Forshee stated that he has worked with the Mayor as long as anyone and that, in all those years, he had never made an attempt to influence anyone on any issue. He stated he was certain there is no conflict of interest in the present instance. Councilman Eppes stated that he had no knowledge of the Mayor's property on Eastern Avenue prior to the meeting, which would seem to refute the charge of undue influence on the Council. Councilman Webb stated that though he, like Councilman Eppes, is a comparative newcomer to the Council, he has never known the Mayor to exert any influence on members of the Council in an attempt to sway their votes on an issue. Mr. Turner pointed out that he served as Councilman for 12 years prior to taking the post of City Treasurer and that, during that period, Mayor Miller had never mentioned the Eastern Avenue property in terms of a money-making venture; that, in fact, he seemed to take extra care not to involve himself in discussions dealing with issues of this type. He also stated that he had grown up with Mrs. Miller on Eastern Avenue and has been a personal friend of the Mayor for many years, and that he resents the false charges which have been made.

Mayor Miller presented a plaque to Mrs. Elizabeth Smith, Montgomery County Public Health Nurse, naming her an honorary citizen, in recognition of her eleven years work in the Clinic at 8 Sherman Avenue. He stated that Mrs. Smith is being transferred to another post and will be sorely missed by those with whom she has had contact during her tenure here. Mrs. Smith thanked the Mayor and stated that her work had been supplemented and supported by the Health and Welfare Committee, and expressed the hope that they too would be given formal recognition at some future date.

Mayor Miller read a Proclamation which named September 17-23 as Constitution Week, and which reaffirmed the principles embodied in the Constitution and urged citizens to "...pay special attention during that week to our Federal Constitution and the advantages of American citizenship."

PUBLIC PARTICIPATION:

1. Mrs. Sue Lerner, 7708 Takoma Avenue. Mrs. Lerner said that she and her husband were the authors of Correspondence item #4; that they speak only for themselves and are not affiliated with any group; that they are not opposed to Montgomery College's expansion, but are opposed to some of the methods used in such condemnation suits, some of which are imposed by the State, others by the Board of Trustees. She stated that she wished to bring to the attention of the Council a situation which exists with respect to appraisers' practice of placing a lower value on houses in Takoma Park than on homes of comparable quality outside the City.

She cited as a case in point her Takoma Avenue home, which was valued by Montgomery College appraisers at \$9500 below the actual cost of remodeling the house. When the appraised value was questioned, they were told that it was worth no more; that Takoma Park is not Spring Valley. Mrs. Lerner said that she and her husband have remodeled two old homes here and went on to state their reasons for preferring Takoma Park over other communities, which included, among other things, the local government, composition of the population, the excellent library, police and fire services. She spoke of a news item which appeared several years ago, which included a picture of Councilman Nishimoto standing in front of her remodeled home, stating that she felt this type of publicity served to encourage others to buy and remodel old homes, but that the practice of placing a lower value on a home because of its Takoma Park location will discourage new buyers and threaten the viability of the City itself. Councilman Nishimoto thanked Mrs. Lerner for her comments and went on to express his pleasure in seeing young people purchase and remodel some of the old homes on Holly Avenue, and stated that it saddens him to think of the houses in Block 69 being demolished. Mrs. Lerner reiterated her concern and stated that she felt it urgent to make efforts to stop the aforementioned practice.

2. Marvin Gartenbaum, 7710 Maple Avenue, City. Mr. Gartenbaum spoke of the dangers at the following intersections because of unrestricted parking (on Jackson Avenue) or collections of mailboxes, telephone booths and shrubbery at intersections (Maplewood), which gives practically no visibility, and asked that measures be taken to correct the situations: Jackson at its intersection with Sligo Creek Parkway; Maplewood Avenue at the Flower Avenue intersection. He also pointed out a similar situation on Maple Avenue, where parking is permitted to within five feet of apartment building driveways, forcing a driver to veer out in the path of Maple Avenue traffic because of restricted visibility, and requested that parking be restricted to 25 feet from high-rise apartment driveways. He also asked that the pothole on Jackson Avenue be filled.

3. Rita Marth, 7308 Cedar Avenue, City. Mrs. Marth read a petition signed by some 62 persons in the vicinity of the 7200-7400 blocks of Cedar Avenue, expressing concern over the problem of speeding on that street, and requesting that speed bumps be installed in the 7300 block and warning signs posted. She enumerated additional suggestions made by persons who signed the petition: regular police patrol of the area; radar; closing Cedar at Philadelphia Avenue, as proposed in the Impact Plan; banning trucks; closing to through traffic; installing bumps in the 7200 block also; erecting STOP signs, as suggested by Councilman Nishimoto. Councilman Nishimoto stated that he has requested Chief Porter to begin selective enforcement in the area and said that the request for speed bumps would be investigated, though it poses some problems of hazards and City's liability for accidents.

4. Kathryn B. Simpson, 7300 Cedar Avenue, City. Mrs. Simpson stated she was in agreement with the statements and proposals contained in the above-mentioned petition.

5. Paul Marth, 7308 Cedar Avenue. Mr. Marth stated that even though speed bumps are a rather radical approach to the problem, the people are quite willing to put up with the inconvenience in order to have the protection they can provide. He stated that they have in mind speed bumps which produce considerably less impact than those found in the Langley Park shopping center lot.

6. Betty McDevitt, newspaper reporter. Mrs. McDevitt stated she had narrowly escaped an accident on the Juniper Street Bridge, stating she felt it to be one of the worst traffic hazards in the County, and suggested that it be closed. Mayor Miller said that some relocation is planned at this site. Mrs. Lerner suggested that Council work toward having a pedestrian foot path built adjacent to the bridge proper and retain the bridge for vehicles only. She also suggested that parking meters be installed at all parking spaces near Montgomery College. Mrs. Lerner noted that in analyzing the Fire Department's 1970 annual report, she discovered that Takoma Park furnished Silver Spring with twice the number of mutual aid assists as they furnished the City, and suggested that Montgomery County pay for this service.

7. Elizabeth Bozarth, 7326 Willow Avenue, City. Mrs. Bozarth asked what protection the BOCA code provides for tenants from negligent, absentee landlords, and stated she felt there is insufficient follow-up by code enforcement people. Councilman Hutmire stated that there has been a problem; that if a landlord wants to be callous, he can simply absent himself from the City, ignore letters sent by the Code Enforcement Division, and thus escape prosecution. He called attention to a successful device used recently, in which a badly neglected apartment building had simply been declared unfit for human habitation, requiring evacuation of tenants. Councilman Hutmire also stated that if Montgomery County's proposed landlord-tenant ordinance is adopted, that the City will amend its code in similar fashion. The Code Enforcement Division always welcomes complaints, he said, and acts on them as quickly as possible.

8. Joseph Ferrier, 7413 Maple Avenue, City. Mr. Ferrier requested that some action be taken to eliminate what has been declared to be gasoline fumes emanating from the storm sewer at 1 Valley View Avenue. He stated that the same sewer passes by gas station at Tulip and Carroll Avenues, and pointed out the dangers of pockets of volatile gas in a sewer.

Mr. Ferrier then spoke of his objections to the proposed condemnation of Block 69, stating he felt the right of eminent domain should be predicated only on a proven need and that, in this instance, the need does not exist. With respect to the Transit Impact Plan, he expressed the hope that Council would take a stand which reflects the will of the people whom they represent. He suggested that a means of preserving the City as it is would be to have it declared a historic monument; if this were done, homes could be remodeled, but the original character of the City would be maintained.

9. Phil Vogel, 7117 Garland Avenue, City. Mr. Vogel stated he agrees with Mrs. Lerner's excellent statement on real estate practices in the City and suggested that perhaps the Mayor and Council should take more positive steps in combatting it.

10. Delores Stowell, 7704 Takoma Avenue, City. Mrs. Stowell conceded that Montgomery College does have the right of eminent domain, but felt that its application to Block 69 is very unfair; she expressed the fear that the practice may spread and eventually wipe out the small town atmosphere of Takoma Park.

COMMITTEE REPORTS:

FINANCE COMMITTEE: Councilman Forshee reporting

1. Expenditures for June and July. Councilman Forshee moved for Council approval of the following expenditures: \$186,831.23 during June, and \$111,530.44 during July. He explained that June expenditures included a \$21,500 payment on the municipal building as well as an annual payment into the retirement fund of \$32,000. Motion was seconded by Councilman Webb and unanimously approved.

2. ICMA Conference. Councilman Forshee moved that Council approve the City Administrator's attendance of the annual ICMA conference in Hollywood, Florida, during the period November 7-11. He indicated that funds are provided in the budget for the trip and noted that the City Administrator had been unable to attend the last two conferences. Motion was seconded by Councilman Sidell and Eppes and carried unanimously. Councilman Nishimoto pointed out that this is the International City Managers Association and that it is very relevant to the work and activities of the City Administrator.

3. Amendment to Merit Plan. Councilman Forshee moved that the following ordinance be adopted, creating a new classification of Code Enforcement Officer, Junior Grade:

ORDINANCE NO. 2171

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

SECTION 1. THAT Ordinance No. 2161, adopted June 14, 1971, be amended by insertion of the following position and pay scale under the Public Works Department:

	<u>Start</u>	<u>6 mos.</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Code Enforcement Officer, Jr. Grade	\$8250	8375	8500	8750	9000	9250	9500

Motion was seconded by Councilman Sidell, after which Mr. Vogel inquired if this slot is in addition to the two positions now provided for. Councilmen Forshee and Hutmire replied that this provides a mid-range slot, thus permitting more flexibility in hiring, and a salary more in line with that offered by other jurisdictions; that the vacant slot might be filled by using any one of the three levels; and that, if the Workable Program application is approved, several additional Code Enforcement Officers may be hired. The ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Sidell and Webb. Nay: none. Excused: Councilman Roth.

4. Purchase of police cars. Councilman Forshee stated that bids have been received for two police cars--one for the Detective Bureau and one for the Uniform Division. He moved that Council approve the purchase of the Detective Bureau car by adoption of the following:

ORDINANCE NO. 2172

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

SECTION 1. THAT, in accordance with the law, invitations to bid on one 4-door sedan were duly advertised; AND

SECTION 2. THAT bids were opened at 3:00 PM, September 8, 1971, with Palmer Ford, Inc., submitting the low net bid of \$3,000, including tax exemption.

SECTION 3. THEREFORE THAT the contract for one 1972 Ford Torino, 4-door sedan, is hereby awarded to Palmer Ford, Inc., Hyattsville, Md., for the net sum of \$3,000, AND

SECTION 4. THAT the City Clerk is hereby authorized to transfer to Palmer Ford, Inc. the title on trade-in vehicle, Tactical Unit #1, a 1961 Dodge, 2-door sedan, serial #7112334520, Title #1790419, AND

SECTION 5. THAT FUNDS for this purchase shall be transferred from the Reserve Fund to A/C 11.113A.

Motion was seconded by Councilman Nishimoto. Mr. Ferrier inquired about the condition of the undercarriage of this model, and was informed by Chief Porter that all police cars undergo a full inspection. The ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Sidell, Webb, Nishimoto and Hutmire. Nay: none. Excused: Councilman Roth.

Councilman Forshee stated that the second police car is for the use of the Uniform Division and the decision to purchase a Pontiac, instead of a lower priced Ford, was based on the recommendation of Chief Porter, who considers it to be the best buy because of savings in maintenance on the smaller Pontiac engine. He moved that Council approve the purchase in accordance with the terms of the following ordinance:

ORDINANCE NO. 2173

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

- SECTION 1. THAT, in accordance with the law, invitations to bid on one police cruiser were advertised, AND
- SECTION 2. THAT, Wilson Pontiac's net bid of \$3636 on a 1972 Pontiac Catalina was deemed to be the car best suited to the needs of the Police Department.
- SECTION 3. THEREFORE THAT the contract for one 1972 Catalina 2L-69, 4-door sedan, equipped in accordance with specifications, is hereby awarded to Wilson Pontiac, Inc., Silver Spring, Md., for the sum of \$3636, including tax exemption and trade-in allowance on Cruiser #6, AND
- SECTION 4. THAT the City Clerk is hereby authorized to transfer to Wilson Pontiac, Inc. the title on trade-in cruiser #6, a 1969 Ford, 4-door sedan, serial #9B51KL29533, title #0710865, AND
- SECTION 5. FURTHER THAT, funds for this purchase are hereby authorized to be transferred from the Reserve Fund to A/C 11.113A.

Motion was seconded by Councilman Nishimoto and the ordinance adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Sidell and Webb. Nay: none. Excused: Councilman Roth.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

- 1. Request for clarification of laws governing noise. A letter and copy of the governing ordinance have been sent to the complainant, Councilman Nishimoto stated.
- 2. Request to reconsider STOP signs on Park at Spruce and Crescent Avenues. The problem of speeding has been considerably reduced after the Department instituted a more aggressive patrol of the area, Councilman Nishimoto said, with seven tickets having been issued during the past few weeks. He stated that the Committee feels additional signs are unnecessary.
- 3. Highway Safety Work Program application. Councilman Nishimoto reported that the Public Works and Police Departments and their respective Council Committees have been collaborating in preparing a proposal.
- 4. Traffic hazard at Piney Branch, Eastern and Takoma Avenues. All the work has been completed with the exception of street signs, Councilman Nishimoto said, and the State Roads Commission has indicated it will take care of these.
- 5. Carroll Avenue at Route 410. Upon question by Councilman Nishimoto, Chief Porter stated that the State Roads Commission has been contacted about the errors in traffic lane designations on Carroll Avenue near Route 410, and have agreed to repaint lines.
- 6. Personnel. Councilman Nishimoto moved for approval of the 6 months probationary appointment of Anne Marie Shepherd, 7705 Takoma Avenue, to the position of Clerk-Dispatcher, effective September 15, noting that a dispatcher is being hired instead of a policeman, at a considerable savings in salary and training time. Motion was seconded by Councilman Forshee and unanimously approved.

7. Personnel. Councilman Nishimoto moved that Council approve the promotion of Cpl. Grant Starkey (a 6 year veteran of the Department) to Detective Cpl., effective October 1. Motion was seconded by Councilman Eppes and unanimously approved.

8. Personnel. Councilman Nishimoto stated that Officer 1/C Gary Sherman is one of the more outstanding members of the Department, who works very effectively with the schools, and moved that Council approve his promotion to Corporal, effective October 1. Motion was seconded by Councilman Eppes and carried.

9. Personnel. Councilman Nishimoto moved for Council approval of the promotion of Officers John R. Gowin and James E. Holmbert to Officer 1/C, effective October 1. Motion was seconded by Councilman Eppes and carried.

10. Personnel. Councilman Nishimoto moved for approval of the permanent appointments of the following policemen, with effective dates as indicated: John O. Duvall, Jr., effective July 27; Robert A. Holford, effective September 1. Motion was seconded by Councilman Eppes and carried.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Hutmire reporting

1. Fence at 1111 Sligo Creek Parkway. Councilman Hutmire reported that the condition of the fence has been observed on several occasions by members of his committee and the Planning and Zoning Committee, as well as the Assistant Corporation Counsel; and that since the problem doesn't seem to be fully covered by the court order, some form of appropriate action is being investigated.

2. Complaint of conditions at 7300 Trescott Avenue. Councilman Hutmire reported that work has begun to correct the code violations, and requested that the item be removed from the agenda with the understanding that the Code Enforcement Division will continue to follow up.

3. Request for waiver of BOCA citation at 709 Kennebec Avenue. Councilman Hutmire stated that the Committee agreed to grant owner's request for a waiver, which was considered to be valid in this instance, with the following conditions being imposed: each unit to be occupied by one person and all units rented to the same sex. He noted that the tenants (3 ladies) are satisfied with the arrangement of sharing one bathroom. Mrs. Simpson felt the waiver would only serve to promote the type of arrangement that BOCA was adopted to eliminate. Councilman Forshee and Mrs. Simpson also question the transferability of the limitations imposed by the waiver to future occupants of the apartments. Councilman Hutmire responded by reiterating that the particular situation presented a valid cause for waiver, and read the following excerpt from response to the petitioner: ". . . the Housing and Code Enforcement Committee . . . have approved this waiver subject to the following conditions: That you maintain the present arrangement of renting to one sex only and to limit occupants to one individual per unit."

4. Washington Sanitarium's proposed input into CATV programming. Councilman Hutmire stated that the Committee will consider this in conjunction with the primary CATV franchise.

5. Hardsurface parking requirement at multi-family units; authority to require maintenance of commercial property. These two items are being investigated by the Committee and the Corporation Counsel, Councilman Hutmire reported.

6. Montgomery County's proposed landlord-tenant ordinance. Councilman Hutmire stated the Committee is studying this closely with a view to drafting a City ordinance which would be parallel to, and provide grounds for exclusion from, the County ordinance.

7. Request for screens at 250 Manor Circle. Councilman Hutmire stated that there are screens on the windows which are considered to be adequate under the wording of the code. He asked that the item be dropped from the agenda.

8. Information booklet for new residents. Upon question by Councilman Nishimoto, Mr. Hutmire stated the booklet is in rough draft and in the process of being revised.

9. Proposed amendment to BOCA code. Councilman Hutmire stated that Code Enforcement Officers have encountered difficulty in gaining access to building with owner or his representative accompanying them on inspections, and have recommended an amendment to the BOCA code to remedy the problem. He stated that the following should be considered as the first reading of a proposed amendment:

H-121.2 INSPECTION BY CODE ENFORCEMENT OFFICER. The owner or operator of a dwelling unit or rooming unit, or his agent or employee (including tenants) shall accompany or be present during the time that the building official(s) conducts the inspection.

10. Establishment of a housing authority. Councilman Hutmire reported that the Committee and the Community Improvement Board have been studying the many facets of municipal housing authorities, and their applicability to the needs of Takoma Park; that a Workable Program application has been submitted to HUD; and the Council has granted permission to both County Housing Authorities to lease properties for use in their rent subsidy programs. However, since the leasing programs have not yet become completely operational, the Committee is investigating other ways of assisting persons in need of housing, and is currently studying certain recently acquired documents bearing on the lease-purchase program to determine the practicality of an early recommendation.

PUBLIC WORKS COMMITTEE: Councilman Forshee, Vice Chairman, reporting

1. Highway Safety Work Program application. Councilman Forshee asked that this item be removed from the Public Works agenda, since it is essentially a Law Enforcement item.

2. Deletion of agenda items. Councilman Forshee asked that the following items be deleted from the current agenda and put on a hold list, since they are long-term problems with no promise of immediate solution: 2. Request to pave alley off Garland, west of Carroll Ave.; 3. Suggested use of Code-A-Phone 700; 5. Water leak at Carroll and Flower Avenues; 7. Hammond Avenue: requests to reopen/abandon/landscape North end; 9. Proposed required use of plastic bags in garbage containers. Upon question by Councilman Nishimoto, Mr. Rhodes explained that the Code-A-Phone is a 24-hour answering device; however, some additional numbers are being included in the telephone directory which may eliminate the need for this type service. Mr. Vogel inquired about the status of item 2, and was told by Councilman Forshee and Mr. Rhodes that attempts are being made to work out a solution with the College, where the problem originates, and that Council can do nothing until some understanding can be reached. In response to Mr. Vogel's request, Councilman Forshee agreed to leave the item on the agenda.

3. Equipment. Councilman Forshee moved for Council approval of the purchase of a vacuum leaf machine, as outlined in the ordinance below:

ORDINANCE No. 2174

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

SECTION 1. THAT Ordinance 2170, adopted August 9, 1971, authorized the Public Works Director to solicit bids on a vacuum leaf collector; AND

SECTION 2. THAT solicitation of bids yielded one bid only, from McClung Logan Equipment Co., for the sum of \$4798.

SECTION 3. THEREFORE THAT the purchase of one Tarrant Big-T-Vac from McClung Logan Equipment Company, for the sum of \$4798 is hereby authorized, AND

SECTION 4. FURTHER THAT the fund of \$4500 allocated in budget item 13.403C be applied toward this purchase, with an additional sum of \$298 to be transferred from A/C 12.202A to A/C 13.403C.

Motion was seconded by Councilman Sidell. In response to questions by Councilman Hutmire and Mr. Ferrier, Councilman Forshee and Mr. Rhodes stated that the new machine will permit the Department to continue with scheduled leaf collections in the event of a breakdown (which happens frequently and involves several days for repair). The ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Sidell and Webb. Nay: none. Excused: Councilman Roth.

FIRE PROTECTION COMMITTEE: Councilman Eppes reporting

1. VFD proposal to remodel portion of Fire House. Councilman Eppes stated that the Committee has requested comments on the proposal by the Recreation Committee and Department, and that, hopefully, a report can be made at the next Council meeting.

2. Prince George's County Fire Tax. No official word has been received from Prince George's County Council, Councilman Eppes stated. He then referred to Mrs. Lerner's question on responses by City department to calls in the Silver Spring area, and explained that the City Fire Department is responsible for the protection of a portion of Montgomery County, for which reimbursement is made by the County.

3. Personnel. Councilman Eppes moved for approval of the permanent appointment of Pvt. Thomas R. Baker, effective August 15. Councilman Nishimoto seconded the motion, after which he asked that the Fire Chief be requested to submit proposed appointments or promotions for the consideration of the full Committee, rather than waiting until time of Council meeting. Councilman Eppes stated that he had inadvertently failed to bring this item to the attention of the Committee. Motion was unanimously approved.

4. Representation of VFD on Montgomery County Fire Board. For some time there has been a need for clarification of official representation on the Fire Board, Councilman Eppes said, and that a procedure has been worked out which has been approved by the VFD, the Fire Department and the Fire Protection Committee. He read a resolution describing the procedure and moved for Council approval. [Resolution is attached.] Motion was seconded by Councilman Nishimoto and unanimously carried. Councilman Eppes requested that the Volunteer Fire Department submit a nominee for membership on the Fire Board to the Committee prior to next Council meeting.

PLANNING AND ZONING COMMITTEE: Councilman Sidell reporting

Councilman Sidell welcomed three Blair High School students among the audience, one of whom was the editor of the school paper who stated they are preparing an article on the Council.

1. 1111 Sligo Creek Parkway--complaint re fence. Mr. Preston, of 1001 Sligo Creek Parkway, stated that the furniture store operator has evaded the County's sign ordinance by placing a sign approximately 10 x 20 ft. on the side of a truck bed used for storage. Councilman Sidell stated this would be investigated along with previous complaints.

2. Preliminary resubdivision plan, Holton Lane. Councilman Sidell stated that subsequent to approval of a Special Exception, the owners submitted a plan adding approximately 64 x 216 feet; that since there appears to be no reason to oppose it, he would request Council's concurrence in Committee's recommendation for approval. Motion was seconded by Councilman Eppes. In response to Councilman Nishimoto's question, Mr. Sidell said the plan does not indicate the planned use, that it could be for access or for enlargement of the planned warehouse. In response to Dr. Nishimoto's request that a decision be delayed, if there were time, to look into the matter of planned use, Mr. Pridgen stated that the request for Council's comments is merely a courtesy extended and that Council has no legal authority. Mr. Vogel asked, and the City Administrator confirmed, that it requires a two-thirds majority vote by the Planning Board to override a recommendation made by the City Council. He also expressed concern over the long delay in acting on the proposed resubdivision. Councilman Sidell's original motion was approved by majority vote, with Councilman Nishimoto voting in the negative.

3. Appointment of Council representative to TESS Citizens Advisory Council. Councilman Sidell stated that the Committee is still seeking a qualified person who will accept this responsibility. Councilman Nishimoto expressed his concern about an incident which occurred at the first briefing session on the proposed Master Plan amendment, in which Mr. Sadick of the TESS Citizens Advisory Council, spoke about the plan and left the impression that his views represented those held by citizens of Takoma Park. He asked that it be made clear that persons on the Advisory Council should not represent themselves as spokesmen for Takoma Park. Mr. Ferrier stated that the composition of the Advisory Council is primarily representatives of area civic associations; Councilman Sidell stated that, as it now stands, there is no representative of the City on the planning committee.

4. Statement on Takoma Park Transit Impact Area Plan. Councilman Sidell read a statement which dealt with the Mayor and Council's input into the proposed plan. [Statement is attached.] He also announced that four work sessions have been set up by the Planning Board to provide citizen participation in the planning process, as follows: September 15, Municipal Gymnasium; September 30, Fellowship Hall (Presbyterian Church) Gymnasium; October 14, T.P. Junior High Auditorium; October 28, Columbia Union College Campus Center cafeteria. All meetings will begin at 8:00 PM.

Councilman Nishimoto spoke of a Community Action Forum meeting held in 1969, at which Mr. Phanstiel and Dr. Hanson were present to answer questions on the transit impact, and stated that he had been disappointed with the presentation because of its lack of emphasis on the strong impact of the Metro station which could be anticipated. He noted that the meeting had been arranged in an attempt to get Takoma citizens interested, and that 200-250 persons had attended; that there had been considerable anxiety expressed, not so much about the impact area, but about the proposed widening of the roads. Councilman Nishimoto stated that, because the roads are under the jurisdiction of the State Roads Commission, there is likely to be tremendous pressure exerted; that a responsibility rests with Council to listen to what citizens have to say and also to make it clear that its jurisdictional powers are limited in some areas. He emphasized his belief that there is a need for leadership and that Council action should reflect the will of the citizens.

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting

1. Open space at New Hampshire, Elm, Heather and Larch Avenues. The feasibility and means of acquiring this property is being considered by the Prince George's County Planning Board, Councilman Webb stated. Mr. Preston noted that the BP gas station at the corner of New Hampshire and Sligo Creek Parkway, like its several predecessors, appears to be an unsuccessful commercial venture, and suggested that this property, along with 1111 Sligo Creek Parkway, be included in the proposal for open space. Mayor Miller suggested that he meet with Councilman Webb to discuss this.

2. Colby Tot Lot dedication. Councilman Webb stated that there was an excellent turnout for the Colby Tot Lot dedication on August 29.

3. Summer Playground program. Councilman Webb congratulated Mrs. Ziegler and her staff for the success of the summer program, and gave the following figures on participation: Heffner Park, 84; Rec Center, 323; Jequie Park, 311; Spring Park, 173; Forest Park, 162; Sligo Park Terrace, 105; Long Branch, 124; total enrollment: 1282.

4. Fall and winter activities. The following classes are scheduled to begin in October and are self-supporting: children's drama, children's drawing and painting, slimmastics, roller skating for children and adults, beaded flowers, children's dancing, Christmas workshop, teen theatre, baton, guitar for beginners and advanced students, art for adults. Other activities include: Boys Club banquet, October 23 at 6:30 PM, Junior High School, tickets available through Mr. Lee Jordan. Touch football for boys 9-12, Saturdays at 10:00 AM, Junior High Gym. Antique show and sale, September 19, noon until 6:00 PM, Library grounds (rain date, 9-26-71). Craft show, October 3, 12-4:00 PM, Library grounds. Azalea sale, October 3, 9:00 AM-1:00 PM, Hodges Field. Band concert, 1st U.S. Army Band, 7:30 PM, September 14, Jequie Park.

SPECIAL LIBRARY COMMITTEE: Councilman Forshee, Chairman

No report.

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 the meeting adjourned at 10:50 PM, to reconvene in the Municipal Gymnasium on September 27, 1971, at 8:00 PM.

September 13, 1971

RESOLUTION

WHEREAS, the County Council for Montgomery County Maryland has by legislative enactment established a Montgomery County Fire Board, AND

WHEREAS, the legislation establishing the Montgomery County Fire Board provides that it is ". . . to be composed of the chief of each fire department and rescue squad within the County, including the chief of the fire department of the City of Takoma Park, Maryland and one elected delegate from each fire department and each rescue squad, said delegate to be elected annually in June from among the membership of the respective departments and squads. One delegate shall be appointed by the Mayor and City Council of the City of Takoma Park." AND

WHEREAS, it is the desire of the Mayor and City Council and the Volunteer members of said Fire Service that said Fire Service be represented by only two delegates on the Montgomery County Fire Board, since all other fire departments in Montgomery County are represented by only two delegates.

NOW, THEREFORE, it is resolved that the Fire Service of Takoma Park shall be represented on the Montgomery County Fire Board by only two delegates, one of whom shall be the Chief of the Fire Department of the City of Takoma Park and the other to be nominated by the Takoma Park Volunteer Fire Department, Inc. and appointed by the Mayor and City Council on the following bases and conditions:

1. That the Takoma Park Volunteer Fire Department, Inc shall by election nominate one of its members to serve as the second delegate to the Montgomery County Fire Board, which nomination shall be duly certified in writing to the Mayor and City Council by the Recording Secretary of the Takoma Park Volunteer Fire Department, Inc.

2. Upon receipt of the nomination from the Takoma Park Volunteer Fire Department, Inc., as aforesaid, the Mayor and City Council shall appoint such nominee to serve for a period of one year, unless the Mayor and City Council, by a negative vote of five members of the City Council, shall decline to appoint such nominee. In the event the nominee is rejected by the Mayor and City Council, the matter shall be brought to the attention of the Takoma Park Volunteer Department, Inc. and another nominee shall then be elected and submitted for appointment.

3. In the event the delegate so elected and appointed, in the opinion of the Mayor and City Council, fails to properly represent the interests of the Fire Service of the City of Takoma Park, the matter shall be brought to the attention of the Takoma Park Volunteer Fire Department, Inc. After a meeting between representatives of the Board of Trustees of the Takoma Park Volunteer Fire Department, Inc., not including the delegate in question, and the City Council, the City Council may then recall and remove such delegate by an affirmative vote of five members. If said vote is in the affirmative the Takoma Park Volunteer Fire Department, Inc. shall be notified in writing by the City Council. Upon such notification the procedures outlined in items 1 and 2 of this Resolution shall be followed in appointing a replacement delegate.

9-13-71

Statement by Councilman Ralph F. Sidell, Chairman, Planning and Zoning Committee of the City Council at the meeting of the Mayor and Council of Takoma Park, Maryland:

TAKOMA PARK TRANSIT IMPACT AREA PLAN

There appears to be considerable confusion concerning the proposed plan which was recently released by the Maryland National Capital Park and Planning Commission: First, let it be pointed out that it is a proposed plan, not an adopted plan. Second, the public would have been given ample opportunity for constructive criticism even if the public hearing scheduled for tonight had not been postponed in favor of the forthcoming workshop sessions. Third, the plan is not so radically different from the 1963 adopted plan, wherein much of the four block area in question was already planned for commercial and high density redevelopment. Fourth, there is no suggestion for a massive urban renewal type redevelopment; the plan suggests assembly of land into developable parcels and provides for site plan review by the Montgomery County Planning Board (and the City Council) prior to the actual granting of the new zoning classifications.

If there is anything particularly significant in comparing the proposed plan with the adopted 1963 plan, it is the suggested changes in the traffic pattern as a result of the proposed cul-de-sacs on some of the streets. However, even this proposal is for the purpose of maintaining the quality and character of the residential neighborhoods between Tulip Avenue and Philadelphia Avenue. That portion of the plan can only be implemented by the Mayor and Council and, at this point, we are by no means agreed that this is a feasible solution to the anticipated traffic problem.

Shortly after the 1963 Takoma Park-Langley Park Master Plan was approved, WMATA's predecessor, the National Capital Transportation Agency, developed a plan for a mass transit system to serve the Metropolitan Washington Area. The Mayor and Council supported this plan by resolution, and subsequently supported specific plans for a station in Takoma Park (D.C.), contending that a good mass transit system would be preferable to the proposed North Central Freeway.

Beginning as early as 1966, the Mayor and Council met with many groups to consider the physical, social and economic effects of locating a transit station adjacent to the City. It soon became apparent that there would be many, and that advance planning would be desirable. In 1967, the Mayor and Council, in conjunction with the Park and Planning Commission and other Maryland and D.C. official bodies, engaged (through CCG) an economic and planning consultant firm to do a study of the impact of the transit station. In 1968, the results were released in a report entitled, ECONOMIC AND TRANSPORTATION IMPACT ANALYSIS: Takoma Park Area Study. This report became the basis for further study by the staff of the Park and Planning Commission (the official planning agency for all of Montgomery and Prince George's Counties) who, in 1969, released the TAKOMA PARK TRANSIT STATION IMPACT ANALYSIS: A Preliminary Technical Report for consideration as an Amendment to the Takoma Park-Langley Park Planning Area Comprehensive Plan. This Plan was reviewed and refined by the professional planners of the Park and Planning Commission, in consultation with the Mayor and Council and many others, including specialists from other cities and other countries with first-hand knowledge of the impact of a transit station on its surrounding environs. The results are contained in the recently published proposed amendment to the 1963 Master Plan, and represents the composite thinking of the professional planners, appointed and elected officials responsible for such activities. However, it has yet to be reviewed by the public. The scheduled work sessions will undoubtedly yield many constructive ideas, some of which are likely to be incorporated in the final plan.

9-13-71

Statement by Councilman Sidell

The particular area proposed for redevelopment has suffered from blight for some years; in 1969 the Montgomery County Community Renewal Program identified 31 deteriorating and two delapidated properties within these four city blocks. The City has received much adverse publicity because of pockets of blight such as this, and it has tended to decrease the value of all property within the City. The Mayor and Council would have been derelict in their duty had we not sought a feasible solution to the impact of the transit station and a practicable plan for redevelopment for the greatest potential use. **If the plan is adopted, there yet remains the large question as to whether or not it can be implemented.** The 1963 plan has been in existence for eight years and there has been little or no development as a result thereof. However, the transit station may provide the impetus necessary for the proposed redevelopment and it is doubtful that anyone can conscientiously question the need.

Approved: George M. Miller
Mayor

Attest: Haynes M. Rodgers
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

September 27, 1971

City Officials Present

Mayor Miller	City Administrator Pridgen
Councilman Eppes	Corporation Counsel Gingerich
Councilman Forshee	Asst. Corp. Counsel Culpepper
Councilman Hutmire	City Treasurer Turner
Councilman Nishimoto	Deputy Fire Chief Fickes
Councilman Sidell	Asst. Fire Marshal Williams
Councilman Webb	Fire Captain West
	Police Chief Porter
Excused: Councilman Roth	Director of Public Works Rhodes
	Dep. Dir. of Public Works Barile
	Code Enforcement Officer Olson
	Director of Recreation Ziegler

The Mayor and City Council met in executive session at 8:05 PM, September 27, 1971, in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland. Rev. Floyd W. Kester, Good Samaritan Baptist Fellowship, gave the invocation, which was followed by the pledge of allegiance to the flag. Mayor Miller called for a motion to waive the reading of the minutes of the last meeting, if there were no additions or corrections. Motion was made by Councilman Hutmire, seconded by Councilman Eppes, and carried.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting

1. Theodore R. Robb, Regional Administrator, HUD, Philadelphia, Pa. Notice of approval of City's Workable Program application. Housing and Code Enforcement Committee. Councilman Nishimoto commended City Administrator Pridgen for his fine work in securing the certification, stating that it is a tremendous step forward in the community, which has been sought for some time. He said the Workable Program had been the topic of the Community Action Forum's first seminar, and that he has long held an interest in it.
2. M. M. Brodsky, Deputy Comptroller, State Highway Administration, Baltimore, Md. Statement of allocations under 1972 Urban Federal Aid. Public Works Committee
3. Patrick Healy, Executive Vice-President, National League of Cities, D. C. Request for designation of City voting and alternate delegate to 48th Annual Congress of Cities, November 28-December 1, 1971. Council as a Whole; Finance Committee
4. Kathryn T. Simpson, Chairman, Community Improvement Board, City. Inquiry on status of three Housing and Code Enforcement Committee agenda items. Housing & Code Enf. Comm.
5. Kathryn T. Simpson, 7300 Cedar Avenue, City. Letter citing Mayor Miller's accomplishments during his tenure. Council Files
6. Michelle Anderson, 7138 Carroll Avenue, City. Complaint and suggestions for alleviation of traffic problems at Carroll Avenue and Route 410. Public Works Committee
7. Donald M. O'Brien, General Manager, Int. Assoc. of Fire Chiefs, 1725 K St., NW., DC. Letter of appreciation for hospitality shown Brazilian visitor by Chief LaScola and Councilman Eppes. Fire Protection Committee

8. William H. Shewell, Ronald S. Sensemen, FAIA, 7676 New Hampshire Avenue, City.
 Letter commending Mayor and Council on appointment of Capt. Porter as Police Chief. Law Enforcement Committee

MAYOR MILLER'S COMMENTS:

Mayor Miller welcomed those present, and announced that the next Council meeting will be held on October 11. He then read the following resolution honoring Mrs. Jesse Frances Piper on her one hundredth birthday, moving that it be adopted:

RESOLUTION

WHEREAS, Anna B. Stillwell was born on September 23, 1871, in New Market Virginia, AND

WHEREAS, Anna B. Stillwell was married to Jesse Frances Piper on August 25, 1895, AND

WHEREAS, Jesse Frances Piper was a minister and administrator for the Seventh Day Adventist Church organization, and Mr. and Mrs. Piper served in the New England states and Central and Western sections of the United States, Mrs. Piper serving as a school teacher, AND

WHEREAS, Jesse Frances Piper passed away some time ago, AND

WHEREAS, Mrs. J. F. Piper has resided in Takoma Park since early 1946, AND

WHEREAS, Mrs. J. F. Piper celebrated her ONE HUNDREDTH BIRTHDAY on September 23, 1971, in her residence at 7130 Carroll Avenue, Takoma Park Maryland.

THEREFORE, BE IT RESOLVED by the Mayor and City Council that Mrs. Jesse Frances Piper is to be congratulated upon her birthday to reach the century mark which is accomplished by such a minority of the populace in this era, and she is to be congratulated further upon her spiritual and health habits that have contributed to her longevity, AND

BE IT FURTHER RESOLVED that the Mayor and Council and citizens of the City of Takoma Park, Maryland, wish for her many more years of fruitful and happy life.

Motion to adopt the resolution was seconded by Councilmen Forshee and Eppes, and was unanimously adopted.

Mayor Miller read a proclamation and presented it to members of the Ark and Dove Society, Children of the American Revolution, which

proclaimed October 12-19, 1971 as PATRIOTIC EDUCATION WEEK in Takoma Park, and urged citizens to "use their franchise to vote and to make themselves knowledgeable of the workings of a republican type of government in a democratic society."

Mayor Miller then presented the following proclamation to Asst. Fire Marshal Williams:

A proclamation commemorating the hundredth anniversary of the Great Chicago Fire, and naming October 3-9, 1971, as FIRE PREVENTION WEEK, and urging all City citizens to participate in this annual campaign to help prevent the needless waste of lives and property caused by fire.

Mr. Williams introduced Sparky the Fire Dog, and announced that this year marks his 20th anniversary as a symbol of the National Fire Prevention Association for fire prevention education; that he was created to help capture the attention of school children and has been very successful in this effort; that school children relate to him and listen to his message. Fire Marshal Williams also stated that no deaths have occurred in Takoma Park as a result of fire during the past twelve months. Sparky was honored with a birthday cake and birthday greetings, sung by a group of Pathfinders.

PUBLIC PARTICIPATION

1. Joseph Ferrier, 7413 Maple Avenue, City. Mr. Ferrier spoke of the Transit Impact Plan and its similarity to two other local plans, McLean Gardens and Falkland, stating he felt Council should be aware of the dangers inherent in such organized plans of destruction. He noted that developers never take an interest in already deteriorating areas, such as burned-out 14th Street; instead, the trend today is to declare as obsolete areas inhabited by persons who are relatively content, with the worst effects of redevelopment being borne by the old, the young with large families, and those with small financial resources. He spoke of the complacency which sometimes accompanies power, and how those in power often come to believe they possess more knowledge than others on what is best for a community. Mr. Ferrier emphasized that it was not his intent to assume an accusatory tone with the Council, but that he wished to point out some of the pitfalls. He urged Council to back the people of Takoma Park and turn down the proposed amendment to the Master Plan, and save the community from destruction of trees and homes. He also stated he considers the commercial development plans to be based on false assumptions: i.e., it will simply be a new dead area, since commercial ventures both here and in Silver Spring have proven unsuccessful. Councilman Hutmire stated that he could not see the comparability of Takoma Park with Falkland or McLean Gardens since, to his knowledge, no such thing has ever been envisioned by the City; nor have any developers ever approached the City concerning this area. He stated that the plan is simply a proposal for a possible way of developing an area which will undergo change; that Council has felt, and believed that citizens concurred, that it is preferable to have a plan which is controlled and which both Council and residents will have an opportunity to review, than to submit to a hodgepodge of zoning, which would likely include an assortment of enterprises such as used car lots, hamburger shops, etc. Mr. Ferrier conceded that the proposed plan has not gone quite so far as McLean Gardens and Falkland; however, he said, the model itself seems to indicate that something specific has been envisioned. He stated that the various small enterprises which might develop could be dealt with as they arise, without an over-all plan.

2. Rita Marth, 7308 Cedar Avenue, City. Mrs. Marth announced that the recycling center opened last Friday at the Junior High School, with hours as follows: Friday, 5:00-9:00 PM; Saturday, 8:00-12:00 noon. She urged everyone to use it and stated that helpers are welcome.

3. Kathryn B. Simpson, Chairman, Community Improvement Board, City. Mrs. Simpson referred to Public Works agenda item 6, paving of alley off Garland near Carroll, and offered to contact Columbia Union College in order to speed up the process. Councilman Forshee replied that it is pretty much under control and that Public Works has already done considerable work, with plans for more.

4. Phil Vogel, 7117 Garland Avenue, City. Mr. Vogel made the following comments and requests: (1) Citing the environmental requirements in the BOCA code, he requested that they be enforced to clean up the Winchester-Takoma parking lot and Maple Avenue itself, between Sligo Creek Parkway and Philadelphia Avenue, stating that it is an eyesore on what will

likely become a major thoroughfare in the City. (2) He requested that Councilman Webb include the availability of funds for open space on his agenda. (3) With reference to ZAP A-8616, 1007 University Boulevard, and ZAP A-8646, 1021 University Boulevard, Mr. Vogel stated that he would speak for approval of the first, since it conforms to the Takoma-Langley Master Plan, and against the second, because it is in violation of the Plan. Upon question by Councilman Hutmire, Mr. Barile stated that the Winchester-Takoma has no regular maintenance crew, after which Councilman Hutmire requested that the Code Enforcement Division attempt to bring the conditions cited by Mr. Vogel under control. Mr. Vogel commended City Administrator Pridgen for his success in achieving certification under the Workable Program

COMMITTEE REPORTS:

[Mayor Miller stated that Councilman Nishimoto would give his report first, since he had to leave early.]

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

1. Petition for speed bumps or alternative, 7300 block of Cedar Avenue. Councilman Nishimoto reported that three speeding arrests have been made recently and 21 summonses issued in the area of 7100-7300 Cedar Avenue, in an effort to curb the speeding. He indicated the summonses were issued to persons on the verge of violation.

2. Complaint of restricted visibility on Jackson at Sligo Creek Parkway. Councilman Nishimoto stated that this was a valid complaint, and moved that the following ordinance be adopted to correct the situation:

ORDINANCE NO. 2175

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

SECTION 1. THAT it has been determined that the present parking arrangement in the 7500 block of Jackson Avenue creates a hazard for drivers.

SECTION 2. THEREFORE THAT parking of vehicles at any time is hereby prohibited on the east side of Jackson Avenue between Lincoln Avenue and Sligo Creek Parkway, AND

SECTION 3. THAT the Director of Public Works is hereby authorized to erect signs to indicate the directive set forth in Section 2, AND

SECTION 4. FURTHER THAT the penalty for violation of Section 2 of this ordinance shall be the same as prescribed in Article 10 of the Municipal Code (1961), entitled Traffic Regulations.

Motion was seconded by Councilman Eppes, and the ordinance adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Nishimoto, Sidell and Webb. Nay: none. Excused: Councilman Roth.

3. Request to restrict parking to 25 feet from apartment driveways on Maple Avenue. Councilman Nishimoto stated that it was felt that this would only serve to place an additional burden on residents who have only limited parking space available with the 5' from driveway restriction.

4. Proposed parking meters in Montgomery College area. This is a private home area, Councilman Nishimoto said, and the use of parking meters would not be appropriate.

5. Highway Safety Work Program application. This application is being prepared, Councilman Nishimoto reported.

6. Proposed NO LEFT TURN and NO RIGHT TURN signs at Langley Professional Bldg. entrance. Councilman Nishimoto asked that this be removed from the agenda, since a recommendation has been made to the Public Works Department, and they will be handling it from here on.

7. Traffic hazard at Piney Branch, Eastern and Takoma Avenues. Councilman Nishimoto stated that action by the State Roads Commission is still being awaited.

8. Personnel. Councilman Nishimoto moved for approval of the appointment of Roderick C. Wood, 805 Easley Street, Silver Spring, to the position of Clerk-Dispatcher, effective October 1, at the starting salary of \$5600 per year. Motion was seconded by Councilman Forshee and unanimously approved.

9. Sunday art shows and auctions. Councilman Nishimoto stated that members of his church have requested that auctions, sales, art shows, etc., which are held on City property (library) on Sundays be scheduled for 12:00 or 1:00, so as not to conflict with church. Mayor Miller referred this to the Parks and Recreation Committee.

[Councilman Nishimoto was excused by Mayor Miller at this point.]

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting

1. Announcements. Councilman Webb announced that the Recreation Council would meet at 8:00 PM, September 8, at 8 Columbia Avenue, and that a dedication ceremony will be held at Takoma Tower on October 7, 9:15 AM.

2. Open space at New Hampshire, Elm, Heather and Larch Avenue. Councilman Webb cited a letter from Robert M. Arciprete, Principal Park Planner, of the Park and Planning Commission, which stated that the Commission's Land Acquisitions staff had contacted all the property owners in this tract, who indicated they were unwilling to sell unless the Commission met their asking price; that in the staff's opinion " . . . the value placed on the lots appear to be exorbitant and prohibitive for public park purposes." On the basis of this, Councilman Webb asked that the item be removed from the agenda.

FINANCE COMMITTEE: Councilman Forshee reporting

1. August expenditures. Councilman Forshee moved for approval of expenditures during the month of August in the amount of \$135,051.36. Motion was seconded by Councilman Webb and carried.

2. Legal retainer fee. Councilman Forshee stated that this item had been omitted from the budget, pending clarification of duties of the Corporation Counsel. He stated that this has been taken care of and moved that the following ordinance be adopted to appropriate the necessary funds:

ORDINANCE NO. 2176

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

SECTION 1. THAT due to the need for a clarification of the duties of the Corporation Counsel at the time of budget adoption, a sum for Retainer, Legal Counsel, was placed in Budget A/C 22.1 for City Council appropriations, AND

SECTION 2. THEREFORE inasmuch as this matter has now been clarified to the satisfaction of the City Council, the sum of TEN THOUSAND DOLLARS (\$10,000) shall be transferred by the City Treasurer from Budget A/C 22.1 to Budget A/C 10.511, Retainer Legal Counsel.

Motion was seconded by Councilman Eppes and the ordinance adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Sidell and Webb. Nay: none. Excused: Councilmen Nishimoto and Roth.

3. Police and Firemen's Association proposals re Merit Plan revision. Councilman Forshee stated that this item should be deleted from the agenda, since it dealt with the last adopted budget.

4. Request for over-all analysis of Merit Plan. This is under study, Councilman Forshee reported.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Hutmire reporting

1. Request to board up house and garage at 7112 Holly Avenue. In response to Councilman Hutmire's question on the status of this property, Mr. Barile stated that the executors have accepted an offer on the house; that all that remains to complete the sale is the settlement. Councilman Hutmire asked to be kept informed on the progress, noting that Committee would much prefer to have it occupied than boarded up.

2. Vacancy in Code Enforcement Division. Councilman Hutmire stated that he hopes to have a recommendation for Council at its next meeting.

3. 1111 Sligo Creek Parkway, complaints re fence and sign. The Corporation Counsel has been requested to advise the Committee on some technicalities involved in these complaints, Councilman Hutmire said.

4. Consideration of hard surface parking requirement at commercial places and multi-family units; City's authority to require maintenance of commercial property. Councilman Hutmire said that the Committee is concerned with problems of enforcement, uniformity of application, and vulnerability because of the appearance of selectivity of enforcement, and indicated that the Corporation Counsel has been asked to assist in working out appropriate phrasing of possible ordinances. He stated a report will be made to the Community Improvement Board.

5. Montgomery County's proposed landlord-tenant ordinance. Councilman Hutmire stated that the hearings on this ordinance had extended over several days, with many persons speaking both for and against it; as a result, he anticipates the ordinance will undergo considerable revision, thus giving the Committee more time for considering its applicability to City.

6. Renewal of Animal Warden's contract. Councilman Hutmire moved for adoption of the following ordinance, which appropriates funds for the continued operation of the Animal Warden:

ORDINANCE NO. 2177

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

SECTION 1. WHEREAS Mr. William Jarboe was appointed Animal Warden by Ordinance 2117, to enforce control over dogs as provided in Ordinance 2113, AND

ORDINANCE NO. 2178

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

SECTION 1. THAT Article 13A, entitled "The Housing Code" adopted by Ordinance No. 2073, and effective October 1, 1969, be amended by the addition of Section H-121.2, to appear immediately after Section H-121.1, and to read as follows:

H-121.2 INSPECTION BY CODE ENFORCEMENT OFFICER. The owner or operator of a dwelling unit or rooming unit, or his agent or employee (including tenants) shall accompany or be present during the time that the building official(s) conduct the inspection. AND

SECTION 2. THAT this amendment shall become effective on the date of adoption.

Certified to be a true and correct copy:
of Ordinance No. 2178 as adopted by the
Mayor and City Council on September 27, 1971:

Haynes M. Prudgen / JPM
City Clerk

SECTION 2. WHEREAS his appointment has been limited to quarterly periods, and it has been determined that his service has been effective and need to be continued.

SECTION 3. THEREFORE THAT the provisions of Sections 1, 2, 3 and 4, of Ordinance 2117 will be extended for an additional three months through December 31, 1971, AND

SECTION 4. THAT funds to provide for the quarterly period in the amount of ONE THOUSAND, THREE HUNDRED FIFTY DOLLARS (\$1350) be transferred from A/C 22.1 to A/C 11.911 (\$945) and A/C 11.912A (\$405), effective October 1, 1971.

The Motion was seconded by Councilman Sidell and, after clarification on the amount of money involved, the ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Sidell and Webb. Nay: none. Excused: Councilmen Roth and Nishimoto.

The Committee has also been considering a proposal for limiting the numbers of animals which may be kept, Councilman Hutmire reported.

7. Workable Program certification. Councilman Hutmire stated that the next step will be to prepare proposals for federally assisted code enforcement programs.

8. Amendment to BOCA Code. Councilman Hutmire referred to the first reading of the proposed amendment (September 13 Council meeting), and moved that the amendment be adopted by ordinance:

ORDINANCE NO. 2178

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

SECTION 1. THAT Article 13A, entitled "The Housing Code," adopted by Ordinance 2073, and effective October 1, 1969, be amended by the addition of Section H-121.2, to appear immediately after Section H-121.1, and to read as follows:

H-121.2 INSPECTION BY CODE ENFORCEMENT OFFICER. The owner or operator of a dwelling unit or rooming unit, or his agent or employee (including tenants) shall accompany or be present during the time that the building official(s) conducts the inspection.

AND

SECTION 2. THAT this amendment shall become effective on the date of adoption.

The motion was seconded by Councilman Sidell. In response to Councilman Forshee's question, Councilman Hutmire said the section could, if necessary, be enforced via warrant. The ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Eppes, Forshee, Hutmire, Sidell and Webb. Nay: none. Excused: Councilmen Nishimoto and Roth.

9. Community Renewal Program. Councilman Hutmire read a letter addressed to the Montgomery County Executive and the County Council endorsing the general concept of the Community Renewal Program, and moved for Council approval. The motion was seconded by Councilman Eppes and unanimously carried.

Councilman Hutmire commended the Community Improvement Board for taking the Washington Post to task for describing as Takoma Park a badly run down section of Montgomery County. Mrs. Simpson reported that the Sister City Corporation had painted their building upon request.

In response to Mrs. Marth's question, Councilman Hutmire stated that the information booklet would be made available to the old residents as well as the new.

PUBLIC WORKS COMMITTEE: Vice-Chairman Forshee reporting

1. Proposal for recycling of newspapers. Councilman Forshee commended Mrs. Marth and TESS's Bill Sefekar for their initiative in setting up a recycling station. Mrs. Marth stated that she hopes the Committee will continue to consider her proposal for a City-operated newspaper recycling program. She also stated that many people from outside the City are using the Junior High center. Upon question by Councilman Eppes, Mrs. Marth stated that the center handles newspapers, magazines, cardboard, paper bags, glass and aluminum; however, they do not have facilities for tin.

2. Complaint re maintenance of parks and litter containers. This is always a continuing problem, Councilman Forshee said, and a job that is never quite caught up with.

3. Complaint of weathered Library sign. Councilman Forshee stated that this complaint was justified and that the sign will be replaced.

4. Complaint of erosion of new parking lot at Library. This will be taken care of, Councilman Forshee stated, and noted that the Azalea Committee is helping out, and some suggestions are being considered.

5. Complaint of gasoline fumes in storm sewer at #1 Valley View Avenue. Councilman Forshee stated that the fumes have dissipated and requested that the item be removed from the agenda.

6. Request to pave alley off Garland, west of Carroll Avenue. This is being given attention, and should be completed soon, Councilman Forshee said.

7. Request to improve access to Langley Professional Building parking lot. Councilman Forshee stated that the Committee recognizes that some action will have to be taken here. In response to his question, the City Administrator said that the owners of the building have been contacted, but no response has been received.

8. Petition to improve Hodges Field. After conferring with Mr. Rhodes and Mrs. Ziegler, Councilman Forshee requested that a chain be put across path used by school buses to prevent further damage to the field, and asked that the item be removed from the agenda.

9. Additional street light on Houston Court. Councilman Forshee moved that Council authorize the Director of Public Works to request a PEPCO survey of street lighting on Houston Court, with a view to possibly upgrading it by one light. Motion was seconded by Councilman Webb and carried.

FIRE PROTECTION COMMITTEE: Councilman Eppes reporting

1. VFD proposal to remodel portion of Fire House. This proposal is being reviewed by the Parks and Recreation Committee and the Recreation Department, Councilman Eppes said.

2. Prince George's County Fire Tax. Councilman Eppes reported that no specific word has been received from the County Council, though they earlier indicated they are willing to make payment in lieu of the fire tax.

3. Appointment of second delegate to Montgomery County Fire Board. Councilman Eppes referred to the resolution adopted at the September 13 Council meeting, which set forth the procedure for this appointment. He stated that the VFD have elected Mr. Peter Menedis as their

choice for representative on the Board, and moved for Council approval. Motion was seconded by Councilmen Hutmire and Sidell. In response to Councilman Forshee's question, Mr. Eppes said the term runs from July 1 through June 30, 1972. Motion was unanimously approved.

PLANNING AND ZONING COMMITTEE: Councilman Sidell reporting

Councilman Sidell thanked Mr. Vogel for his recommendations on the two zoning items on the agenda, and stated that he and other members of the Committee always welcome comments from citizens. He indicated that these and other items would be reported on at the next Council meeting.

SPECIAL LIBRARY COMMITTEE: Councilman Forshee reporting

Councilman Forshee stated that Mrs. Robinson will be on leave from October 11-15 and October 26-29, and that Mrs. Barclay will assume the duties of librarian in her absence.

In response to Mayor Miller's query, Mr. Gingerich stated that he should have finished reviewing the Municipal Code revision in approximately a month's time.

Mr. Preston, of 1001 Sligo Creek Parkway, complained of trucks using Sligo Creek Parkway as a thoroughfare, stating that he has been in touch with the Park Police, who have been cooperative, and requesting help from Takoma Park police to help control the situation. Mayor Miller requested that Chief Porter make an investigation.

There being no further business to come before the Mayor and Council, Mayor Miller called for a motion to adjourn the meeting. Motion was made and seconded, and the meeting adjourned at 9:55 PM, to reconvene on October 11, 1971, at 8:00 PM, in the Municipal Gymnasium.

Approved: George M. Miller
Mayor

ATTEST:

Haynes M. Ridgim
City Administrator