

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
October 11, 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 Roth | Fire Chief LaScola |
| Councilman Sidell | Police Chief Porter |
| Councilman Webb | Director of Public Works Rhodes |
| | Dep. Dir. of Public Works Barile |
| Excused: Councilman Nishimoto | Director of Recreation Ziegler |

The Mayor and City Council met in regular session at 8:05 PM, October 11, 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. Notice of Maryland Municipal League Legislative Conference, October 30, 9:00 AM, Sheraton-Lanham Motor Inn, New Carrollton, Md. Council as a Whole
2. Hon. Idamae Garrott, President, Montgomery County Council. Acknowledgement of Councilman Hutmire's statement on the Community Renewal Program. Housing & Code Enf. Comm.
3. Hon. James P. Gleason, Montgomery County Executive, Rockville. Acknowledgement of statement by Councilman Hutmire on the Community Renewal Program. Council as a Whole
4. Robert E. Brennan, Vice-Chairman, Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring. Invitation to participate in walking tour of Transit impact area. Council as a Whole. [Mayor Miller stated he would be unable to attend because of another commitment.]
5. Kathryn T. Simpson, Chairman, Community Improvement Board, City. Letter citing serious erosion problems on Garland Avenue. Public Works Committee
6. John D. Emler, 907 Spring Street, Silver Spring, Md. Request to be considered for engineering and survey work. Public Works Committee
7. Robert H. Moore, 7314 Willow Avenue, City. Request for regular patrol and/or speed trap on Willow between Tulip and Valley View; points out tendency to ignore stop signs on Tulip at Willow. Law Enforcement Committee
8. Robert H. and Nancy M. Moore, 7314 Willow Avenue, City. Comments on work session with Montgomery County Planning Board on Transit Impact Plan; request for Mayor and Council to attend as a body. Council as a Whole

9. Rita K. Marth, 7308 Cedar Avenue, City. Request for Corporation Counsel to handle proceedings to set up recycling center as a nonprofit corporation. [Mayor Miller instructed the Corporation Counsel to undertake this.]

FINANCIAL STATEMENT OF BANK BALANCES AS OF 9-30-71: City Treasurer Turner reporting

SUBURBAN TRUST COMPANY--GENERAL FUND

Balance as of August 31, 1971	66,564.15	
September receipts	<u>632,219.36</u>	698,783.51
September disbursements		<u>226,305.26</u>
Balance as of September 30, 1971		<u>472,478.25</u>

SUBURBAN TRUST COMPANY--PAYROLL ACCOUNT

Balance as of August 31, 1971	7,035.59	
September transfers from General Funds	<u>87,471.79</u>	94,507.38
September disbursements		<u>87,114.47</u>
Balance as of September 30, 1971		<u>7,392.91</u>

CITIZENS BANK OF MARYLAND--GENERAL FUND

Balance as of August 31, 1971	8,462.41	
September receipts	<u>3,348.97</u>	11,811.38
No September disbursements		--
Balance as of September 30, 1971		<u>11,811.38</u>

CITIZENS BANK OF MARYLAND--SPECIAL ASSESSMENTS FUND

Balance as of August 31, 1971	551.62	
No transactions during September	--	551.62
Balance as of September 30, 1971		<u>551.62</u>

CITIZENS BANK OF MARYLAND--PUBLIC IMPROVEMENT FUND

Balance as of August 31, 1971	33,053.30	
September receipts	<u>4,125.00</u>	37,178.30
September disbursements		<u>31,807.54</u>
Balance as of September 30, 1971		<u>5,370.76</u>

CITIZENS BANK OF MARYLAND SAVINGS A/C TP-63

Balance as of August 31, 1971	152.84	
Interest through September 30, 1971	<u>1.71</u>	154.55
Balance as of September 30, 1971		<u>154.55</u>

AMERICAN NATIONAL BANK--GENERAL FUNDS

Balance as of August 31, 1971	711.27	
September receipts	<u>30,919.42</u>	31,630.69
No September disbursements		--
Balance as of September 30, 1971		<u>31,630.69</u>

PETTY CASH

200.00

Mr. Turner stated the audit report will be available to the public in a week or two; he also noted that some \$15,000 had been earned last year on investments.

MAYOR MILLER'S COMMENTS:

Mayor Miller welcomed the audience and invited them to attend the next meeting of the Council, to be held on October 25, at 8:00 PM. He stated that Mr. Andrew Buzik, who has worked

so long and effectively with the Boys Club, was stricken with a heart attack earlier in the evening, and that he and many others wished him a speedy recovery.

Mayor Miller proposed adoption of a resolution for presentation to Rev. Patrick J. Begley, Our Lady of Sorrows Catholic Church, congratulating him on his elevation to the office of Monsignor, as follows:

TESTIMONIAL RESOLUTION
to Monsignor Patrick J. Begley

WHEREAS, Reverend Patrick J. Begley has served as pastor of Our Lady of Sorrows Catholic Church since July 6, 1960, AND

WHEREAS, He has cooperated and given his full support to many civic endeavors within the City of Takoma Park, AND

WHEREAS, He has frequently led the Mayor and City Council by words of inspiration and guidance in deliverance of the Invocation at Council Meetings of the City of Takoma Park, AND

WHEREAS, He has served as an inspired leader in the religious and civic lives of many citizens of the area, AND

WHEREAS, After many years of faithful service in his chosen dedicated profession, he has been elevated to the rank of Monsignor.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Takoma Park, that this simple token of high esteem be imparted to MONSIGNOR PATRICK J. BEGLEY in sincere appreciation of his dedicated service to the community of Takoma Park with best wishes for his continued success in this higher service to his Church and fellow man

BE IT FURTHER RESOLVED THAT this Resolution be spread among the permanent records of the City of Takoma Park and a copy thereof be presented to MONSIGNOR PATRICK J. BEGLEY upon the occasion of the reception in his honor on October 17, 1971.

Motion for adoption of the resolution was seconded by Councilman Roth and unanimously approved.

PUBLIC PARTICIPATION:

1. Joseph G. Ferrier, 7413 Maple Avenue, City. Mr. Ferrier referred to the agenda item on control of cats, and illustrated his belief that cats tend to be self-regulating in terms of numbers, as follows: during the past year a family of 21 cats has been reduced to four known survivors, due primarily to accidental death; in addition two cats were killed by cars in front of his home during the same period.

Mr. Ferrier noted that he had seen Councilman Nishimoto at the two Impact meetings, along with one or two other Councilmen. He urged the Mayor and Council to attend the remaining sessions, if they are able to do so, saying that their presence demonstrates concern and inspires confidence. Mayor Miller said he had attended the first of these meetings, but had had a previously scheduled meeting on the night of the second.

2. Gene O. Stowell, President, Block 69 Committee, 7704 Takoma Avenue, City. Mr. Stowell recounted the support Committee has received in their fight to save Block 69: by Homeowners, Inc., a national organization; in resolutions passed by both the Democratic and Republican Central Committees of Montgomery County; through the signatures of some 1100 Montgomery County residents, from Takoma Park primarily; by a resolution passed by Montgomery County Council

PUBLIC PARTICIPATION, continued

October 11, 1971

asking that alternatives to taking Block 69 be considered, in addition to alternatives suggested by two Council members at the same meeting. He also stated that he had requested the Governor and the State Board of Public Works to delay funding until an alternative plan is adopted, that he had been successful in this effort to some extent in that the Board of Public Works agreed to defer action on funding, pending receipt of a statement from the County Council on their current thinking. Mr. Stowell went on to say that it is the Committee's assumption that Council backed Montgomery College's proposed use of Block 69, believing there were no other practicable alternatives. However, he said, the Committee has engaged an architect to draw up alternative plans, and that his proposals illustrate some of the fallacies in the College's arguments. He proposed that, after viewing the plans, the Council reverse its present position and request by resolution that Montgomery College expand without utilization of Block 69. He then introduced Mr. Vernon Duckett, citing his 42 years experience as an architect, which included the design of numerous colleges.

3. Vernon Duckett, 53 Philadelphia Avenue, City. Mr. Duckett presented four alternative plans for expansion of the College, none of which included Block 69. He stated that all included many innovative features not usually provided for junior colleges, as well as all of the usual amenities; in addition, he stated that through the use of precast materials in repetitive fashion, savings on operational costs because of compactness etc. his plans will produce a 20 per cent savings. The schemes presented included a 5-story classroom building with an attached 3-story parking building proposed for the present site; use of the railroad air rights to put a building on top of the tracks; the use of a triangular piece of investment property (bounded by Blair Park, Eastern and the railroad) for expansion; and the use of Blair Park. Other proposals included building a wall along railroad track to diminish noise, with parking space atop the wall; indoor athletic courts; an enclosed botanical garden; a garden and trees atop classroom-parking building. In response to Councilman Forshee's question, Mr. Duckett stated that Montgomery College has not been approached with the plans, for the Committee wished to first present them to the Mayor and Council. Mr. Duckett, in response to queries by Councilmen Roth and Hutnir, stated that the 20 percent reduction in costs can be accomplished by the use of precast and prestressed structures and superstructures, and duplication; that his estimates are based on his own judgment and experience; that an item by item cost estimate for comparison with the College's proposed plans has not been computed. Councilmen Eppes asked how the space allocation envisioned in his plans compares with that worked out by the College for the same facilities. Mr. Duckett stated that his plans were developed from the College's stated needs. In response to Mr. Hutnir's question as to neighborhood reaction to such an imposing facade, Mr. Duckett stated that he does not anticipate any problems, since the proposed building would be attractive, and the variance in elevation of the land would tend to reduce the appearance of height.

4. Henry Bison, 709 New York Avenue, City. Mr. Bison read a statement signed by 14 residents of Block 69 which said, in part, ". . . in connection with plans by Montgomery College for acquiring certain property in Block 69, we have not authorized or delegated any individual group, or committee to represent or speak for us in this matter. . . . We fully reserve the right to speak for ourselves and to represent our individual views as we deem our interests and those of the entire city and community are best served. Mr. Bison stated that the signers of the petition are the owners of ten pieces of property in the block and that they, in combination with the College's four properties, comprise 55 per cent of the property owners. He pointed out that four property owners have voluntarily signed an option to sell to the College, without threat, and of their own free will; that these facts would indicate that the majority of the owners are not unalterably opposed to the College acquiring their property at a fair price. Councilman Eppes and Mayor Miller thanked Mr. Bison for his statement.

5. Jack Mitton, 501 Philadelphia Avenue, City. Mr. Mitton stated that he resides across the street from Block 69; that, when he pointed this out to a members of the Block 69 Committee who asked him to join, he was told that his block might be taken next, and cited this as typical of the scare tactics being employed. He also pointed out that Mr. Duckett's plans seem to ignore the possibility of the North Central Freeway, and also asked if current building codes

would permit the type of construction he envisions and, if so, where it has been used. Mr. Mitton pointed out that the Co-Chairman of Block 69, who is also Co-Chairman of the Ad Hoc Save Takoma Park Committee, is approving a high rise building in the first instance, while opposing it in the second.

6. John A. Tucci, 608 Philadelphia Avenue, City. Mr. Tucci pointed out that many of the signers of the statement read by Mr. Bison had, in 1970, signed a petition supporting the position of the Block 69 Committee. The petition (a copy of which was submitted for the record) stated that property owners of Block 69 had been notified by College attorneys that the school wished to acquire their property to facilitate the expansion program. It went on to say, "We . . . legal and rightful owners of these properties do hereby join together to make loudly and clearly known that we violently oppose this action." After stating the reasons for opposition, the petition continued, "We petition the county council to institute a committee to investigate alternatives for said College to better serve the taxpayers and county youth; also to give these landowners the opportunity to be heard to point out certain particulars regarding the matter."

7. Joseph Ferrier, 7413 Maple Avenue, City. Mr. Ferrier said the meeting exemplified democracy in action, in which honest disagreements have been brought out in the open. He stated that his position is well known: that he opposes any action which might force a citizen to give up his home; at the same time, that same citizen should be free to sell his home if he wishes.

8. Bernice Meyers, 7212 Cedar Avenue, City. Mrs. Meyers expressed the hope that some alternative to condemnation would be sought. She questioned the educational value of some of the courses offered at Montgomery College, and noted that it was her understanding that only 800 graduated from both campuses last year.

9. Etta Davis, 703 New York Avenue, City. Mrs. Davis stated that at one time she too had believed that everyone should feel free to sell, if they wished; however, the end result is that some will be forced to sell simply because they are the only ones left. She also stated that new families in the Block are in a very bad position because they cannot get a fair market price for their homes, and if condemnation is instituted, as is threatened, residents of Block 69 will, in effect, be subsidizing the College. She noted that Mr. Bison had also received a letter spelling out the condemnation process.

Mr. Tucci submitted copies of a Montgomery College Board of Trustees resolution, "Authorization to Institute Condemnation Proceedings," which dealt with eight separate properties on Block 69 and outlined the condemnation procedure.

10. Ruth Abbott, 7308 Birch Avenue, City. The trend in the thinking of bodies such as Montgomery County Council and D. C. City Council, would seem to spell the demise of the North Central Freeway, Mrs. Abbott said, and the Metro is being built instead. She also expressed the view that the need for Block 69 as a parking lot at Montgomery College should be considered in light of the fact that the school is located approximately midway between two planned Metro stations--Takoma and Silver Spring.

11. Nancy Young, 7120 Willow Avenue, City. Miss Young stated that she speaks for a significant proportion of the student body in saying that they do not want to take land and trees for a parking lot; that public transportation should be improved instead; and that she would prefer to continue to use the present poor physical facilities of the school, if there is no alternative to the planned use of Block 69. She expressed the opinion that the proposed Transit Impact plan and Montgomery College expansion would radically change the heterogeneity of Takoma Park. Miss Young indicated she would take the alternative plans drawn up by Mr. Duckett to the student body.

12. David Weisman, 7701 Takoma Avenue, City. Mr. Weisman said he supports the position of his neighbors on Block 69, and suggested that the alternative plans be considered by the College before any further work is done.

13. Kathryn Simpson, 7300 Cedar Avenue, City. Mrs. Simpson stated that, though she had supported the Mayor and Council's position on Block 69, she doesn't want anyone to lose a home. She asked if the College architects had not, in fact, revised the plans with a view to easing the plight of the homeowners on that block. She indicated that her support for the expansion was predicated on the assumption that the College would leave Takoma Park if their plans fell through, and a fear that the commercial and industrial sector, already across the street, would move into the vacated campus.

14. Delores Stowell, 7704 Takoma Avenue, City. Mrs. Stowell reported that during a meeting of the County Council in August, Mrs. Scull indicated that retention of Block 69 in its present state would act as a buffer to the encroachment of high rise and commercial development into Takoma Park.

15. J. Aurel LeMay, 704 Philadelphia Avenue, City. Mr. LeMay stated that in plans he has seen, about 70 per cent of Block 69 is to be used for a parking lot.

16. Jewell Turner, 226 Grant Avenue, City. Mrs. Turner stated that she is very much in sympathy with the residents of Block 69, but is not as optimistic as they about the College remaining in the City. She asked Council to consider this, noting that Takoma Park needs all the assets it can get.

17. Mr. Ferris, Larch Avenue. Mr. Ferris stated that it would be helpful if Council would indicate its reaction to the alternative plans; he also pointed out the burden of increased cars on Takoma Park streets which a large parking lot would generate.

Mr. Duckett stated that he is confident the College will be interested in his plans; that it appears they have not yet been offered an acceptable alternative. He also said that bodies who have the right of eminent domain should exercise it with care, and be aware of the example or precedent they are setting; that to take homes to build a parking lot is in violation of the public trust invested in them.

Mrs. Davis said she would be working with the Historical Society in helping to document possible historical homes in the City for submission to the Maryland Historical Trust. She stated the criteria for consideration, and noted that five homes in Block 69 fulfill these criteria, saying she felt the City should concern itself with preservation rather than destruction.

Mr. Tucci asked when the Council would be able to give an opinion or endorsement of the alternative plans. Councilman Hutmiere replied that, though he was very much interested in some aspects of the plans, it would be impossible to give an opinion without a point by point comparison with the College's plans. Mr. Tucci stated that the Committee has only a very limited budget, and Mr. Duckett said that neither the Council nor the Committee is competent to judge the merits of one plan over another, but that the Committee would like to be able to present the plans to the College and say the Mayor and Council are behind them. Mayor Miller assigned this to the Council as a Whole and the Planning and Zoning Committee, stating that he did not know when they could give an opinion, but that one would be forthcoming as quickly as possible. Mrs. Meyers said it would be nice if Council could see its way to accommodating the request, in view of the expressions just voiced. Mr. Ferrier stated that he believed what was intended here was a rapprochement similar to that reached with the State Board of Public Works, in which they deferred action on College's budgetary requests until the County Council had reconsidered its position. An unidentified member of the audience voiced the opinion that the college should not be permitted to expand on the threat of leaving.

COMMITTEE REPORTS:PLANNING AND ZONING COMMITTEE: Councilman Sidell reporting

1. ZAP A-8616, 1007 University Blvd., R-18 to C-0. Councilman Sidell stated that since this is in conformance with the Master Plan, and a recommendation from the public to grant approval has been received, the Committee has no valid reason for opposing it. He moved that Council go on record as favoring the granting of this petition. Motion was seconded by Councilman Roth and carried.

2. ZAP A-8646, 1021 University Blvd., East, R-18 to C-G. Councilman Sidell stated that this petition would bring in a General Commercial type of zoning, which can include many things other than the present Office Commercial in an area already well supplied with commercial operations, and that Committee recommends denial of the petition. He moved that Council concur in this recommendation. Motion was seconded by Councilman Roth. Councilman Hutmire asked if the C-G zoning were in conformance with the Master Plan, to which Councilman Sidell replied in the negative. Motion to recommend denial of ZAP A-8646 was unanimously approved.

3. Request to ask Montgomery College to delay condemnation in Block 69 until Maryland Law is made more equitable. Councilman Sidell recounted the background of this item, noting that the request had been made by the Lerner's of Takoma Avenue. He stated that he could understand how some of the residents of Block 69 would consider the law grossly unjust; however, laws are made to benefit the majority of the people. The just-unjust issue becomes a matter of opinion, then, depending on individual interests. Upon question by Mrs. Tucci, Councilman Sidell said he was speaking of the right of eminent domain. He asked that the item be removed from the agenda.

4. Problem of under-appraisal of Takoma Park real estate. Councilman Sidell cited a Park and Planning Commission document which contained a listing of average property values for 30 Montgomery County areas, and noted that Takoma Park ranked twenty-sixth with an average of \$22,000 valuation. He pointed out that one factor which affects this average is the pockets of deteriorating property and stated that about all the City government can do is to continue its code enforcement program, which is designed to up-grade property. Councilman Sidell stated that it is likely that a lot of new construction and improvements have never been assessed, simply because the assessors aren't notified, and that this, though it might tend to keep individual property taxes at a lower level, has the over-all effect of reducing the value of Takoma Park real estate.

5. Representative to YESS Citizens Advisory Council. Councilman Sidell stated that, since Committee has been unable to find anyone willing to fill this post, he would act as the representative. He noted that he will be serving on the Planning Committee of the CAC.

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting

1. Notice of funds allocated to counties for open space. Councilman Webb read an excerpt from a State Department of Forest and Parks notice which listed the following FY72 Open Space apportionment: Montgomery County, \$1,845,037; Prince George's County, \$2,106,549.

2. Request to change hours of Sunday shows at Library. Councilman Webb said that the Committee has not received sufficient information to act on this, but he hopes to have a report at the next Council meeting.

3. Special events. Councilman Webb announced the following scheduled Halloween parties for age 1-12, party with prizes and entertainment, refreshments, 2-4:00 PM, October 30, Firehouse Gym; a free horror movie for teenagers w/free refreshments, 8-10:00 PM, Oct. 30, Gym.

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FINANCE COMMITTEE: Councilman Forshee, Chairman

No report.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto, Chairman

No report.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Hutmire reporting

1. Poor maintenance, Winchester-Takoma parking lot. An inspection revealed a marked relapse in general upkeep of the building and grounds as well as the parking lot, Councilman Hutmire reported. However, he said, the building is under new management and a more cooperative attitude is already evident. He indicated the Code Enforcement Division has begun a log of items to be brought to the attention of the manager.

2. Request to board up house and garage at 7112 Holly Avenue. Councilman Hutmire stated that the prospective buyer of this house has run into some problems in securing a loan, but anticipates that they will be overcome. He requested that during the interim, the Fire Department make an evaluation of the need for boarding up the buildings.

3. 1111 Sligo Creek Parkway. Councilman Hutmire stated that the Code Enforcement Division is working with the County zoning office to persuade the operator of the furniture store to correct certain violations.

4. Montgomery County Housing Authority Lease-purchase program. Councilman Hutmire read a Resolution of Intent which would permit the Housing Authority, through a HUD-funded program, to acquire up to ten homes which would subsequently be sold to qualified purchasers of limited income, under a 5-year lease-purchase agreement. During the five year period, the Housing Authority would assume prime responsibility and also guarantee a sum of money in lieu of taxes after completion of the five year occupancy, tenant would acquire title to property and assume all obligations. The resolution stipulated that any non-conforming use units would revert back to single-family dwellings. Councilman Hutmire moved for adoption of the resolution, and it was seconded by Councilman Sidell. Councilman Roth, after being informed by Mr. Hutmire that the agreement would not be restricted to the purchase of multi-family units, stated he saw little benefit to the City unless this were included. Councilman Forshee had some reservations about forfeiture of taxes for five years. After further discussion, Councilman Hutmire withdrew his motion to permit further study of the resolution.

Councilman Hutmire acknowledged a letter from Mr. Phil Vogel, requesting that the lot adjacent to the BP gas station on New Hampshire Avenue be cleared of an assortment of old cars, trucks and construction equipment. He indicated he had referred it to the Police Department with a request for appropriate action.

Councilman Hutmire moved that Council accept the resignation of Mr. Melvin Hall from the Community Improvement Board, with regrets, and approve the appointment of Mr. and Mrs. Paul Marth as co-chairmen of Zone 4. Motion was seconded by Councilmen Roth and Webb and unanimously approved.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting

1. Purchase of burlap squares. Councilman Roth moved for adoption of the following ordinance to facilitate the purchase of burlap squares used by the sanitation workers:

ORDINANCE NO. 2179

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

- SECTION 1. THAT it has been determined that the Sanitation Department is in need of burlap squares for trash removal, AND
- SECTION 2. THAT bids have been received from three manufacturers, with Bemis Co. submitting low bid of \$1425, for 1500 sheets of 10-oz. burlap squares.
- SECTION 3. THEREFORE THAT the contract for purchase of 1500, 10-oz. burlap squares, cut to specification requirements, is hereby awarded to Bemis Company, Inc., for the approximate sum of \$1425, said sum to be charged to A/C 13.402.

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

Roth

2. Purchase of vehicles. Councilman requested, in two separate motions, that Council authorize the Public Works Director to advertise for bids on one 1/2-ton truck and one compact panel van for use in the Department, both of which are replacements for trucks which are beyond economical repair. He noted that funds for one were allocated in the FY72 budget, while the cost of the second vehicle will be covered by transfer of unexpended salary funds. Motions were seconded by Councilmen Eppes and Forshee and carried.

3. 1972 Federal highway allocations. This is a 50:50 matching funds arrangement, Councilman Roth said, at a time when the City is very short on funds. He indicated that further study would be made in an effort to utilize some of the available federal funds.

4. Maintenance of Maple Avenue, between Philadelphia and Sligo Creek Parkway. Councilman Roth stated that this situation has been created by the two construction projects in the area; that the Public Works Department regularly uses the street sweeper, as well as brooms: and that the suggestion of elimination of parking to permit sweeping of the street does not seem to be a feasible one.

5. Proposed turn signs at Langley Professional Building. Councilman Roth proposed erecting two signs to help channel traffic flow in this area but, after considerable discussion, it was agreed that, before proceeding, Capt. Porter would study the proposal and make a recommendation to the Public Works Committee.

6. Recycling center. Councilman Roth referred to Mayor Miller's authorization for the Corporation Counsel to proceed with whatever is necessary for the incorporation of the recycling center at the Junior High School, stating that he was pleased with the work that is being done there, and pleased that the City could provide this service. Mrs. Rita Marth asked if her suggestion to use recycled paper had been overlooked. The City Administrator replied that he had issued instructions to order recycled mimeograph paper, if it is available, and noted that this is the only paper used by the City in large quantities.

7. Complaint of erosion of bank in new Library parking lot. The Committee, in cooperation with the Azalea Committee, have agreed to plant a cover of periwinkle on the bank to hold back the erosion, Councilman Roth stated.

8. Request to improve access to Langley Professional Building parking lot. Councilman Roth stated that Committee is awaiting a reply to some requests made to owners of the building, and asked the City Administrator to make further inquiries.

9. Storm drain overflow near 1402 Erskine Avenue. The Committee is waiting for Prince George's County to proceed with some promised work, Councilman Roth stated.

10. Items of information. Councilman Roth reported that a storm drain has been completed in the 6600 block of Westmoreland Avenue; a storm drain and paving of the alley entrance off the 7700 block of Garland Avenue has been completed; repaving of defective sidewalk in front of Takoma Tower has been partially completed; new street lights have been installed in the area between Carroll and Piney Branch, and between Philadelphia and Mississippi Avenues.

FIRE PROTECTION COMMITTEE: Councilman Eppes reporting

In connection with agenda items 1, 3 and 4, Councilman Eppes stated that the Committee has been unable to hold its regularly scheduled meeting because of conflicting schedules of Committee members.

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 10:25 PM, to reconvene at 8:00 PM, October 25, 1971, in the Municipal Gymnasium.

CITY OF TAKOMA PARK
8 Columbia Avenue
Takoma Park, Md. 20012

FIRST CLASS MAIL

Attest: *Harold M. Rodriguez*
City Administrator-Clerk

Approved: *George M. Miller*
Mayor

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

October 25, 1971

City Officials Present

Councilman Roth, Mayor Pro Tem
Councilman Eppes
Councilman Hutmire
Councilman Nishimoto

Asst. Corp. Counsel Culpepper
City Treasurer Turner
Fire Chief LaScola
Fire Captain West
Police Chief Porter
Dep. Dir. of Public Works Barile
Director of Recreation Ziegler

Excused: Mayor Miller
Councilman Forshee
Councilman Sidell
Councilman Webb

Councilman Roth explained that Mayor Miller's absence was due to a long-standing engagement, and that he would preside as Mayor Pro Tem. The invocation was given by Monsignor Patrick J. Begley, Our Lady of Sorrows Catholic Church, and was followed by the pledge of allegiance to the flag. Mayor Pro Tem Roth called for a motion to waive the reading of the minutes, if there were no corrections or additions. Motion was made by Councilman Nishimoto, seconded by Councilman Eppes, and carried.

CORRESPONDENCE RECEIVED: City Treasurer Turner Reporting

1. Robert J. Crowley, LEAA Coordinator, Human Relations Commission, Prince George's County Department of Human Resources and Community Development, 9171 Central Avenue, Capitol Heights. Notice of receipt of LEAA grant to operate a police-community relations program. Request for comments on program goals; request to appoint liaison person from community to work with Committee. Law Enforcement Committee
2. James M. Hennessey, Chief, Zoning and Planning Adm., Park and Planning Commission, 6600 Kenilworth Avenue, Riverdale. Notice of application for Special Exception, No. 2599, 1021 University Blvd, E., for limited professional use (medical office) in basement. Applicants: Hang and Yu Chon. Planning and Zoning Committee
3. Robert H. Moore, 7314 Willow Avenue, City. Request for Council to let it be known that they support residents of Block 69 in their efforts to have Montgomery College review alternative proposals for expansion. Planning and Zoning Committee
4. Robert and Nancy Moore, 7314 Willow Avenue, City. Letter dealing with incidents at October 14 Metro impact meeting. Council as a Whole
5. John E. Ouram, 322 Boyd Avenue, City. Complaints of robbery, a street attack, and door bell ringing in area. Suggested curfew for children under 16; request for instructional program on use of bicycles. Law Enforcement Committee
6. Mrs. Frederick L. Pratt, 2779 Lydia St., Jacksonville, Fla. Check for \$25, with request that it be used for a tree at new Municipal Building in honor of Robert Collison. Public Works Committee
7. Richard Lee Fenn, Office of Public Affairs, Columbia Union College, City, to Park and Planning Commission, Silver Spring. Notice of change in meeting place for fourth Metro impact workshop session to the College Gym, 715 Maplewood Avenue. Planning & Zoning Comm.

October 25, 1971

Councilman Roth, Captain West, Fire Chief LaScola and Councilman Eppes participated in the presentation of awards to winners of the annual fire prevention poster contest, as follows: Grades 1-3, first prize (a bicycle) to Beck Waring, Sligo Elementary School; runner-up (a camera) to Linda Bainum, of the same school. Grades 4-6, first prize to Mark Zervos, Sligo Elementary School; runner-up to Michelyn Burke, Takoma Elementary; and a special award to Teddy Jarboe, Jr., Silver Spring Intermediate School.

[Councilman Hutmire arrived at this point.]

PUBLIC PARTICIPATION:

1. Kathryn Simpson, Chairman, Community Improvement Board, 7300 Cedar Avenue, City. Mrs. Simpson read a statement on behalf of the Community Improvement Board which stated that the Board, both individually and collectively, endorse Mrs. Jeanne Bussey for the position of Code Enforcement Officer which has been vacant for many months. The statement pointed out her familiarity with both the City and the code enforcement operation, and suggested that her replacement in the City Office might be more practicable than an outside replacement in Code Enforcement.
2. Phil Vogel, 7117 Garland Avenue, City. Mr. Vogel said he wished to thank members of the Council and City employees for various services he has received: Mr. Rhodes, Councilman Roth, and the Public Works Department for their responsiveness to problems he has brought to their attention; Councilman Sidell for zoning recommendations made at the last Council meeting; Sgt. Walter and Chief Porter, who give one the feeling they are doing a fine job.

He expressed disappointment in the figures cited at the October 11 Council meeting, which ranked the assessed valuation of Takoma Park real estate twenty-sixth in a listing of 30 Montgomery County areas, stating he felt a vicious circle has been set in motion, in which the City gets new residents who tend to undervalue it, and place even less value on their property with the passage of time, thus perpetuating the views which cause undervaluation in the first place. He felt a better approach would be to emphasize the positive aspects, saying that with effort, Takoma Park could become the Georgetown of Maryland.

Mr. Vogel cited, as an example of the negative approach, the use of crime statistics in the September Newsletter, which accentuated a negative aspect of life in the City, stating he felt the figures might have been presented differently. Councilman Nishimoto took exception with this, and stated that the statistics had been cited to show improvement in crime control; that it is desirable to have citizens know what is happening; that the figures used were a baseline from which improvements might be measured; and that the section of the Newsletter article which dealt with advances made had been edited out. Councilman Nishimoto went on to say that two additional articles have been prepared which clearly show improvement, and that he felt the articles are a positive effort on the part of the Police Department. Mr. Vogel stated he felt the article, as printed, had the effect of alarming citizens rather than reassuring them. He also stated that he had no intention of denigrating the Police Department and, if his statements were construed as such, he apologized. Mr. Roth said that Mr. Vogel's suggestion of a positive approach is a valid one, and both he and Councilman Nishimoto expressed the opinion that Council expends considerable effort in trying to present the City in the best possible light.

Councilman Eppes said he shares Mr. Vogel's concern about real estate values, but pointed out that Councilman Sidell's figures were not based on an evaluation of worth, but on a factual report giving median prices paid for real estate changing hands.

COMMITTEE REPORTS:

FIRE PROTECTION COMMITTEE: Councilman Eppes reporting

1. Evaluation of need to board up 7112 Holly Avenue. Investigation revealed no evidence of fire code violations, Councilman Eppes stated, noting that the only justification for boarding up the place would be to prevent vandalism; however, this should not present a problem, since the sale of the house is to be finalized on November 5. Upon question by Councilman Roth, Mr. Barile stated that the sale is a fact; that he has been in touch with the buyer--a contractor--who plans to begin work on the house as soon as the sale is consummated.

2. VFD proposal to remodel portion of Fire House. Councilman Eppes stated the Volunteer Fire Department had submitted the proposal with a view to providing space for recreation and study; that the proposal had been considered by the Fire Protection Committee in conjunction with the Public Works and Recreation Departments, with the conclusion that it should be held in abeyance until after completion of the Municipal Building and the Middle School, both of which will provide facilities for such purposes. He asked that the item be removed from the agenda and revived after the Municipal Building is in service.

3. Prince George's County Fire Tax. Councilman Eppes stated that, though a remission from the County has been promised, no check has as yet been received.

PLANNING AND ZONING COMMITTEE: Councilman Roth, Vice-Chairman, reporting

1. Opinion on alternative expansion plans for Montgomery College. Councilman Roth stated that this is still being considered by the Committee and the Council as a whole, and that a full report would be made at the next Council meeting. He said that, speaking as an individual Councilman, he believes the Block 69 Committee should take their plans directly to the College, since the Mayor and Council do not have the expertise to pass judgement on the merits of one plan over another. He said that it is clear that there is a need for the school to remain in the City, and that Council's problem is in balancing the equities; and stated that he hopes the College will deal fairly with those affected and make every effort to settle without acrimony. Dr. Nishimoto said he felt Mr. Roth had expressed the sentiments of the Council in general, and added that he particularly dislikes the confrontation atmosphere which has developed. Councilman Eppes stated he would associate himself with the sentiments just expressed; that he definitely would wish to avoid acrimony, but at the same time would want to make it clear that the College is something Council does not want to lose. He felt the College administration would settle the problem in the fairest way possible.

PARKS AND RECREATION COMMITTEE, Councilman Eppes reporting

Councilman Eppes announced two Halloween parties on Saturday, October 30: for ages 10-12, a party in the Gym from 2-4:00, with entertainment and refreshments and a costume contest. For teenagers, a horror movie in the Gym with refreshments, 8-10:00 PM. Everything is free.

FINANCE COMMITTEE: Councilman Forshee, Chairman

No report.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

1. Request for regular patrol or speed trap on Willow between Tulip and Valley View. Councilman Nishimoto reported that the Chief has issued a special memo to the entire staff, directing that a stiff patrol be made in that area. He indicated that a speed trap is unlikely, that control will have to be achieved through patrol.

2. Petition for speed bumps or alternative, 7300 block of Cedar Avenue. The Committee is looking into the question of speed bumps and reduction of the speed limit to 15 mph, as requested, Councilman Nishimoto said, though there are some problems involved. He stated the Department would continue to patrol the area. He also requested that the problem of speeding on Maple Avenue be added to the agenda and that it remain for two meetings. He went on to say that every possible solution to the speeding problem is being investigated, with patrols being continued during the interim. Councilman Nishimoto said he feels ambivalent about the use of patrols--that, while there is a need and a desire to control speeding, policemen are needed in other places, and that this poses some problems of priorities for the small (28 man) force. He stated that there are two things which would make Takoma Park a better place to live: code enforcement and safe streets, the latter of which has already been accomplished, and every effort is being made to keep it that way. Mrs. Marth stated that speeding on Cedar has been curbed considerably.

3. Personnel. Councilman Nishimoto moved for Council approval of the six months probationary appointment of Frederick R. Williams, 8122 - 15th Avenue, Hyattsville, to the position of Clerk-Dispatcher at the annual salary of \$5600, effective November 1. Motion was seconded by Councilman Eppes and carried.

3. Purchase of visi-bar unit for police car. Councilman Nishimoto moved for adoption of the following ordinance which authorizes the purchase of a visi-bar assembly for cruiser #6:

ORDINANCE NO. 2180

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

SECTION 1. THAT the visi-bar, siren, speaker system has become standard equipment for police cruisers, AND

SECTION 2. THAT police cruiser #6 (a 1972 Pontiac Catalina; purchase authorized by Ordinance 2173) has not yet been equipped with said system.

SECTION 3. THEREFORE THAT the purchase of one Federal light and siren visi-bar package from Fargo International Company is hereby authorized for the net sum of \$332.25 (THREE HUNDRED THIRTY-TWO AND 25/100 DOLLARS).

SECTION 4. FURTHER THAT funds for this purchase shall be transferred from the Reserve Fund to A/C 11.113A.

Motion for adoption was seconded by Councilman Eppes. Upon question by Councilman Roth, Dr. Nishimoto stated the purchase had been cleared through the Finance Committee. Mr. Turner said that an ordinance is customary for capital expenditures over \$50 not included in the budget. The ordinance was approved by roll call vote recorded as follows: Aye: Councilmen Eppes, Hutmire, Roth and Nishimoto. Nay: none. Excused: Councilmen Forshee, Sidell and Webb.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Hutmire reporting

1. Resolution on Montgomery County Housing Authority lease-purchase program. Councilman Hutmire stated this resolution had been tabled at the last Council meeting, as a result of

some questions raised. He read the revised version and moved for adoption. Motion was seconded by Councilman Eppes. A lengthy discussion ensued in which questions on the wording of some sections of the resolution were raised by Councilmen Nishimoto and Roth. Specifically, they questioned Mayoral approval only, as opposed to approval by the Mayor and Council; the use of the term "to the extent practicable" in describing acquisition of non-conforming multi-family units in objective #1; the ability of tenant to simultaneously acquire title and assume the mortgage; and the inability of City to attach a lien against the Housing authority holdings in case of failure to make payment in lieu of taxes. These issues were responded to by Councilman Hutmire and Asst. Corporation Counsel Culpepper, who stated the last two questions were not inconsistent with standard practices. At the suggestion of Mr. Culpepper, the wording of the resolution was amended to accommodate the first two issues, and was subsequently unanimously approved.

RESOLUTION OF INTENT

WHEREAS, the Mayor and City Council of Takoma Park have under consideration establishing a housing authority for the City, as provided in Article 44A of the Annotated Code of Maryland, AND

WHEREAS, it is apparent that further study of the subject and the legal and financial arrangements will delay any such operation for a period of several months, AND

WHEREAS, the Housing Authority of Montgomery County, Maryland has indicated there is a need within the City for the acquisition of dwelling units under the lease-purchase program sponsored by the U. S. Department of Housing and Urban Development, AND

WHEREAS, it is the understanding of the Mayor and Council that the lease-purchase program is designed to encourage and stimulate home ownership by low-income families whereby, upon completion of a five-year lease occupancy, the tenant acquires title to the property and undertakes the mortgage obligation, AND

WHEREAS, it is also the understanding of the Mayor and Council that the Housing Authority will govern the lease-purchase operation in strict compliance with the Zoning Ordinance of Montgomery County, and that any previous nonconforming use dwelling purchased will be maintained in single-family use, AND

WHEREAS, it is the desire of the Mayor and City Council to cooperate with the Housing Authority of Montgomery County in permitting the acquisition of a limited number of dwelling units on a scattered site basis within the City, provided such arrangement will not preclude or interfere with similar Federal assistance in like manner in the event at some subsequent date there is established a housing authority for the City of Takoma Park, Maryland, THEREFORE

BE IT RESOLVED by the Mayor and City Council of Takoma Park, Maryland that this resolution of intent be conveyed to the Housing Authority of Montgomery County, Maryland, AND

THAT prior to execution of any agreement, such document shall first be reviewed by the Corporation Counsel of the City of Takoma Park, and a legal opinion submitted to the Mayor and Council as to its compatibility with this Resolution of Intent and with a potential housing authority of the City organized under the provisions of Article 44A of the Annotated Code of Maryland, as well as with applicable Federal Law relating to subsidized housing programs.

BE IT FURTHER RESOLVED that the Mayor be thereafter authorized to enter into an agreement with the Housing Authority of Montgomery County, Maryland, authorizing the acquisition of property within the City of Takoma Park, Maryland not to exceed ten dwelling units, provided that there will be paid annually to the City Treasurer by the Housing Authority of Montgomery County Maryland a sum of money in lieu of taxes on such property titled in the Housing Authority, such sum not to exceed the amount of City real estate taxation; further provided that a nominal minimum payment in lieu of taxes shall be confirmed in a final agreement to be executed, it being agreed by the Mayor and City Council that upon failure of the Housing Authority to make any payment in lieu of taxes, no lien against any property or assets of the Housing Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof, AND

BE IT FURTHER RESOLVED, that the Housing Authority be requested to give full consideration to the following objectives:

1. That existing nonconforming multiple-family use dwellings be acquired on a priority basis, thereby returning such structures to single-family use.
2. That Takoma Park residents be given first consideration in the family placement procedure.
3. That the City government be notified in writing as property is acquired and occupied.

2. Complaint of maintenance of Winchester-Takoma parking lot. In response to Councilman Hutmire's question, Mr. Barile stated that the parking lot looks quite good now.

3. Vacancy in Code Enforcement Division. Councilman Hutmire expressed appreciation for the interest shown in filling this vacancy and noted that Committee is not yet ready to make a recommendation.

4. 1111 Sligo Creek Parkway--complaints re fence and sign. Mr. Barile is continuing to work with the County inspectors in an attempt to correct the problems here, Councilman Hutmire said.

5. CATV system. Councilman Hutmire reported that a meeting was held last week with one of the interested entrepreneurs; and that COG is conducting some investigations on the subject, which Committee will be looking into.

Councilman Hutmire announced a meeting of the Housing and Code Enforcement Committee on the evening of October 27, noting that the last three meetings have had to be rescheduled because of a conflict with the Transit Impact meetings.

PUBLIC WORKS COMMITTEE: Councilman Roth reporting

1. 1972 Federal highway allocation. Councilman Roth said that, as mentioned at the last Council meeting, this program requires the City to provide 50 per cent matching funds, and that the City is not in a position to allocate the required funds this year.

Councilman Roth stated that agenda items 2 and 3 should be on the Law Enforcement Committee's agenda. Upon question by Councilman Roth, Mr. Barile stated that leaf collections would begin about November 1, with Maple Avenue the first area of concentration. He indicated that notices would be posted two or three days in advance of collection.

Councilman Nishimoto stated that he had visited the recycling center operated by Mrs. Marth and her group, and commended her on the good job being done. Mrs. Marth asked that her proposal for recycling newspapers, as a City operation, be kept on the agenda but not acted on until she can submit some statistics on the present operation. Councilman Roth agreed, and assured her of City's interest in her proposal.

SPECIAL LIBRARY COMMITTEE: Councilman Forshee, Chairman

No report.

There being no further business to come before the Council, Mayor Pro Tem Roth moved for adjournment. The Motion was seconded and carried, and the meeting adjourned at 9:35 PM, to reconvene at 8:00 PM, November 8, 1971, in the Municipal Gymnasium.

Approved: _____

James M. Roth
Mayor Pro Tem

ATTEST:

Haynes M. Pridgen

City Administrator-Clerk

SPECIAL LIBRARY COMMITTEE: Councilman Forshee, Chairman

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