

103-6

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING

Proposed Abandonment of a Portion of Hammond Avenue
May 1, 1972

Present at the meeting were: Mayor Miller, Councilmen Burgess, Forshee, Nishimoto, Ricks (arrived late), Roth, Sidell and Webb; City Administrator Pridgen, City Treasurer Turner, Public Works Director Rhodes.

Mayor Miller called the meeting to order at 8:00 PM, and, after stating the purpose of the meeting--to hear citizens' comments on the proposed abandonment of a portion of Hammond Avenue--called on Councilman Burgess to chair the meeting in his capacity as Public Works Committee Chairman. Councilman Burgess asked that speakers be heard without interruptions or questions until after completion of their statements. Since only five persons indicated their intention to speak, he did not impose a time limit. Comments from those present follow:

R. L. Simms, 1215 Kirklyn Avenue, stated that his property (Lots 1&2, Bl. 9, NHG) abuts the proposed area of abandonment and that he favors the proposal for the following reasons: the blockage has eliminated a good deal of noise as well as the collection of debris which was formerly dumped there; many people on Jackson would like the street closed: assessment for improvement would be about \$3,000. Councilman Forshee suggested that the first reason given would apply to most any street. Some residents from Wildwood Drive stated it would apply there, particularly since they are plagued with speeding and increased traffic since Hammond was closed.

Kenneth Butler, 1200 Kingwood Drive, asked what the City planned to do with the property if it is abandoned. Councilman Burgess said it would become the property of the two abutting property owners--Mr. Simms and the Professional Building. Councilman Roth said he would ask that these two grant an easement to the City for a footpath or a park, either temporary or permanent. Mr. Butler opposed the abandonment unless there are specific plans for a footpath.

Michael Melkisetian, 1100 Lancaster Road, spoke of a similar situation in which he was assessed some \$2,000 to have a section of road built at his home. Councilman Roth said this was not analogous to the situation on Hammond and asked if the road Mr. Melkisetian spoke of had not been paved to serve the house he wanted to build. He and Mr. Melkisetian disagreed on whether or not joining two sections of residential property differs from joining residential property to commercial property. Mr. Melkisetian stated several times that the road should be opened; that the City has no right to give it away; that it should be improved for the use of everyone for driving, walking or bicycling. He also said that improvement of the road and removal of the unsightly barricade would encourage nearby property owners to fix up their property, saying that presently is not passable by foot, and is an eyesore and a health hazard, since the City doesn't keep it clean. He asked if the Fire Department had been consulted prior to erecting the barricade. Councilman Roth said that the road had never been improved for thru traffic; that when the residents agreed to support the rezoning for the planned medical center it was with the feeling that the City, as a counterbalance to the taxes derived from it, would help to protect and preserve the residential character of the adjoining area. A gentlemen in the audience suggested that Wildwood Drive might also be closed on the same grounds.

Walter Smith, 7902 Wildwood Drive, pointed out that there is only one outlet to New Hampshire Avenue, and requested that Hammond be opened all the way to Holton to help relieve the bottleneck created by its closure. He noted that the traffic and the building, and the problems stemming from them, are still present and said that many residents are sorry they agreed to the rezoning.

Kent Conner, 7802 Lockney Avenue, asked if there had been a hearing prior to the barricading of the street, and requested that the barrier be removed immediately and the street opened, saying that it is a public street for all, not a private one for a few individuals. He also requested that Councilman Roth disqualify himself. Councilmen Burgess and Roth stated that that night's meeting was the hearing on closing the road.

Mr. Smith asked: why should he pay the same taxes as people on Hammond Avenue and not be provided with a private street.

Councilman Roth said he had been elected to Council because of rezoning problems in the area; that it was considered desirable to stabilize the area for both citizens and the City and that he had advocated the rezoning but asked for protection from the encroachment of the commercial area. He noted that the area in question had been a grassy plot when he moved to Hammond Avenue.

Mr. Smith said that was so, but that it was always possible to traverse it; that no barricade had ever before been erected. He said that the building is there and people should be given access to it, saying that the City approved the building and is now saying the traffic generated by its presence must get out the best way it can. He felt that the service drive should also be opened to Holton Lane.

Alex Browdy, 7607 Wildwood Drive, stated that the Professional Building, to whom half the land would revert, could only use their piece of the abandoned street by paving it.

Mrs. Frank Grice, 1109 Merwood Drive, stated that the present traffic pattern is as follows: from University Boulevard, right on Anne to Kirklyn to New Hampshire. She indicated that it backs up badly. If Hammond were opened the pattern would be: Hammond to Holton to New Hampshire, or right on Jackson, left on Wildwood to Merwood. She agreed that Wildwood Drive is a raceway, but said that she very much favors the abandonment of Hammond, saying also that it is hoped a traffic light will be installed at Merwood and New Hampshire Avenues.

Margaret Lennon, 1205 Holton Lane, stated that she favors the abandonment because the drag racing on her street has diminished considerably since the erection of the barricade. She disagreed that access to the Professional Building should be provided, saying that New Hampshire Avenue can be used. Mr. Smith asked if any of the Councilmen had observed the way traffic is blocked on New Hampshire Avenue. He said that traffic now uses Wildwood Drive as a main artery to Carroll Avenue and from there to University Boulevard, noting that Wildwood gets the brunt of it. He reiterated a previous statement: if one man is entitled to a private street, everybody is.

James Jeffas, 7600 Hammond Avenue, spoke of his long interest in getting the street opened, saying there have been many erroneous statements made and information withheld. In connection with the latter, he stated that he had asked for a copy of a Park & Planning Commission report on possible solutions to the traffic situation at the Professional Building and was told by the Council that the Commission had recalled it and no copies were available: however, he later obtained a copy from Park & Planning and was told by them that the City Council had asked to have it recalled. He went on to say that the Professional Building was sold to citizens as a medical building and that it now contains many other things, including a retail store which is in violation of the Code. He viewed it as spot zoning. He stated that a petition to open the street had been circulated for which 46 signatures had been secured, and at that time presented Council with another containing 35 signatures. A petition to retain the closure was also circulated, he said, with only ten names obtained, two of whom were Mr. and Mrs. Roth. He asked what had happened to the people on nearby streets, the majority of whom didn't sign. He went on to say that the street had been closed unofficially and for the convenience of the building contractor; that he had to appear before Council to get the contractor's equipment removed.

Councilman Forshee stated that Council did not ask Park and Planning to recall the report referred to. Mr. Jeffas said he had reported the incident as it occurred and, though he didn't agree with the proposals, it was prepared with public funds and should not have been withheld.

At this point, Councilman Roth asked residents of Jackson, Holton and Hammond Avenues who wished to keep the street closed to stand, and for those who opposed it to remain seated. Mr. Smith objected, saying that it was out of order. It was also noted that some who oppose the abandonment were standing.

Mr. Melkisetian asked if the City had the right to give away this piece of land under the law. He expressed the opinion that to close Hammond or any other street won't stop the traffic generated from the commercial area. He said also that he understands that New Hampshire Avenue is going to have even more commercial buildings.

Mrs. Anthony Luck, 1202 Holton Lane, said she looks with disfavor to opening of the street, asking what Mr. Jeffas' reasons were for having it opened. Mr. Jeffas replied that the matter had not been handled in a democratic fashion; that the closing action was taken without the knowledge of the neighborhood. Mrs. Luck stated that Hammond Avenue is narrow and has no sidewalks, and that increased flow of traffic will endanger the lives of the some 15 children who live and play there.

A member of the audience (Kent Conner?) asked if Hammond is a dedicated street, and was told that it is. He implied that Council had acted beyond its authority in closing it and asked that it be reopened, saying that a City street should be for the convenience of all. Councilman Roth stated that the street was closed because of the construction as a result of a Council motion, saying that he has been interested in keeping it closed and that he believed this was, in part, the intent of the Council when the action was taken; that when the question of reopening was raised by Mr. Jeffas, the public hearing was scheduled. The speaker said the street was closed for storing building material and that the purpose has been served. He requested that the barricade be removed, saying that the street belongs to other citizens of the City as well as those who reside on it. Councilman Roth said that the street is not closed for his convenience, but because residents of Hammond, Jackson, and Holton have asked him to assist them in keeping it closed. The speaker asked if Councilman Roth did not represent him also, and if it is proper to take an action for the convenience of a few as opposed to one which will benefit the majority. Mr. Roth assured the gentlemen that he did also represent him and went on to say that a similar problem of protecting the residents in the area of Metro will have to be faced in the very near future; that he was very much in favor of such protection; and that all citizens should take steps to protect themselves from the encroachment of commercial traffic in their areas. The speaker requested that Hammond Avenue be opened until a decision is made on the abandonment. Messrs. Melkisetian and Jeffas made similar requests.

Nora Levsky, 1203 Jackson Avenue, stated that though persons on her street are put to considerable inconvenience because of the barricade, she would prefer that it remain, saying that a shopping center does not attract the best kind of people and she doesn't like to think of having them on her street.

Jack Sapienza, 7605 Hammond Avenue, asked why the barricade wasn't put on the other side of the street from Kirklyn to Hammond. He said that he is adjacent to commercial property and hasn't been protected by Councilman Roth, saying he had been duped. However, he said he would like to see the street closed, provided there is a barrier on both sides with the city maintaining it as a playground, so that children can play there instead of the street.

Jesse Gibson, 7807 Wildwood Drive, recounted his efforts to reopen the street as follows: Over a year ago, he requested Council to open it; the request was referred to the Public Works Committee and he was to have been given a report on their decision. After waiting a year, he inquired and learned the item had been removed from the agenda. He initiated another request in February 1972. In looking over the minutes of Council meetings, he found that the Chairman of the Public Works Committee reported that since he had received only one request to open the street and a petition from ten persons to close it, he would move that it be closed. Mr. Gibson pointed out that he had subsequently obtained signatures on a petition to open the street. He then presented the Council with another petition containing 137 additional names from Kirklyn, Wildwood, Lockney, Kennewick, Jackson and Cole avenues, saying he was told by Council that they would abide by the wishes of the majority in the area. He stated that many

people weren't aware of what is happening. Mr. Gibson said that, as a resident of Wildwood Ave, he is willing to take a fair share of the traffic, but not that part which is thrown to Wildwood because a City street is simply closed off. He pointed out that there are many children on Wildwood too, and that it, like most City streets, is also quite narrow. He said that now that the majority of the area residents have expressed their wishes in the three petitions, he would request that the street be opened.

Mayor Miller said that the purpose of the meeting was to get citizen reaction so that Council can make an evaluation based on what is in the best interest of the people of Takoma Park, saying that it would not be swayed by special interests of any type. He said that in defense of Councilman Roth, he felt sure he has had no thought of keeping the street closed for his own benefit. Mr. Gibson thanked the Mayor and Council for arranging the meeting.

George Zervos, 1206 Jackson Avenue, felt that more consideration should be given to the people who will be affected by the traffic than to those who will be inconvenienced. He stated that petitions do not carry much weight, since it is very easy to collect signatures. He suggested that many who signed probably do not use Hammond Avenue. Mr. Zervos felt that people who run the long traffic light at New Hampshire and Holton, as many do, would have little regard for safety in a residential neighborhood. Mr. Zervos noted that the barricade has reduced traffic considerably. He expressed concern for the safety of the 8-10 children who play in the center of Hammond Avenue, should it be reopened.

Mr. Prieto, 7607 Hammond Avenue, stated that he would like the street to remain closed, though he had signed a petition to open it because he had become convinced that the Council had been unresponsive to Messrs. Gibson and Jeffas and others in the neighborhood, and wanted more information on the legal aspects of the situation. He pointed out that there is no off-street parking on Hammond Avenue. Mr. Prieto stated that his concurrence in maintaining the closure would be contingent upon an agreement that the land be utilized as a recreation area. Councilman Forshee suggested that Hammond is no less narrow than many other City streets.

Mr. Smith felt it unfair to provide a playground for Hammond Avenue when there are no others in the area. He also pointed out that traffic must now use his street to get onto Hammond Avenue.

Mr. Zervos stated he resents the things said against Councilman Roth, saying he has represented the area well. He pointed out that the Roths have no children, have off-street parking, and have the least to lose one way or the other.

Mr. Jeffas read excerpts from the above-mentioned Park & Planning Commission report which indicated that both Mr. Barile and Councilman Roth had been consulted, with Mr. Barile feeling that some of the proposals had merit and Mr. Roth expressing opposition to any proposal which involved the use of Hammond Avenue to relieve the traffic generated by Professional Building traffic. Mr. Jeffas alluded to a telephone conversation he had with Councilman Roth, during which Councilman Roth had suggested that Mr. Jeffas would be very popular if he dropped his efforts to reopen Hammond Avenue. He also referred to a statement by Councilman Roth to the effect that he may sell his house in a year or two. Councilman Roth replied that he had not made such a statement but, instead, had said that the value of Hammond Avenue property would increase if the abandonment went through.

Claude Woodruff, 1204 Jackson Avenue, spoke of the changes in the traffic pattern in the area, saying that the situation on Wildwood is very dangerous. He suggested stop signs on every corner to slow the traffic. He also said he would favor closing Hammond Avenue, since it is too narrow to accommodate cross traffic. Also, he said, it will keep out those who don't need to come into the area.

In response to Mr. Jeffas' question, Mr. Simms stated he would not be willing to give his portion of the property proposed for abandonment for a recreation area or playground, though he would not object to flowers and grass.

Mr. Browdy stated that he would like the street opened until the question is decided; that he didn't have any strong feelings about the question of abandonment, but would not want to see it go for private gain.

Mr. Melkisetian reiterated earlier statements; i.e., the City has no right to give away land; Hammond Avenue was meant to be, and should continue to be, a road; the barricade has served its purpose and should be taken down; the closed portion of the road should be paved by whomever is responsible. He also said that if too much traffic is generated by opening the street, 10-15 MPH signs could be posted there, as well as on Wildwood Drive.

Mr. Smith suggested that a means of keeping everybody happy would be to make Hammond Avenue one way going out. He said that he is just as interested in Wildwood as Councilman Roth is in Hammond.

Mary Roth, 7608 Hammond Avenue, read a statement which noted that she has resided on Hammond since 1954, and is very much interested in having it permanently closed, saying that a residential area is meant to be served by a commercial area and not vice-versa. The statement went on to say she felt the Council had a responsibility to protect residential areas from encroachment by commercial activities. In this connection, she asked that the Mayor and Council live up to their campaign promises. She cited an article in the April issue of Nation's Cities entitled "Planning Concepts," by R. L. Morris, which stated in part that a street with heavy traffic is a liability to a neighborhood, while a street with no thru traffic is desirable; that each car added to the street serves to increase the liability.

Mr. Gibson asked that Councilman Roth's request for persons to stand if they wished to abandon Hammond Avenue be stricken from the record, since there were all pros and no cons, including Mr. Jeffas, who opposes the abandonment. Councilman Roth rephrased his request, whereupon Mr. Jeffas questioned the propriety of having the audience vote when voting is a function of the Council. Councilman Burgess said it would constitute something similar to a straw poll. Mr. Jeffas felt Council had a problem on its hands--a building which never should have been built because of the traffic problems--and was attempting to throw it back to the audience. Mr. Smith objected to a vote, saying it would have a built-in bias, with 75 per cent of the audience living east of Kirklyn Avenue.

Mr. Woodruff said he wished to thank the Council for putting in the Professional Building, since it has created an element of safety for the neighborhood.

Mayor Miller stated that Council will not make its determination either on a voice vote or the petitions filed, but will use the facts presented and other available information. He agreed that it was unnecessary to take a vote and with Mr. Zervos' contention that signatures are easily obtained for petitions, saying that practically anybody asked will sign. He felt it to be the same with a voice vote at a public meeting and again stated that Council would not be influenced by either, but would base its decision on the facts. Mr. Jeffas stated that Council has acted on petitions on other occasions and asked why the present situation would be handled differently. Mayor Miller replied that he is not setting a precedent; that any legislative body hears petitions, but must consider them along with other facts pertinent to the issue. He asked that Mr. Jeffas not misconstrue his statement. When Mr. Jeffas asked if Councilman Roth would vote or abstain, Mayor Miller replied that, although he has a right to vote, he felt sure the would follow protocol and abstain.

Mr. Sapienza questioned the procedure being used, saying there are legal steps which should precede a public hearing. Councilman Forshee stated that the meeting was held to get citizens reaction on the possibility of abandonment. Mr. Burgess said the public would be notified of the decision via Council minutes and the Newsletter. Mr. Melkisetian thanked Council for their patience, saying that he felt the decision could be entrusted to their good judgment. Councilman Nishimoto stated that in view of the many issues arising at the hearing, discussion on the access road to the building would be deferred until after a decision is reached.

The meeting adjourned at 9:50 PM.

Attest: *Haynes M. Priddy*

APPROVED:
GEORGE M MILLER

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL
May 8, 1972

City Officials Present

Mayor Miller
Councilman Burgess
Councilman Forshee
Councilman Nishimoto
Councilman Ricks
Councilman Roth
Councilman Sidell

Excused: Councilman Webb

Corporation Counsel Gingerich
City Administrator Pridgen
Asst. Corp. Counsel Culpepper
City Treasurer Turner
Fire Chief LaScola
Fire Captain West
Police Chief Porter
Director of Public Works Rhodes
Dep. Dir. of Public Works Barile
Code Enforcement Officer Olsen
Director of Recreation Ziegler

The Mayor and City Council met in executive session at 8:00 PM, May 8, 1972, in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland. Following the pledge of allegiance, Mayor Miller called for a motion to waive the reading of the minutes of the last Council meeting, if there were no corrections or additions. Motion to approve the minutes as submitted, and dispense with the reading was made by Councilman Roth, seconded by Councilman Forshee, and carried.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting

1. M.S. Caltrider, District Engineer, State Highway Administration, Greenbelt. Instructions for applying for funds under the Special Bridge Replacement Program. (PW Committee)
2. Dollie H. Kyte, Clerk to Montgomery County Board of Appeals, Rockville. Notice of hearing on petition for Special Exception #S-123 (operation of beauty shop, 7320 Piney Branch Road), 1:30 PM, August 24, 1972, Council Hearing Room, County Office Building, Rockville.
3. Jean G. Ross, Chairman, Board of Trustees, Montgomery College, Rockville. Notification of Board's approval by resolution of Phase I-A Construction, Takoma Park Redevelopment Project. (Planning and Zoning Committee)
4. Glenn S. Sharman, Chairman, Church Board, Takoma Park Seventh-day Adventist Church. Statement of interest in acquiring property at 8 Columbia Avenue. (Finance Committee)
5. Edward W. Hutmire, President, Takoma Park Recreation Council. Request for Council to authorize the improvement of Hodges Field at an early date. (Parks & Rec., PW Committees)
6. Mrs. Russell Jones, President Takoma Park Women's Club, 10609 Shady Circle, Silver Spring. Request for permission to hold Women's Club meetings at new building. (P&R Committee)
7. Milton E. Fagerstrom, 807 Houston Avenue, City. Request for 4-way stop signs at the intersection of Flower and Houston Avenues. (Law Enforcement Committee)
8. John B. Paterson, President, Silver Spring Intermediate PTA. Request for azalea plants for a planter on school grounds. (Parks & Recreation Committee; Azalea Committee)
9. Earl J. Schmitt, Chairman, Prince George's County Municipal Assoc. Notice of meeting of PGCMA May 18, 8:00 PM, Greenbelt Municipal Building.

May 8, 1972

FINANCIAL STATEMENT OF BANK BALANCES AS OF 4-30-72: City Treasurer Turner reportingSUBURBAN TRUST COMPANY--GENERAL FUNDS

Balance as of March 31, 1972	264,873.28	
April receipts*	<u>123,082.32</u>	387,955.60
April disbursements		<u>116,125.09</u>
Balance as of April 30, 1972		<u>271,830.51</u>

*Includes \$100,000 Treasury Bill.

SUBURBAN TRUST COMPANY--PAYROLL ACCOUNT

Balance as of March 31, 1972	15,626.14	
April transfers from General Funds	<u>80,890.76</u>	96,516.90
April disbursements		<u>82,944.05</u>
Balance as of April 30, 1972		<u>13,572.85</u>

CITIZENS BANK OF MARYLAND--GENERAL FUNDS

Balance as of March 31, 1972	800.14	
No transactions during April	<u>--</u>	800.14
Balance as of April 30, 1972		<u>800.14</u>

CITIZENS BANK OF MARYLAND--SPECIAL ASSESSMENT FUND

Balance as of March 31, 1972	780.31	
No transactions during April	<u>--</u>	780.31
Balance as of April 30, 1972		<u>780.31</u>

CITIZENS BANK OF MARYLAND--PUBLIC IMPROVEMENT FUND

Balance as of March 31, 1972	108,378.71	
April receipts	<u>--</u>	108,378.71
April disbursements		<u>34,477.20</u>
Balance as of April 30, 1972		<u>73,901.51</u>

Citizens Bank of Maryland, Savings Account TP-63

Balance as of March 31, 1972	158.04	
No transactions during April	<u>--</u>	158.04
Balance as of April 30, 1972		<u>158.04</u>

AMERICAN NATIONAL BANK--GENERAL FUNDS

Balance as of March 31, 1972	500.00	
No transactions during April	<u>--</u>	500.00
Balance as of April 30, 1972		<u>500.00</u>

PETTY CASH200.00U. S. TREASURY BILLS

Purchased: 10-1-72 Maturity: 5/31/72 Cost: 96,640.00 Value: 100,000.00

MAYOR MILLER'S COMMENTS:

Mayor Miller welcomed the audience and announced that the next meeting of the Council would be held on May 22. He then presented a proclamation to Mrs. Margaret Holmes, president of Chapter #838, AARP, which designated the month of May as Senior Citizens Month and urged citizens to pay tribute to the some 2,000 residents who fall in this category.

Mayor Miller appointed the following Councilmen to serve as a committee to coordinate matters concerning the completion of the new building with the architect and Mr. Rhodes: Councilman Forshee, Chairman; Councilmen Burgess, Ricks and Sidell.

PUBLIC PARTICIPATION:

1. Evelyne Ferry, 24 Hickory Avenue, City. Mrs. Ferry requested that the azalea garden in the rear of the Library be formally designated as a memorial to Mrs. Esther Geib, recently deceased, saying that she had been active for many years in numerous community organizations. In connection with the suspension of three members of the Fire Department, and the attendant publicity, Mrs. Ferry stated that she felt that Chief LaScola acted correctly in enforcing the regulations governing length of hair. She pointed out that this is a matter of safety for the firemen themselves, who otherwise might be overcome by smoke inhalation.

2. Michael Derato, 413 Lincoln Avenue, City. Mr. Derato requested that smoking be prohibited at any public meeting held in any room of the new building. He pointed out that the Council is vested with the authority to enact regulations to protect the health and safety of the public and felt that this would be appropriate use of that authority. Councilman Nishimoto agreed that such a regulation should be enforced and said he would back it.

3. Rita Marth, 7308 Cedar Avenue, City. Mrs. Marth indicated her support of Mr. Derato's proposal. She also thanked Mayor Miller for writing so promptly to Mr. Gleason in an effort to have the County continue its pick-up service for the Recycling Center. She stated that the service has been promised definitely for another six months and may be continued indefinitely. Mrs. Marth acknowledged that she had received a copy of a resolution from State Sen. Conroy citing the work of the Recycling Center. Mayor Miller explained that the resolution had been introduced in the State Senate and commended the young persons involved with the Center, and had noted the participation of the County and the small help of the City.

4. Kathryn Simpson, 7300 Cedar Avenue, City. Mrs. Simpson called attention to the sidewalk in front of the Pepco building on Maple Avenue and suggested that it be widened to handle the large number of children who assemble there daily. She also suggested that sidewalks in front of the municipal building and the new school be the same width and sufficiently wide to accommodate the school children.

5. Clarence Boatman, 133 Ritchie Avenue, City. Mr. Boatman requested that Council take steps to establish a citizens advisory committee. He asked that this be done soon and not deferred for two years, as was the case with his last request. He also requested Council to establish a policy which would prohibit hiring a retiring councilman for a City position until sufficient time has elapsed to permit clearing the agenda of items with which he had been concerned. He asked that the citizens advisory committee, when appointed, review the long hours Councilmen must work and seek ways of increasing their salary. Mayor Miller assured Mr. Boatman that Council intends to appoint a citizens advisory committee in the near future. He said that such a group had been active years ago but was discontinued after interest waned. He felt that there had been sufficient expression of interest to reestablish the committee.

6. Phil Vogel, 7117 Garland Avenue, City. Upon question by Mr. Vogel, Councilman Ricks said a report would be given on the Winchester-Takoma later in the meeting. Mr. Vogel objected to action being taken on items which have not appeared on the agenda, stating he felt Council should impose a moratorium on such activity, since citizens have been asked to refrain from speaking during the business session. He pointed out that there is no opportunity for discussion in such cases and cited specifically the proposed use of \$42,000 for updating fire equipment at the last Council meeting, saying he thought Councilman Roth had acted properly in tabling the motion. Mayor Miller said that the new type agenda would help to eliminate situations of this type, since it will delineate discussion and action items in such a way as to provide ample opportunity for discussion. He indicated that, except in the case of a grave emergency, no item would come up for a vote until after it had been discussed. Mr. Vogel stated that citizens should be given a chance to speak to an item prior to a vote. Mrs. Marth suggested the possibility of having committee reports first, with the discussion period to follow. Mayor Miller said that this might be considered. Mr. Derato said that the public participation section provides an opportunity to speak prior to Council action.

7. Warren Magner, Takoma Park Boys Club. Mr. Magner presented the Mayor with the first official 1972 Boys Club tag. Mayor Miller stated that the usual donation of \$2.00 for the car tag goes toward supporting the activities of the group; he noted that many men of the City donate their time for supervision and coaching of Boys Club teams.

8. Opal Daniels, 19 Sherman Avenue, City. Mrs. Daniels called attention to the attractiveness of the City this spring, commenting on the particular beauty of the azaleas.

9. James Jeffas, 7600 Hammond Avenue, City. Mr. Jeffas reported that at the SW corner of New Hampshire Avenue where it enters Kirklyn, there is a boxwood which obscures the stop sign. He indicated he had spoken to several persons about this, but nothing has been done. Mayor Miller directed Chief Porter to contact the owner of the property and have the shrub trimmed.

COMMITTEE REPORTS:

FINANCE COMMITTEE: Councilman Forshee reporting

Councilman Forshee stated that since most of the items on the agenda are either linked to the budget or can be acted on only after it is adopted, he would defer action until the budget is completed.

PARKS AND RECREATION COMMITTEE: Councilman Ricks, Vice-Chairman, reporting

[Mayor Miller stated that Councilman Webb had been called out of town due to the illness of a grandchild.]

1. Improvement of Hodges Field. Councilman Ricks reported that Mr. Webb met with the Boys Club to discuss their recommendations. They include extending the apron and the left side of the backstop, putting in a higher fence at the left field foul line, grading and sodding the field, and are being considered by the Committee, Councilman Ricks said. He stated that a definite recommendation would probably be made at the next Council meeting.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

1. Coordination of planning access to Langley Professional Bldg. parking lot. Councilman Nishimoto requested that this be consolidated with the Public Works Committee item, with the understanding that the Law Enforcement Committee would be available for further input.

2. Proposed crosswalk on Maple at Sherman; pathway from Maple/Grant to Takoma Elementary. Both these items are under consideration, Councilman Nishimoto said, with another location for the crosswalk being considered. He indicated that action on both will be deferred until construction in the area is completed and the Middle School is fully operational.

3. Speed control on Maple Avenue. Councilman Nishimoto reported that the following violations have been enforced since the last report: moving violations, 2; standing violations, 15; written warnings, 5; repair orders, 1.

4. Traffic hazard at Piney Branch, Eastern & Takoma Aves. A letter has been sent to the State Highway Administration over the Mayor's signature asking for completion of the work at an early date, Councilman Nishimoto said. He noted that a similar action had been requested earlier and suggested that some other type pressure may have to be exerted.

5. Personnel. Councilman Nishimoto moved for Council approval of the appointment of Ronald E. Bart, 8205 Houston Court, to the position of Clerk-Dispatcher for a six months probationary period, effective May 16, at the annual salary of \$5600. The motion was seconded by Councilman Forshee. Councilman Nishimoto stated that Mr. Bart is a Vietnam veteran who has lost both legs. Councilman Ricks commended the Department for employing a handicapped person; Dr. Nishimoto said that Chief Porter had contacted Mr. Bart through Walter Reed's "Operation Transition." Mr. Bart's appointment was unanimously approved.

6. Personnel. Councilman Nishimoto moved for Council acceptance of the resignation of Officer J.C. Householder, effective March 31. The motion was seconded by Councilman Ricks and carried.

7. Personnel. Councilman Nishimoto moved for approval of the appointments below, explaining that one position is Officer Householder's slot and two were created by appointments to the Crime Control Team. After having been duly seconded, the following appointments were approved for one year probationary periods at the annual salary of \$8414, all effective May 16: Bernard E. Buscher, Jr., 4414 Farce Place, Rockville; William E. Johnson, 110 Lee Avenue, Takoma Park; Richard A. Kendall, 3404 Toledo Terrace, Hyattsville.

8. Crime Control Team car. Councilman Nishimoto moved for authorization to advertise for bids on a team car. The motion was seconded and unanimously approved.

9. Purchase of radio communications equipment. Councilman Nishimoto moved for adoption of the ordinance below, which approves the purchase of communications equipment from funds allocated under the LEAA Crime Control Team grant and some miscellaneous items not covered by the grant:

ORDINANCE NO. 2207

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

SECTION 1. THAT the Police Department is hereby authorized to purchase the following radio communications equipment and services from Motorola-Communications and Electronics, Inc. for the total sum of \$2216.80 (TWENTY-TWO HUNDRED SIXTEEN DOLLARS AND EIGHTY CENTS), with funds allocated under a Federal-State LEAA grant:

- 1 Motorola Mocom mobile radio for use in Crime Control Team car \$ 860.00
- 2 Portable radios for Team use @ \$468.40 936.80
- Main base antenna, including relocation at 6840 Carroll Street. 420.00

SECTION 2. FURTHER THAT the transfer of \$191.20 from the Reserve Fund is hereby authorized for the purchase of additional radio communications items not covered by the LEAA grant.

Following a seconding of the motion, the ordinance was adopted by roll call vote recorded as follows: Aye: Councilman Burgess, Forshee, Nishimoto, Ricks, Roth, and Sidell. Nay: none. Excused: Councilman Webb.

10. Stop sign on Cedar at Tulip. Councilman Nishimoto reported that a survey of the area revealed an increase in Cedar Avenue traffic, resulting from a shift from Maple to Cedar. He said the Department has recommended, with the Committee concurring, that a stop sign be erected on Cedar at its intersection with Tulip. He moved that the following ordinance be adopted:

ORDINANCE NO. 2208

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

SECTION 1. THAT all traffic shall come to a complete stop on Cedar Avenue at its intersection with Tulip Avenue, AND

SECTION 2. THAT the Director of Public Works is hereby authorized to erect appropriate signs at the above-designated intersection; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be the same as that prescribed in Article 10 of the Municipal Code (1961) entitled Traffic Regulations AND

SECTION 4. THAT this ordinance shall become effective upon erection of appropriate signs.

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The motion for adoption of the ordinance was seconded by Councilman Burgess. Councilman Forshee then asked for clarification on the reported traffic increase: how it had been measured, and if a traffic count had been made. He pointed out that the Highway Administration determines the need for stop signs and lights by comparing traffic counts. Chief Porter replied that a traffic count had not been done, but that his recommendation had been based on personal observation of not only increased traffic, but increased speeding--which he said is about 10 MPH over the limit--and interest expressed on the part of the public and the Council. When Councilman Forshee asked if speeding tickets had been issued, Chief Porter replied that he had been in an unmarked and to issue tickets would have been in violation of regulations. Councilman Forshee moved to table the motion until a traffic count has been made, asking for a 12-hour count. The motion failed by a 4-2 vote recorded as follows: Aye: Councilmen Sidell and Forshee. Nay: Councilmen Burgess, Nishimoto, Ricks and Roth. Excused: Councilman Webb. A vote was then taken on the motion to adopt the ordinance and was recorded as follows: Aye: Councilmen Burgess, Roth, and Nishimoto. Nay: Councilmen Forshee, Ricks and Sidell. Excused: Councilman Webb. Since there was a tie, Mayor Miller cast his vote Aye, and the ordinance was thus adopted.

Mayor Miller reported that his neighbors on Sherman Avenue have asked for some type of speed control on that street, suggesting the possibility of 4-way stop signs at Sherman and Hancock Avenues. He indicated that cars take a short cut from Ethan Allen Avenue to Maple via Manor Circle and Sherman. Councilman Ricks questioned whether a stop sign on Hancock would deter speeders, saying the same situation exists on Lee Avenue, where cars turn off Carroll and speed down the hill. He indicated that a stop sign at Hancock would not protect children at the bottom of the hill, and suggested that it required study. Councilman Nishimoto requested Chief Porter to have some traffic counts taken. Mayor Miller suggested having a professional traffic survey made. Councilman Nishimoto stated that he had tried to get surveys done thru the County or AAA, but found traffic engineers to be in short supply and indicated that it may be necessary to hire a consulting traffic engineer some day. Councilman Forshee asked that this appear as an agenda item, saying this is what he had been suggesting as an alternative to erecting stop signs at random. Chief Porter indicated that some funds might be available in the new LEAA grant. Councilman Nishimoto felt that 4-way stop signs serve a useful purpose; that they help to slow traffic in residential communities and alert drivers to the fact that they are in such an area.

Mr. Vogel said that, with all due respect to Councilman Nishimoto, he wished to point out that there were many items acted on which had not appeared on the agenda, thus precluding an opportunity for citizen input. When Mayor Miller pointed out that these were administrative actions which had to be taken by May 15, Mr. Vogel suggested that they could have been introduced during the public participation section, saying that it is easy to attach the label of administrative action to any item. Councilman Ricks asked if Council should not be permitted to bring up new business, and whether Mr. Vogel would prefer them to take action in secret, as they have been accused of doing. Mr. Vogel replied that he would not. He said that he appreciates what Councilman Nishimoto is doing and has only the utmost respect for him as a Councilman, but feels that the items acted on should have appeared on the agenda.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Ricks reporting

1. Request for screens at 250 Manor Circle. Councilman Ricks reported that the owner has been cited for violation of the BOCA code with corrective action to be taken by June 15.

2. Condition of yards behind and lot between 328 and 334 Boyd Avenue. The property management firm has complied with a request to take care of this work, Councilman Ricks said, and requested that the item be deleted from the agenda.

3. Hearing on 8204 Flower Avenue. Councilman Ricks reported that, following the hearing on April 26, the owner requested 10 days for obtaining estimates on cost of excavation needed to bring the ceiling height into compliance with the BOCA code.

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4. Code violations at 7312 Jackson Avenue. Councilman Ricks said that the owner has been cited for violations and asked the the item remain on the agenda until they have been corrected.

5. Housing code violations at Winchester-Takoma. There has again been a slacking off of work here, Councilman Ricks reported, and requested that the Corporation Counsel proceed with the legal action necessary to bring the buildings up to standard.

6. Items of interest. Councilman Ricks reported the following: The Fire Department plans to burn 124 Grant Avenue as a training exercise as soon as release papers have been signed. The buildings at 35 Fremont Avenue and 25 Holt Place have been posted as unfit for human habitation if no action is taken by the June 3 deadline, the Fire Department will recommend that they be demolished.

Councilman Ricks stated that the Fourth of July Committee, of which he is chairman, would start their fund-raising drive early this year. He noted the expense of the event, and said a minimum contribution would entitle donors to a chance on a color TV and other prizes.

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting

1. Complaint re drainage from fish pond at 702 Auburn Avenue. This matter has been turned over to Prince George's County, under whose jurisdiction it falls, Councilman Burgess said. He indicated that the owner of the pond has been unable to secure the cooperation of a neighbor in extending the drain through his property.

2. Request to repair sidewalk, 7323 & 7327 Takoma Avenue. Councilman Burgess reported that this repair item has been carried on Public Works' work schedule for some time, but has had to be deferred because of the size of the job; that, though it is in need of attention, is not considered hazardous.

3. Condition of yards behind and lot between 328 and 334 Boyd Avenue. This item was reported on by the Housing and Code Enforcement Committee, Councilman Burgess said.

4. Request for cost analysis on 7500 Maple Avenue sidewalk. Councilman Burgess gave the following comparison of a sidewalk built by the City and one by a private contractor: the University Boulevard sidewalk, constructed by a private contractor, cost \$7.00/running foot; the Anne Street sidewalk, built by City forces, ran about 5.70/running foot. He said the obvious conclusion is that it is more economical for the City to take on the 7500 Maple Avenue job.

5. Request for information on rumored closing of Flower Avenue. Councilman Burgess stated that the Department has been unable to establish that any action has been taken by an official body, including Columbia Union College, who had at one time proposed rerouting Flower Avenue.

6. Water problem at 608 Boston Avenue. A letter has been sent to WSSC asking them to eliminate the problem by providing proper draining for an abandoned culvert box, Councilman Burgess reported.

7. Proposed pick-up of recyclable materials. Councilman Burgess stated that at present there is no economically feasible way of carrying out this proposal. He called attention to the fact that the City does pick up newspapers for recycling.

8. Public hearing on abandonment of Hammond Avenue. The Council has this under study, and the Committee hopes to be able to present a recommendation at the next Council meeting, Councilman Burgess said.

9. Request for ordinance to require packaging of trash. Councilman Burgess indicated that nothing can be done here until the problems of storage and distribution are resolved.

10. Request to improve access to Langley Professional Building parking lot. The Committee and Department are working on this, and will also seek the advice of the State Highway Administration, Councilman Burgess said.

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11. Improvement of Hodges Field. The Parks and Recreation Committee has been requested supply Public Works with specific requirements, after which a cost estimate will be drawn, Councilman Burgess reported.

FIRE PROTECTION COMMITTEE: Councilman Sidell, Chairman

No report.

PLANNING AND ZONING COMMITTEE: Councilman Roth reporting

1. Request for grocery store in SW section of City. The Committee would like to be able to accommodate this request, Councilman Roth said, and will continue to search for a solution.

2. Proposed congregate housing. Councilman Roth stated that it has been brought to his attention that the Maryland State Federation of NARFE Chapters, at their April 22 meeting, passed a resolution endorsing the concept of congregate housing. He noted that a NARFE chapter is active in Takoma Park and that they know what is planned and view it with favor. However, he said, the Council wishes to learn more about what is planned for Takoma Park and will schedule a public meeting sometime in June or earlier.

3. Special Exception S-123, operation of beauty shop at 7320 Piney Branch Road. Councilman Roth reported that a notice of the special exception application is posted at the above address, though the hearing won't be held until August 24. Since the City Council will have to decide on a recommendation prior to that, he suggested that citizens let their views be known.

4. Retail store operation in Langley Professional Building. Councilman Roth said that he had intended proposing that the Council communicate with the Park and Planning Commission to raise some questions on the Carpetland store in the building, but would defer it until the next meeting to give citizens an opportunity to discuss it.

5. Proposed abandonment of a portion of Hammond Avenue. Councilman Roth read the following statement and asked that it be included in the record:

A Statement to the Council:

Last Monday night we held a public hearing to get citizens' views on possible abandonment of a small unpaved part of Hammond Avenue.

I was deeply disappointed with some of the views expressed. I had to limit my participation in the public hearing. I want to hereby summarize my views.

The Medical Building at Kirklyn and New Hampshire was built with the support of citizens on Hammond and Jackson and Holton Avenue (and also with approval of citizens on Wildwood and farther areas). This is unusual. Citizens usually oppose rezoning. In this case the citizens on Hammond and Jackson and Holton expected to be protected from any additional traffic or other nuisances developed by the Medical Building.

When the small unpaved part of Hammond was closed for the construction of the building, the people on Hammond and Jackson and Holton hoped it could remain closed to protect them from the commercial area.

I personally hoped that we could put a small azalea garden in that spot. With unanimous neighborly agreement, I believe that we could have accomplished this very worthwhile objective. Unfortunately some disagreed.

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Those who spoke in disagreement seemed to have two motives:

- (1) Some did not want to incur a very small personal inconvenience to help their neighbor.
- (2) Some seemed to want to help the owners of the Medical building and perhaps the whole shopping center by making Hammond Avenue a service drive for New Hampshire Avenue.

On reason No. 1: I have deep regret for the un-Christian viewpoint that it represents. Good objectives can be accomplished when we all work together as neighbors. When some put their own personal convenience ahead of the good of their neighbor, the world is in trouble. There is too much of this spirit today. I hope those who do put their own personal convenience ahead of their neighbor will reconsider.

On reason No. 2: I don't understand the motives of those who wish to strongly favor the owners of the Medical Building. I want to go on the record and say that I put the needs of the residential neighborhood first. The homes were there before the Medical Building and before the shopping center. I will stand in favor of protecting the residential character of the neighborhood. It is good planning to do so. It is ethical to do so. It is good for the city to do so.

My motivation is clear--to protect the residential neighborhood. I call on all my neighbors to join with me and to fight against putting New Hampshire Avenue traffic on the residential streets.

And we do intend to solve the traffic problem through the use of the service road.

John Roth
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Mr. Jeffas said that Councilman Roth's statement was out of order, since it did not appear on his agenda, but on the Public Works agenda. Councilman Roth replied that, though he will not vote on the question, he would not give up his right to speak as a citizen. Mayor Miller stated that the above statement would not influence Council in making its decision: that it will make its own decision regardless of Mr. Roth's position. Mr. Jeffas went on to say that Councilman Roth had circulated a petition and said he spoke for the entire area, but that he did not speak for him and many others. He noted that the abandonment proposal had been placed on the agenda during a Council meeting he had not attended. Mr. Jeffas requested that the barricade be removed and the street opened, suggesting that Council could then institute the proper legal procedure for abandonment. He indicated that his earlier question on why that end of Hammond has never been paved was not responded to. Mayor Miller stated that the street has not been abandoned; that Council now has the question under consideration and should have an answer in the very near future.

There being no further business to come before the Council, Mayor Miller called for a motion to adjourn. Motion was made and duly seconded, and the meeting adjourned by unanimous vote at 9:35 PM, to reconvene on May 22 at 8:00 PM, in the Municipal Gymnasium.

Approved: George M. Miller
Mayor

Attest:
Raymond M. Lidgren
City Administrator/Clerk

MAYOR MILLER'S COMMENTS:

After welcoming the audience, Mayor Miller announced that the next Council would be held on June 12, and that there would be no second meeting in June, since the annual meetings of the Maryland Municipal League, of which the Mayor and Council are members, are scheduled for June 25-28.

Mayor Miller said that May is traditionally VFW Buddy Poppy Month and that he has for a number of years crowned the queen of local Post 350. He introduced Miss Judy Kvedar, the newly elected queen, and invited her to solicit contributions. Mayor Miller announced that Memorial Day services would be held on May 29 in Memorial Park, at which time a proclamation would be presented to members of Post 350.

Mayor Miller, in company with Fire Lt. Jarboe and Councilman Sidell, awarded certificates to 14 members of Girl Scout Troop #171, all of whom had completed the Fire Department's baby sitting course. It was noted that graduates now number 521; that the course includes instruction in infant and child care, medical aspects of baby sitting, police protection and fire safety; and that the instructors include Mrs. Nancy Hartung, RN; Mrs. Joan Menedis, RN; Lt. Jarboe and Det. Cpl. Sherman. Certificates were awarded to the following:

Robbyn Lea Jackson	Julie Lunceford	Barbara Horton
Paula Wilkin	Nancy Campbell	Mary Jane Inglesby
Sharon Eileen Hickey	Cathie Sweet	Susan Barnes
Barbara Sampogna	Lisa Lessans	Liz Merwin
Karen Hatter	Kathy Gleeson	

Mayor Miller read a proclamation naming June 4-11 as Community Services Week, and presented it to Mrs. B.S.A. Davies, a representative of Montgomery College's Community Services Division (Takoma Park campus). Some of the objectives of the sponsors (Montgomery College and TESS, in cooperation with City and County departments and schools) are to acquaint citizens of the TESS area with the multitude of services and opportunities to serve available to them, and to provide an occasion to display the diverse cultural life of the area.

Certificates were awarded to Mrs. Ona Thornton and Mr. Samuel Cohen by Mayor Miller in recognition of their five years' service on the Community Improvement Board.

PUBLIC PARTICIPATION:1. Joseph Ferrier, 7413 Maple Avenue.

Mr. Ferrier spoke of the recent suspension of three firemen for failure to comply with a new departmental regulation on length of hair, pointing out that, though it has been purported to be a safety factor in the use of a facial mask, one of the suspended men has had the same hair style for over a year and has been active during that period. He requested that the men be given a test to determine if the regulation is a valid one: if the hair style does in fact constitute an occupational hazard, then the regulation should be complied with; if not, the men should be permitted to wear the hair style of their choice. Mr. Ferrier went on to give examples of ways in which rigid conformity can be obstructive. He said he was opposed to rules requiring conformity unless they affect the welfare of people. He stated that he was not particularly interested in finding fault; that he regarded the Fire Chief and his officers highly, but that this sentiment also extended to the firemen. He asked that the men be put back on the job, saying he believed the Chief and the Council would find considerable citizen support in such an action. Councilman Nishimoto expressed appreciation for Mr. Ferrier's concern and stated that a report would be given later in the meeting. He said the investigative committee had held a lengthy hearing at which the issues involved had been thoroughly explored; that a perfunctory test had been given, but that the facilities did not permit a complete evaluation of the use of a facial mask.

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2. Bernice Myers, 7212 Cedar Avenue. Mrs. Myers stated that some time ago she had requested emergency ambulance service for her husband to a Washington hospital with superior equipment for treatment of cardiac patients, but had been refused; that she had later requested Council to consider the purchase of a second ambulance so that such requests could be accommodated. She read the report on her request given at the April 10 Council meeting and inferred that it had not been responsive to her appeal. Mrs. Myers pointed out that the cardiac care units of George Washington and Georgetown Hospitals are not duplicated in the Maryland area, saying also that she has found the difference in driving time to Holy Cross and George Washington Hospitals to be a matter of only two to three minutes. Mrs. Myers expressed dissatisfaction with the way City correspondence is summarized, and offered to perform this task for the City, an offer she had made earlier to Councilman Hutmire. She read a letter in which she and Mr. Myers noted their appreciation for the stop signs at Tulip and Cedar Avenues and commended the Council for the way the subject was handled, suggesting that all actions by the City government be handled in a similar fashion; i.e., the presentation of a recommendation to Council by a committee, followed by a vote by all Councilmen and the Mayor, with all votes to be included in the record.

3. Henry Preston, 1001 Sligo Creek Parkway. Mr. Preston requested that the operator of the furniture store at 1111 Sligo Creek Parkway be asked to either take his fence down, which Mr. Preston reported to be falling down on the east end, and put the property back into its original condition or repair it according to the terms of the court order. He felt this to be necessary since the fence would probably be left in its present state of disrepair if the store were sold, which seems to be a possibility. Mr. Preston suggested using the \$5,000 bond as leverage in securing Mr. Roberts' cooperation. Mayor Miller asked Mr. Culpepper to look into the situation.

4. Joseph Cangialosi, 7001 Poplar Avenue. Mr. Cangialosi requested information on a "for sale" sign in Spring Park and was told by Mayor Miller that it is probably the work of a prankster. With reference to comments at the last Council meeting on stop signs and the stance of the Council as opposed to the State Highway Administration, Mr. Cangialosi pointed out that the roles and functions of the two bodies are quite different: the Highway Administration's primary concern is building roads and getting traffic to its destination, while the Council's role is to make the City more liveable for its citizens; and that the Administration's methods of dealing with problems are not necessarily applicable in the case of the City. Councilman Nishimoto agreed that this is true, saying that the State Highway Administration would prefer to clear City streets of stop signs in order to funnel the traffic through.

5. Ellen Marsh, 7405 Maple Avenue. Mrs. Marsh thanked Council for the stop signs on Tulip and Cedar, saying she would like to see many more. She then asked Councilman Nishimoto what constitutes a through street, with specific reference to Maple and Cedar Avenues. Councilman Nishimoto replied that these two streets provide easy access to the District, and a traffic pattern is beginning to emerge. He went on to say that he favors limiting the number of streets providing through channeling of traffic to possibly Carroll and Piney Branch, where patterns are pretty well established, but noted that residents of those streets may strongly oppose this.

6. Elizabeth Bozarth, 7326 Willow Avenue. Mrs. Bozarth also expressed appreciation for the stop signs and indicated she would like more of them. She spoke of the way the community of Somerset has stop signs at practically every intersection and said she would like to see this in Takoma Park; that the people are concerned about traffic and Council should also be concerned, and suggesting that Council accommodate that concern by forcing drivers to stop.

7. Rita Marth, 7308 Cedar Avenue. Mrs. Marth thanked Councilman Nishimoto and the Council for the Cedar-Tulip stop signs. She inquired about results of traffic counts which were to have been undertaken. Councilman Nishimoto replied that, in view of the request for a professional traffic survey, counts were not made, but would be included in that survey. In response to Mrs. Marth's question, Councilman Nishimoto stated that the stop sign hearing would be

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

May 22, 1972

City Officials Present

Mayor Miller

Councilman Burgess

Councilman Forshee

Councilman Nishimoto

Councilman Ricks

Councilman Roth

Councilman Sidell

Councilman Webb

City Administrator Pridgen

Corporation Counsel Gingerich

Asst. Corp. Counsel Culpepper

City Treasurer Turner

Fire Chief LaScola

Fire Captain West

Police Chief Porter

Director of Public Works Rhodes

Dep. Dir. of Public Works Barile

Code Enforcement Officer Olsen

Director of Recreation Ziegler

The Mayor and City Council met in regular session at 8:00 PM, May 22, 1972, in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland. The invocation was given by Associate Pastor Kotter of the Takoma Park Seventh-day Adventist Church, which was followed by the pledge of allegiance to the flag. Mayor Miller called for a motion to waive the reading of the minutes, if there were no corrections or additions. A motion to approve the minutes as submitted and dispense with the reading was made, duly seconded and carried.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting

1. Maryland Municipal League, Annapolis. Notice of necessity of adopting a resolution if City plans to levy an Admissions and Amusements tax. (Finance Committee)
2. Jordan L. Harding, Prince George's County Council Sign-Review Committee. Request for comments on a provision of the proposed sign ordinance which would permit Chief Sign Inspector to appoint inspectors employed by municipalities, with municipalities bearing the cost. (Housing and Code Enforcement and Planning and Zoning Committees)
3. Copy of petition submitted to Park and Planning Commission supporting the 1963 Master Plan and the proposed amendment as contained in the proposal of June 1971. (Plan. & Zon. Comm.)
4. Kathryn T. Simpson, Chairman, Community Improvement Board. Request that City retain ownership of 8 Columbia Avenue and that impounding lot be moved to another location at an early date. (Finance Committee)
5. Robert H. Moore, 7314 Willow Avenue. (a) Letter concerning Councilman Nishimoto's statement at the May 17 meeting of Montgomery County Planning Board's Citizens Advisory Committee. (Planning & Zoning Committee) (b) Letter commending Council for establishing four-way stop signs at the Maple and Cedar Avenue intersections with Tulip. (Law Enf. Comm.)
6. Mrs. Karen Maury, 7422 Hancock Avenue. Request for speed control on Sherman Avenue, with specific reference to its intersection with Hancock Avenue and the use of radar. (Law Enforcement Committee)

limited to the Maple-Tulip sign. He indicated that this was the only way he could obtain passage of the ordinance. Mrs. Marth gave Councilman Burgess a sample paper bag for trash containers which she said is being used in Riverdale, and suggested that he look into the possibility of using these and not assume that there are no alternatives to plastic bags.

8. Elery Denison, 7207 - 13th Place. Mr. Denison expressed concern about increased emission of pollutants and the nuisance created by additional stop signs, and asked that careful consideration be given prior to their erection. He said that he favored stop signs in some places, but liked to be able to reach his destination without stopping at every intersection.

9. Allen Marsh, 7405 Maple Avenue. Mr. Marsh thanked Councilman Nishimoto and Councilmen who supported the Tulip-Cedar stop sign. He asked that in the future Councilman state their reasons for voting against a motion.

10. Robert H. Moore, 7314 Willow Avenue. Mr. Moore referred to the differing views of Councilmen on stop signs and applauded Councilman Nishimoto for his efforts. He expressed concern about Mr. Denison's remarks, saying he did not consider children to be nuisances, and that, though he considered stop signs to be only a paltry safety measure, they do provide a degree of protection for children as well as drivers. Councilman Nishimoto, in response to Mr. Moore's query, said that there would be no hearing on the Cedar-Tulip stop sign. With reference to the agenda item on banning the sale of throwaway containers, Mr. Moore said that one has only to view the quantities of disposable cans brought to the Recycling Center to conclude that some limitation on sales is the only solution. He requested that the item be reactivated. Mr. Moore inquired about the status of the landlord-tenant ordinance, saying he felt the City should not await action by Montgomery County. Councilman Ricks responded by saying that there are problems of enacting an ordinance which may contain regulations in conflict with a County ordinance. He indicated the Committee would wait for County action on the proposed ordinance, which has been tabled for further review.

11. John Alden, 7205 Flower Avenue. Mr. Alden requested repaving of Houston Avenue between Flower and Roanoke, also asking that the pedestrian crosswalks at Flower and Carroll Avenues be repainted.

12. Michael Derato, 413 Lincoln Avenue. Mr. Derato read a statement admonishing citizens for interruptions during the Council business session and Council for their permissiveness, saying that the practice prohibits the orderly conduct of Council business. He noted that the word "taxpayer" is imbued with special powers; that when invoked, it elicits immediate attention. He pointed out that, though they are granted certain privileges, their rights are not unlimited. Mr. Derato said that tax payers are known by another name--voters--and as such, may express their satisfaction or dissatisfaction with the performance of an elected body at the polls. He noted that the U.S. Senate admits citizens to the gallery, where they may listen and observe, but are never permitted to speak. However, they have had ample opportunities for expression of opinion at hearings or by contact with Senators. He also said that the Senate may at any time change the order of calendar items, but that this is done by unanimous consent of the Senators, not the public. He concluded by saying that the voters have delegated to the Council, as their representatives, the right to govern with no preivos attached; that as long as taxpayers and voters are provided an opportunity to express their opinions by the various means available to them, their rights have not been infringed upon.

13. Opal Daniels, 19 Sherman Avenue. Mrs. Daniels said she was happy for the people in the area of the Tulip-Cedar Avenue stop sign and that she would thank the Council in advance signs the residents of Sherman Avenue hope to get. She went on to say that during the past few years, cars have uprooted three trees, killed numerous pets, and residents are concerned over the possibility of a child being hit. She indicated that cars sometimes reach a speed of 70 mph. Councilman Ricks expressed a desire for 4-way stop signs at Lee and Hancock, whereupon Councilman Nishimoto stated he was out of order.

14. Kathryn T. Simpson, 7300 Cedar Avenue. Mrs. Simpson expressed her support of the ideas contained in Mr. Derato's statement since they would help to facilitate the business of the Mayor Council. In connection with the stop signs, she said that initially she had felt they wouldn't work, but that she had been wrong, they work fine.

15. James Welu, 7330 Piney Branch Road. Mr. Welu also concurred with Mr. Derato's statement, with one proviso--that each Councilman, during the public participation portion of the meeting, announce any items not on the agenda which he intends to report on. Mr. Welu inquired about the status of his request to have the mounds of dirt on property near 7400 Piney Branch Road levelled and sodded. Councilman Ricks replied that WSSC has assumed some responsibility here and that the Code Enforcement Division will continue to observe the situation until owner has completed his improvements. When Mr. Welu pointed out that the condition has existed since last December and expressed concern that the dirt should have been permitted to remain on private property such a length of time, Mr. Olsen said that the Division has been unsuccessful in contacting the owner.

Mr. Welu referred to the proposed appointment of a council advisory committee and suggested that some of the problems of citizen-Council communication might be alleviated by permitting citizens to be involved in committee meetings at the time decisions are being formulated. He felt that this would be preferable to the appointment of an outside body. He noted that under the present system, there is very little discussion prior to a Council action, and that citizens should have an opportunity to see how their representatives act, react, and arrive at decisions, suggesting also that Council could benefit from this process. Mr. Welu noted that Councilman Nishimoto had voted against this type of citizen participation at a COG policy committee meeting, where he stated that the citizens of Takoma Park do not want citizens on Council committees. Councilman Nishimoto said the vote had been 5-4 in opposition to having citizens serve as voting participating members of COG policy committees. He stated that there are some matters before Council committees to which the public should not be privy. Mr. Welu agreed with this, and proposed, as a first step, the opening up of Committee meetings for observation by citizens who would also be asked for comments. He felt that the attendance would not be large, but that some would attend and provide feedback to the community. Councilman Nishimoto asked if it would not be possible to ask questions during the public participation section of Council meetings. When Mr. Welu responded by inquiring if he would want to make this a general policy, Councilman Nishimoto said yes, provided Council would be permitted to respond. Mrs. Simpson asked if a citizen could not request to be heard at a committee meeting. Councilman Nishimoto recalled that he had sat on a committee at which an individual came to present his point of view. Mr. Welu noted earlier that COG meetings are open to the public, but are unfortunately held during the day. He felt it was important to know the position of City Councilmen when they sit on the various COG committees.

[Councilman Forshee arrived at this point.]

16. James Jeffas, 7600 Hammond Avenue. Mr. Jeffas suggested that signs reading "hill" and "descend in low gear" be posted on Sherman Avenue. He requested that Councilmen restrict comments on non-agenda items to the public participation section. With reference to Mr. Derato's comments, he stated that the City Council more nearly resembles a town meeting than the Senate, noting that the City government does not have two houses.

Mr. Jeffas reported on an incident at Hammond and Holton on the evening of May 17, in which a vicious German shepherd dog broke loose and bit a child, who ultimately had to be hospitalized. He reported that the animal warden had been called, but never arrived; that both firemen and policemen were called, with the latter arriving only after an unduly long delay; and that the ten-year-old child had to be sent to the nearest hospital and later moved to George Washington. In connection with the latter, he stated he felt ambulance service should be provided free and not begrudgingly; if a second ambulance is needed, it should be acquired; that there should be more emphasis placed on the welfare of human beings than fighting fires, since a house can be replaced while a human life cannot. Mr. Jeffas requested that both the Police and

Fire Departments investigate the use of tranquilizer guns for situations such as the one described, saying the National Zoo could recommend the appropriate equipment. He commended the policeman who responded for not using his gun. Mr. Jeffas requested that he be given a written response to his comments and requests by the next Council meeting, requesting specific information on the failure of the animal warden to respond and the use of tranquilizer guns.

17. Mrs. Bozarth spoke of the early 1950s when zoning was handled by the City Council, and of an incident where some property on Willow was rezoned to permit conversion of a single-family home into apartment units on the recommendation of a Council committee chairman, and later reversed only because of one councilman's intercession after he learned of a petition she had circulated in opposition to the zoning. She said this illustrated the need for channels of communication between citizens and the Council.

18. Mrs. McKinley, 7620 Maple Avenue. Mrs. McKinley spoke of the condition of the halls at the Winchester-Takoma, saying the trash has not been collected and has been allowed to accumulate in the halls. She submitted a list of further complaints to the Code Enforcement Division. Mrs. McKinley also requested that efforts be made to secure lighting for the parking lot. She indicated she had made many attempts through the management and was told that they have no ladders tall enough to replace the burned out bulbs.

19. Phil Vogel, 7117 Garland Avenue. Mr. Vogel stated he opposed the granting of Special Exception S-123 [operation of a beauty shop at 7320 Piney Branch Road] for the following reasons: it is not in conformance with the master plan and would constitute spot zoning, which leads to further deterioration, whereas denial would enhance the area; parking would be limited and not in compliance with Montgomery County's off-street parking requirements.

Mr. Vogel requested that something be done to get abandoned cars off the streets, with specific reference to three on the Kass parking lot and others he had reported some seven weeks ago on Piney Branch, Carroll and Maple Avenues. He pointed out that they are fire traps and tend to provoke crime, in addition to creating an unsightly appearance. When it was suggested that he contact the Police Department, Mr. Vogel cited the above and said he had spoken to Off. Winkler numerous times and was becoming impatient with the reasons given for failure to remove the cars. He indicated he had seen several advertisements in local papers for car removal service. Mr. Vogel inquired about the funds for a bridge replacement program, asking if Council had any particular bridge in mind for replacement. Councilman Burgess said that there is no plan at present; that the notice received had simply been an announcement of the availability of funds.

20. Councilman Nishimoto responded to Mr. Moore's letter (Correspondence item #5(a) as follows: In connection with his allusion to Councilman Nishimoto's advocacy of tons of concrete as a measure of progress, Dr. Nishimoto said he had taken no specific position on this, and that he has never said he favors high-rise development in the Metro area. He pointed out that he, too, resides in the adjacent area. He said that the Park and Planning staff had offered no proposal, but instead had presented the Advisory Committee with recommendations on three alternative modes of development: high rise, intermediate, and "as-is," saying that his concern is that they come up with a good plan and not merely retention of the status quo, as they seem to favor. He felt that it is necessary to face reality: Metro is coming and there is going to be an impact along Eastern Avenue and that a plan is necessary for orderly change: that, other than to express the desirability of garden-type apartments, he has not committed himself; and that he has no vision of high-rise buildings. Councilman Nishimoto said he would leave it to the planning staff. Mr. Moore stated that the planning staff has said they believe the "as-is" status to be feasible, and went on to say that Councilman Nishimoto had been vague in terms of what he wants, and had told the staff it is wrong. Councilman Nishimoto replied that he just wants a plan; that he doesn't believe as is will be helpful because of the inevitable impact of Metro. At this point, Councilman Ricks moved that Council go ahead with the Committee reports. His motion was seconded by Councilman Forshee. Councilman Nishimoto, saying he wished to make his position a matter of record, continued: With reference to the

reported deconversion phenomenon, he said he had asked if the conversion of multi-family units into single-family homes can be the basis for future planning. He said he had also raised the question of how the Planning Board had selected the members of the Citizens Advisory Committee, noting that the City Administrator had never been contacted for a list of community organizations; that the Committee was structured, and not representative of the community. He noted that Mr. Alva Appel, a member of the Committee, had agreed with him, saying that several Adventist groups had asked to be represented, but only he was appointed. Councilman Nishimoto read the names of the Committee members and pointed out that they are the members of the community who will provide advisory input for the Metro impact plan. They are: Samuel A. Abbott, Save Takoma Park Committee; Alva R. Appel, Columbia Union Conference of Seventh-day Adventists; Mrs. Peggy Comeau, North Takoma Citizens Association; Mrs. Rosalie Crenca, TESS Citizens Advisory Council; Joseph G. Ferrier, National Association of Retired Federal Employees, Chapter #357; Allen T. Marsh, Takoma Elementary School PTA; Mrs. Jones Miller, Montgomery College; Councilman Ken Nishimoto, Takoma Park City Council; John Hammond, Community Action Forum; Mrs. Joseph B. Simpson, Community Improvement Board; James Welu, Takoma Limited; Ernest Wolfe, Senior Citizens Association; Nancy Young, Montgomery County Welfare Rights Organization, Takoma Chapter. Councilmen Ricks and Forshee raised a point of order and following further statements by Councilman Nishimoto and Mr. Moore, Mayor Miller suggested that they continue their discussion at a subsequent time, and called for a vote on Councilman Ricks' motion to proceed into the business session. The motion carried and Council went into the business session.

COMMITTEE REPORTS

PLANNING AND ZONING COMMITTEE: Councilman Roth reporting

1. Special Exception #S-123, beauty shop, 7320 Piney Branch Road. Councilman Roth thanked Mr. Vogel for his views on this item and said it would remain on the agenda for further comments.
2. Retail store in Langley Professional Building. Councilman Roth referred to his statement at the last Council meeting and noting there had been no comments on the subject, moved that the City Administrator communicate with the appropriate authorities of Prince George's County and notify them that a question has been raised on the operation of a Carpetland store in the building, with a view to making a determination on whether such an operation is in conformance with zoning regulations. The motion was seconded by Councilman Burgess and carried.

FINANCE COMMITTEE: Councilman Forshee reporting

1. Rock excavation change order--Municipal Building. Councilman Forshee moved for adoption of the ordinance below, explaining that it approves the additional cost of removal of rock at the Municipal Building site:

ORDINANCE NO. 2209

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

SECTION 1. THAT WHEREAS Ordinance 2152, adopted March 22, 1971, awarded a contract to Martin Bros., Inc. for construction of the Municipal Building at 7500 Maple Avenue, AND

SECTION 2. THAT a change order has been recommended by Philip W. Mason, AIA, for extra changes in rock removal as follows:

Rock in foundation area	\$ 1,514.06
Rock in trench area	376.55
Total	<u>\$ 1,890.61</u>

SECTION 3. THEREFORE the City Administrator is hereby authorized to execute a Change Order in the amount of ONE THOUSAND EIGHT HUNDRED NINETY AND 61/100 DOLLARS (\$1,890.61) AND

SECTION 4. THAT the additional cost of construction be charged to Public Improvement Fund Account.

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

2. Tax rate, FY-73. Councilman Forshee explained that the City has been notified it would receive \$90,000 from Montgomery County and \$55,000 from Prince Georges for fire service, the receipt of which has enabled the Finance Committee to recommend retention of the \$1.55 tax rate. He moved that the ordinance below be adopted:

ORDINANCE No. 2210

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

SECTION 1. THAT a general tax rate of ONE DOLLAR FIFTY-FIVE CENTS (\$1.55) on each ONE HUNDRED DOLLARS (\$100) assessed valuation be and the same is hereby levied and approved, and the City Treasurer is hereby authorized to collect taxes on the basis of the \$1.55 tax rate on all real and public utilities property lying within the corporate limits of the City of Takoma Park, Maryland, and to proceed to advertise for sale such delinquent properties that may be in arrears on the date specified by law. The tax rate of the City is for the purpose of meeting any and all general expenses for the City for the Fiscal Year beginning July 1, 1972, AND

SECTION 2. THAT there will be no change in Section 3, Ordinance No. 2163, adopted June 14, 1971 (pp. 210-212, Vol. 35) relating to the tax credit to be allowed to resident property owners 65 years of age, and that the provisions of Section 3, Ordinance No. 2163 will remain in full force and effect as of July 1, 1972.

Following Councilman Webb's seconding of the motion, the ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks, Roth, Sidell and Webb. Nay: none. Excused: none.

Councilman Forshee stated that the City mimeograph machine has broken down and it may be necessary to buy a new one.

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting

1. Proposed dedication of azalea garden to Mrs. Geib. Councilman Webb said this is being considered by the Azalea Committee, with a recommendation to be forthcoming soon.
2. Silver Spring Intermediate School request for azaleas. This is also under consideration by the Azalea Committee, Councilman Webb reported.
3. Improvement of Hodges Field. Public Works is getting estimates on the proposed work and will be reporting to the Committee, Councilman Webb said.
4. Activities. Councilman Webb announced the following: "Beauty and the Beast" is to be presented by the Youth Drama class at Our Lady of Sorrows Auditorium, May 26-28. The Arts and Crafts show will be held on May 28 from 1-5 PM on the Library grounds. A baton exhibition and dance recital to be held May 23. Boy Scout auction on May 27, 1-3 PM, Jeque Park.

1155 9

May 22, 1972

Councilman Webb commended the Public Works Department for the excellent job done in erecting a shelter and vandal-proof supply boxes in Spring, Jeque and Forest Parks. He stated that the summer program will begin on June 21 in Montgomery County parks and on June 26 in Prince George's County.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

1. Proposed study of traffic problems by engineer. Councilman Nishimoto proposed deferring agenda items 1, 2, 4 and 8 (stop signs at Flower and Houston, speed control on Sherman Avenue and Maple Avenue, traffic counts) to await results of the traffic safety survey. Chief Porter indicated that he is seeking grant funds to conduct the survey. Councilman Roth requested that Wildwood Drive be included in the survey. There followed a discussion on whether or not a moratorium on traffic actions should be imposed to await the recommendations of the traffic engineer. Councilman Roth and Mayor Miller felt that it was unnecessary to declare such a moratorium, saying that the necessary traffic controls can be enacted and, if they are not in accord with survey recommendations, can then be revoked. Mayor Miller pointed out that the Council had been elected to legislate on problems of the City and that some of the Committee's agenda items represent dangerous situations which shouldn't wait for a study to be completed. He specifically referred to Sherman Avenue where, he said, there are no stop signs and illegally parked cars, and indicated that something would have been done to alleviate the situation some time ago had studies been made. He felt that the serious situations already on the agenda should not be lumped into one problem. Councilman Nishimoto referred to the discussion at the last Council meeting, saying that in view of the opinions expressed about stop signs, he felt that the facts should be obtained. He said the Committee would proceed with its search for a traffic safety engineer and the Department would study the above-mentioned items.

2. Traffic hazard at Piney Branch, Eastern and Takoma Avenues. Councilman Nishimoto reported that a response to Mayor Miller's request for action has been received indicating that the Traffic Safety Division's Asst. Chief Engineer would be in touch with him at an early date.

3. Relocation of bus stop sign on Ethan Allen Avenue at Carroll. The sign has been relocated, as requested, Councilman Nishimoto reported.

4. Personnel. Councilman Nishimoto moved for Council acceptance of the resignation of Pvt. Hawes C. Boyd, effective May 26. The motion was seconded by Councilman Roth and carried.

5. Personnel. Upon motion of Councilman Nishimoto, duly seconded by Councilman Burgess, Council approved the permanent appointments of Clerk-Dispatchers Anne M. Shepherd and F. R. Williams, effective May 1.

6. Personnel. Councilman Nishimoto announced that Officers Gamble and Wortman (D.R.) have been appointed to the Crime Control Team.

7. Training. Councilman Nishimoto reported on training as follows: Officers attending two-week seminars in Criminal Investigation: Cpl. Gofske, Cpl. Sherman, PFC Cowin, Officers Gamble, D. Wortman, Duvall and Carter. Officer Johnson will begin recruit training at the Maryland State Police Academy on June 3. Cpl. Sherman will take an FBI seminar on terrorist activities beginning May 23.

8. Crime Control Team automobile. Councilman Nishimoto moved for adoption of the ordinance below authorizing the purchase of this automobile:

ORDINANCE NO. 2211

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

SECTION 1. THAT after having been duly advertised and notices sent to qualified bidders, bids were opened on May 19, 1972, for one 1972 (new) two-door sedan for use by the Police Department in the Crime Control Team project, under Grant No. COP-202-01-SM of the Governor's Commission on Law Enforcement and the Administration of Justice, AND

SECTION 2. THAT, after due consideration by the Chief of Police and the Law Enforcement Committee, the purchase is hereby awarded to Courtesy American Motors of Bethesda, Maryland for one American Motors Gremlin, 232CiD, 6 cyl, meeting all specifications other than power brakes, for the sum of TWO THOUSAND FOUR HUNDRED FORTY-FOUR AND 65/100 DOLLARS (\$2,444.65), AND

SECTION 3. THAT the sum of FORTY-FOUR AND 65/100 DOLLARS (\$44.65) be transferred from the Reserve Fund to supplement the \$2400 allocated in the LEAA grant for the purchase of a vehicle for use in the project.

Councilman Nishimoto's motion was seconded by Councilman Forshee, after which Councilman Roth inquired if the grant funds had been received. He was informed by the City Treasurer that a notification of grant award has been received. The ordinance was then adopted by roll call vote recorded as follows: Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks, Roth, Sidell and Webb. Nay: none. Excused: none.

9. No smoking regulation, Municipal Building Council Chambers. Councilman Nishimoto requested that a regulation prohibiting smoking in the Council chambers be prepared by the Municipal Building Committee, appointed at the last Council meeting.

Councilman Nishimoto said he wished to make some points for the record concerning the last meeting of the Planning Board's Citizens Advisory Committee. He reiterated an earlier statement--that the composition of the Committee is not representative of the community and that he had pointed out to the chairman of the Committee, as well as the Chairman of the "blue ribbon" committee that the City Administrator had not been contacted for a list of community organizations. [Councilman Ricks raised a point of order, but Councilman Nishimoto was permitted to proceed.] Councilman Nishimoto requested that the City Administrator's office up-date the list of community organizations. Following Councilman Ricks' second point of order, the Committee reports were resumed.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Ricks reporting

1. Request for screens at 250 Manor Circle. Councilman Ricks requested that this be removed from the agenda, saying that it is being handled as a routine case in the Division.

2. Community service needs of proposed congregate housing. Noting that this item falls more within the realm of the Planning and Zoning Committee, Councilman Ricks asked that this be deleted from his agenda.

3. 8204 Flower Avenue. The owner has submitted an estimate on the cost of bringing the building into compliance with the code, Councilman Ricks said, and moved that he be notified that the waiver has been denied and he will be given 45 days to comply with the citation. Following seconds by Councilmen Webb and Sidell, the motion carried.

4. Code violations at 7312 Jackson Avenue. This too is being handled as a routine case, Councilman Ricks said, and asked that it be deleted from the agenda. Upon question by Councilman Webb, he said that the owners have been cited and given a deadline for abatement. Following Councilman Ricks' statement that the items just deleted are in the same category as other cases being handled routinely in the Division, Councilman Nishimoto said he understood that items which appear on the agenda reflect the concern of citizens who have written or made requests at Council meetings, and that it has been customary to retain them on the agenda until final action has been taken. Councilman Ricks responded by saying that the Code Enforcement Division feels there is no longer a need for retention of the above-mentioned items on the agenda.

5. Request for ordinance to shorten eviction notice time. Councilman Ricks reported that it is the consensus of the Committee that the present 30 days' notice is appropriate and that any deviation from this would require a change in state law. He moved that it be deleted from the agenda. The motion carried, following Councilman Forshee's second.

6. Animal control. Councilman Ricks stated that he had received a number of complaints and has himself observed many dogs at large. He pointed out that the City does employ an animal warden and that complaints are referred to him via the City Administrator's office. He read Section 2 (as amended in August 1970) of Article 30, Municipal Code, and asked that it be included in the record:

It shall be the duty of any owner of a dog at all times either (a) to confine his dog securely on his own premises so that it cannot escape therefrom, or (b) to have the dog (1) accompanied by a responsible person and (2) effectively restrained by leash or otherwise from molesting the person or property of any other person. Dogs running at large without being so accompanied and restrained shall be impounded and released to the Humane Society at the earliest possible time, except that an owner may obtain a properly licensed dog prior to release to the Society by payment to the City a pound fee of ten dollars (\$10.00). Failure to comply with the provision of this section will subject the owner or harbinger of the dog to a fine not exceeding fifteen dollars (\$15) and, in default of payment of the fine so imposed, to three (3) days imprisonment for each violation.

7. Housing code violations at the Winchester-Takoma. Councilman Ricks reported that he had accompanied the three members of the Code Enforcement Division on a tour of the buildings and was dissatisfied with the progress being made. He moved that the City Administrator be authorized to officially notify the Corporation Counsel to proceed with whatever legal steps are necessary to bring the building into compliance. The motion was seconded by Councilman Sidell. Councilman Ricks then asked the Asst. Corporation Counsel to explain what options are open. Mr. Culpepper stated there are two courses open: the first would involve citing the owner or controlling persons for criminal violation of the BOCA code and the issuance of a warrant for the arrest of the resident manager, agent or owners. This course would require issuing a separate warrant for each violation, of which there are 50 to 100, and would create a great deal of clerical work for the court. The case would be heard in District Court where the defendant could be found guilty of a misdemeanor and, if a fine were imposed, it would likely be minimal. Or, the court might settle for a statement from the owner that he intends to comply and he will be only slightly inconvenienced by a day in court and possibly a small lecture. The second course of action, and the one recommended by Mr. Culpepper, was to file in Circuit Court an equitable procedure requesting a restraining order forbidding owners to continue their present mode of operation. Nonconformance to codes in the past, as well as the present conditions, can be brought into the case. Additional benefits can be achieved by requesting the court to assume some control or supervision over a period of time, such as was done in the case of 1111 Sligo Creek Parkway. Mr. Culpepper went on to say that there is a problem of corporate ownership as opposed to individual ownership. He indicated that follow-up notices of violations have been posted at the property as required, and that after a reasonable time, the City will be in a position to file a petition citing all

violations which have occurred since December 29, further documented with photographs. In this way, it can be demonstrated that City's efforts have been quite unsuccessful. Councilman Ricks indicated that compliance with the last notices posted is required by May 26; in response to his question, Mr. Culpepper stated that the notices are still in force even if torn down. There followed a discussion between Mr. Culpepper and Councilman Roth on the merits of bringing Montgomery County into the case, with the former indicating that he felt it would be improper and that the County would likely be reluctant to join in a suit involving enforcement of municipal ordinances. He did say that the Environmental Health Service has expressed an interest in assisting the City, perhaps through testimony. Mr. Culpepper stated he felt there was sufficient evidence for a good case against the owners and pointed out that one of the advantages of the equitable proceeding is its continuing order. Councilman Ricks' motion to authorize the institution of legal proceedings was unanimously approved.

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting

Councilman Burgess said he would defer discussion of some of the agenda items because of the lateness of the hour.

1. Request for wider sidewalk in front of Maple Avenue Pepco building. Councilman Burgess moved that Council authorize the City Administrator to contact Pepco and request widening of the sidewalk by four feet to accommodate the additional foot traffic generated by the Middle School. The motion carried, following Councilman Nishimoto's second.
2. Request to repair sidewalk, 7323 and 7327 Takoma Avenue. Upon motion by Councilman Burgess, duly seconded, the Council authorized the City Administrator to notify the initiator of this request that the Department has this on their work schedule and will perform the work as soon as possible. Councilman Burgess requested that the item be deleted from the agenda.
3. Proposed abandonment of Hammond Avenue. Councilman Burgess reported that the Committee has weighed all the factors involved here and concluded that the provisions of the ordinance below permit the best resolution of the situation. He stated that the Committee is not unaware of the still unresolved problem of access to the Professional Building parking lot.

ORDINANCE NO. 2212

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

- SECTION 1. THAT, in view of all the facts, information and attitudes of citizens, as reflected at the Public Hearing concerning the subject on May 1, 1972, it is hereby ordered that existing barricades be removed from Hammond Avenue by the Public Works Dept. AND
- SECTION 2. THAT the Public Works Director is hereby authorized to spread sufficient gravel to level potholes and provide an unimproved surface for vehicular traffic, AND
- SECTION 3. THAT it is hereby ordained that vehicular traffic shall travel in a northerly direction only on Hammond Avenue between the lot line dividing Lots 2 and 3 in Block 9, NHG, and Kirklyn Avenue, AND
- SECTION 4. THAT the Director of Public Works is hereby authorized to erect ONE-WAY signs in accordance with Section 3 of this ordinance and other signs as appropriate to adequately warn motorists, AND
- SECTION 5. THAT all traffic shall come to a complete stop on Hammond Avenue at its intersection with Kirklyn Avenue, AND

SECTION 6. THAT the Director of Public Works is hereby authorized to erect appropriate signs or signs at the above-designated intersection, AND

SECTION 7. THAT the penalty for violation of this ordinance shall be the same as that prescribed in Article 10 of the Municipal Code (1961) entitled Traffic Regulations, AND

SECTION 8. THAT this ordinance shall become effective upon erection of the appropriate signs, completion of the work by the Public Works Department, and notification in writing to the Chief of Police by the Director of Public Works.

Following Councilman Burgess' motion to adopt the ordinance, seconded by Councilman Forshee, Councilman Nishimoto moved that Sections 5 and 6 be deleted, noting that the provisions have not been reviewed by the Police Chief and asking what studies have been made to establish the need for the stop signs. He said that the absence of such a study would seem to refute the previously-declared need for studies prior to action. In the absence of a second on Councilman Nishimoto's motion, a roll call vote was taken on Mr. Burgess' motion to adopt the ordinance above and was recorded as follows: Aye: Councilmen Burgess, Forshee, Ricks, Sidell and Webb. Nay: none. Absent: none. Abstaining: Councilmen Nishimoto and Roth.

4. Abandonment of a portion of Park Avenue. Upon motion by Councilman Burgess, seconded by Councilman Roth, the following ordinance was adopted by roll call vote recorded as follows: Aye: Councilmen Burgess, Forshee, Nishimoto, Ricks, Roth, Sidell and Webb. Nay: none. Excused: none.

ORDINANCE NO. 2213

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

SECTION 1. THAT WHEREAS Ordinance No. 2167, adopted July 26, 1971, authorized legal proceedings to effectuate the abandonment of the stub of Park Avenue lying between the City Library and the Municipal Building, in order that a single resubdivision plat may be filed among the land records of Montgomery County, AND

SECTION 2. WHEREAS the proposed abandoned stub of Park Avenue presently contains many underground structures for public utilities, namely storm sewers, sanitary sewers, water service lines, gas lines, telephone and electric service lines, AND

SECTION 3. WHEREAS it is desirable that this area be reserved for the maintenance and possible future construction of public utilities.

SECTION 4. THEREFORE THAT the Mayor be hereby authorized to execute the necessary documents or plat to provide a permanent easement or dedication for public utility purposes, that portion of abandoned Park Avenue fifty feet wide from Maple Avenue, north-westward to its terminus with City-owned land.

Councilman Nishimoto requested the Public Works Committee to consider a suggestion he had made some time ago: the paving of sidewalks on the south side of Philadelphia Avenue from Piney Branch Road to Birch Avenue. He felt this to be necessary because of increased use of the street by school children. Councilman Burgess agreed to take it under consideration.

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting

1. Report of the Fire Safety Committee sitting as a personnel investigative committee. Councilman Sidell gave the following report and upon his motion, duly seconded by Councilman Burgess, the recommendations contained therein were approved by the Council:

The Fire Protection Committee, which was designated by the Mayor as the Investigating Committee, held a hearing on Wednesday evening, May 10, 1972, on the appeal of Thomas R. Baker, Robert M. Shepherd and Bernard L. Collins, members of the paid Fire Department. These men had been suspended by Chief LaScola for violation of Fire Department General Orders Nos. 370 and 371.

Based upon the testimony presented to the Committee by Chief LaScola and J. M. McDonagh of the University of Maryland, together with the exhibits submitted by them in support of General Orders Nos. 370 and 371, it is the conclusion of the Investigating Committee that the length of sideburns and hair and the wearing of beards have a direct bearing upon the safety of members of the fire fighting force and the general public when the firemen are involved in the fighting of a fire which requires the use of a respiratory mask. The Committee is convinced that there is a need for proper regulation on the wearing of beards, sideburns and long hair by the members of the paid and volunteer fire fighters force. However, the Investigating Committee is not convinced at this point and time that the restrictive requirements of General Orders Nos. 370 and 371 are necessary for the safety of firemen and the general public. To that end, the Investigating Committee recommends the following:

1) That a special committee be set up to make recommendations as to guidelines for the wearing of beards, sideburns and hair by both paid and volunteer firemen; the special committee to be composed of the Fire Chief, two representatives from the paid Fire Department, to be selected by the men of that department, and two representatives from the Volunteer Fire Department, to be selected by the members of that department; the committee to be chaired by the Chairman of the Fire Protection Committee; that the committee members to be selected by the two departments be chosen within 30 days and notice of the selection forwarded to the Chairman of the Fire Protection Committee immediately upon the selection, and that the committee meet promptly thereafter in order that guidelines may be established for the issuance of a general order covering the subject.

2) That the suspended men, Thomas R. Baker, Robert M. Shepherd and Bernard L. Collins, be reinstated without loss of pay.

2. Official leave for Fire Chief. Councilman Sidell moved that Council approve official leave for Chief LaScola to attend the annual meetings of the Eastern Association of Fire Chiefs in Buffalo, June 5-9, with \$150 in expenses to be charged to the Departmental budget. The motion was seconded by Councilman Roth and carried.

3. Official leave for Captain West. Upon motion by Councilman Sidell, seconded by Councilman Ricks, the Council granted Capt. West official leave to attend an arson seminar at Rutgers University June 5-9, with the \$110 tuition fee to be charged to the Fire Department budget. Councilman Sidell stated that Deputy Chief Fickes, along with members of the paid and volunteer squads, would be on duty during Chief LaScola's and Captain West's absence.

SPECIAL LIBRARY COMMITTEE: Councilman Webb, Chairman

No report.

There being no further business to come before the Council, Mayor Miller called for a motion to adjourn. Motion was made and seconded, and the meeting adjourned by unanimous vote at 11:10 PM, to reconvene at 8:00 PM, June 12, 1972, in the Municipal Gymnasium.

ATTEST: Haynes R. Linder
City Administrator/Clerk

APPROVED: _____

Mayor

THE CITY OF TAKOMA PARK, MARYLAND

PUBLIC HEARING

STOP SIGNS - TULIP AVENUE AT MAPLE AVENUE

May 31, 1972

The Public Hearing was called to order by Councilman Nishimoto, Chairman of the Law Enforcement Committee at 8:00 P.M. in the Municipal Gymnasium, 7201 Carroll Avenue, Takoma Park, Maryland. Councilman Nishimoto read the Notice of Public Hearing which was circulated to all residents of the immediate neighborhood where the stop signs are located.

Councilman Nishimoto requested a report on statistics obtained by Chief Porter as to the effect of the four-way stop signs and intensified patrol of the area as follows:

ACCIDENTS: January 1 thru March 15 - 5 (close proximity to Maple Avenue intersection)
after March 15 - 2

TOTAL ACCIDENTS ON MAPLE AVENUE: January 15 thru March 15 - 14
March 15 thru May 15 - 11

VIOLATIONS: January 15 thru March 15 - moving - 21; standing - 174; repair orders - 9;
written orders - 71. (Total - 275)
March 15 thru May 15 - moving - 7; standing - 66; repair orders - 5; written
orders - 46. (Total - 124)

TOTAL HOURS OF INTENSIVE PATROL: January 15 thru March 15 - 85
March 15 thru May 15 - 83

Chief Porter noted that the accident rate has been cut and recommended the retention of the stop signs.

Councilman Nishimoto requested that the first person on the speakers list come forward:

1. Mr. Robert Oelhaf, 7122 Maple Avenue, Takoma Park, Maryland commented as follows: (a) expressed appreciation to Mayor and Council for showing concern for safety. (b) Adds greatly to the safety of residents in the area and their children. (c) Signs make it easier for cars to get across the street as well as pedestrians. (d) It is still dangerous on the long stretches of Maple Avenue and perhaps speed bumps or blocking off during peak hours would help. (e) Feel that traffic to be generated by METRO should be directed to Prince George's Plaza and Silver Spring.

2. Mrs. Robert Oelhaf, 7122 Maple Avenue, Takoma Park, Maryland stated: (a) Thanked the Council for putting in the stop signs. (b) Appears that cars are now going the posted speed limit rather than 40 or 45 MPH. (c) Need more speed limit signs throughout the City.

3. Mrs. Robin Semas, 7206 Maple Avenue, Takoma Park, Maryland commented: (a) Expressed appreciation for stop signs. (b) Cars still pick up speed going down the hill and wish something could be done about this.

Councilman Nishimoto commented that he is aware that this is still a problem with cars going down the hill to Philadelphia Avenue and a possible solution will have to be discussed.

4. Mrs. Rita Marth, 7308 Cedar Avenue, Takoma Park, Maryland stated the following: (a) Agree with previous remarks made about the desirability of the stop signs. (b) Cedar Avenue still has the same problem as Maple Avenue with cars picking up speed after the stop sign.

5. Mr. Robert Mulligan, 7309 Cedar Avenue, Takoma Park, Maryland commented: (a) Expressed appreciation for installation of stop sign. (b) Use crossing each morning as a pedestrian and can attest to the fact that it is easier to cross with some degree of certainty that you will make it.

6. Reverend Paterson, 514 New York Avenue, Takoma Park, Maryland stated: (a) Definitely in favor of the stop signs. (b) Some cars still only slow down and go on through - perhaps signs stating "Stop Ahead" would be helpful.

Chief Porter stated that the signs stating "Stop Ahead" have been installed. Chief Porter also referred to the number of phone calls he has received regarding the stop signs and stated that only one was unfavorable, because it "slowed him down getting to work". He stated that he received 14 calls of appreciation.

7. Mr. Robert Moore, 7314 Willow Avenue, Takoma Park, Maryland stated: (a) Added his thanks to previous speakers. (b) Think it would be distressing if the signs were removed at this point. (c) If stop signs are a nuisance to people then I express my support for nuisances.

8. Resident of Maple Avenue commented: (a) Has slowed traffic down considerably and even eliminated some. (b) Stop signs have created a decided change and would like to see it stay that way.

9. Mr. W. B. Coffman, 7200 Maple Avenue, Takoma Park, Maryland stated: (a) Live at corner of Maple and Tulip Avenues and everything around the house seems to be more at ease. (b) Used to have to help unloading of three school buses each day (c) Appreciate Council action and will be happy to cooperate in any way possible.

10. Mr. Allen Marsh, 7405 Maple Avenue, Takoma Park, Maryland commented as follows: (a) Expressed appreciation for himself and Mrs. Marsh. (b) Noted that less traffic backs up at the light at Philadelphia Avenue and noted that this could be viewed as somewhat of a "thermometer" of effectiveness.

11. Mr. Tracy Porter, 7305 Maple Avenue, Takoma Park, Maryland noted the following: (a) Our children have always been forbidden to ride their bicycles in the street, now I feel they can do so safely.

There being no one else desiring to speak at this time, Councilman Nishimoto stated that it appears overwhelmingly that the people feel the signs should be retained. Stated that he will take the feelings of the audience to the Law Enforcement Committee where a favorable recommendation for retention of the stop signs will probably be voted and returned to the Mayor and Council. Stated that the Mayor and Council and residents of Takoma Park are very safety conscious and even though Maple Avenue is a through street and a main thoroughfare of the City, the stop signs are serving a useful purpose. Councilman Nishimoto stated that he feels strongly about the possibility of placing four way stop signs at other locations in the City.

The Public Hearing was adjourned at 8:20 P.M.

APPROVED: George M. Miller
Mayor George M. Miller

ATTEST:
Haynes M. Pridgen
Haynes M. Pridgen, City Administrator

PUBLIC HEARING

Proposed Regional Addiction Prevention Facility

May 31, 1972

The Public Hearing was called to order by Mayor Miller at 8:20 P.M. in the Municipal Gymnasium, 7201 Carroll Avenue with approximately 200 persons in attendance. Mayor Miller noted that Councilman Roth, Chairman of the Planning and Zoning Committee would conduct the Hearing upon his arrival, however, until that time, he would begin the proceedings. Mayor Miller expressed his hope that speakers, both pro and con, would stick to the issue at hand in order that the Council may be able to take the information received here tonight and use it wisely in making a decision on a recommendation within the next few weeks. Upon requesting that the first speaker come forward, a point of order was raised and a request made for an explanation as to the purpose of the Hearing. Mayor Miller stated that it is his understanding that RAP (Regional Addiction Prevention, Inc.) has bought the property at Albany and Buffalo Avenues and proposes to use it as a dormitory type drug prevention center. He stated that it is not known at this time what procedures will be necessary in order for this operation to proceed; perhaps a Special Exception will be required. If a Special Exception is required, the Montgomery County Council will request a recommendation from the Mayor and Council. Councilman Roth arrived at this time and the Hearing was turned over to him by Mayor Miller. Councilman Roth stated that the purpose of the Hearing is to generally inform the City Council of the views of the Community, both pro and con, and noted his pleasure at the large turn-out. Councilman Roth set forth the ground rules to be followed with various time limits being allotted to organizations, individuals, and non-residents of the City. Mayor Miller stated that a request had been received for permission to use video-tape equipment to record the Hearing. The Mayor moved that permission be granted for the use of the video tape recorder of the RAP Hearing providing that the Council or any other interested group can have the use of the recording. The motion was seconded by Councilman Ricks and duly carried. There were no objections from the audience as to the use of the recorder.

Councilman Forshee requested that a representative of RAP be permitted to speak first and inform the Council as to their plans.

1. Mr. George Malzone, Co-Director of RAP made the following points: (a) The three buildings at the corner of Albany and Buffalo Avenues are proposed for use by a group of people in a community fashion who through the use of the tools of the environment seek to change a negative life style which has shown itself through the use of drugs. (b) Attorney Charles Dalrymple of Linowes and Blocker is presently looking into the legal aspects of the operation. (c) Chief Porter has estimated that there are approximately 1,000 drug users and/or abusers in the City of Takoma Park. (d) 30 residents of the T Street facility are from Montgomery County - need has been demonstrated for local facility by individuals and parents who have said "there is no place to go." (e) A racial as well as social balance is maintained with young, old, sick, well, poor and rich all living together as a family and as part of the community. (f) Are licensed in Silver Spring as an organization and have trained some Montgomery County employees to do counseling. (g) It is tragic that there is nothing in the community that permits former addicts to come back into the life stream. RAP residents would become an integral part of the community. (h) Security is maintained - everyone here tonight from RAP had to sign out and will have to sign back in. (i) Believe that abstinence is the only effective treatment for addiction.

Councilman Ricks - How many people will live there? At least fifty. There will be a maximum set by the Zoning Board.

Councilman Burgess - At what step of rehabilitation are the residents? Have a RAP Shop in D.C. where person makes first contact and must be off drugs for a week to a month

depending on the individual. Stated that drugs are not the problem - the problem is surviving as a person.

Mayor Miller - What type staffing does facility have? Staff is professional in the sense that they have all been former drug users. Have worked in other drug facilities as well. Staff tries to build a family feeling so that persons may grow in responsibility. Most of the staff is composed of people that have been in the program for a year or more. Also have the benefit of doctors, nurses, psychologists, psychiatrists as back-up to the regular staff.

Councilman Nishimoto - How many live-in staff members? The ratio is approximately 2 - 15.

Councilman Ricks - Are male and female residents housed together? Facilities are separate with male and female residents living in separate buildings.

Councilman Roth - When do you think a zoning request will be made if necessary? Our attorneys have not told me this yet. Stated that there is a Bill before the County Council dealing with drug facilities and have no information as to where it stands.

Councilman Roth - Until you file such proposal, what are your plans for the property? We will have to lease the property; one building is already leased.

Councilman Roth - In accordance with residential zoning? Yes.

Councilman Forshee - If you bring this many young people in, what are they going to do all day? At this point Mr. Malzone yielded the floor to Mrs. Clark, also of RAP.

2. Constance Clark, Co-Director of RAP stated the following: (a) Feel that apprehension of community is justified and this is why emphasis is placed on a new life style which stresses productivity through teaching and learning. (b) Classes held in English, math, scholarship preparation, etc. (c) People work in the highly structured facility with some doing business administration, public relations, cooking, carpentry, graphics, etc. with the staff providing some direction and guidance (d) Level of consciousness is raised so that residents can make decisions on their own. (e) Must learn to relate to themselves, to each other, then the organization, then the community (e) Young people learn that they really do have a stake in their future and can have something to say and can effect some meaningful change in their community. (f) Think of this process not as rehabilitation but rather re-education and foster a feeling of responsibility and independence.

Councilman Roth - What is the average time for a person to stay? It varies as some people chose to stay in this type of work as a career and expand into community work, depending on the individual. One may want to have his own apartment, while another person may chose to return to his family; we help them make this transition while they are struggling to find direction with the ability to cope better with life.

Councilman Ricks - What is the ratio of drop-outs? It is difficult to deal in statistics as there are very few "clean" ex-addicts on the street. If the individual allows himself to be reached by his peers during the first six months only about 3 to 1 drop out. After six months the ratio drops.

Councilman Ricks - What kind of funding does your organization have? Charitable foundations, grants and private contributions provide funding.

Councilman Ricks - Does anyone work outside the facility? Some are just beginning to do so and pay room and board. Welfare checks are pooled for the general expenses of RAP.

Councilman Roth - When someone is associated with RAP, can he be on drugs during that period?

There are two fast house rules. (1) No physical violence (2) No drugs or chemicals of any kind. People dismissed immediately if they are even suspected of using drugs. You cannot fool another person who has used drugs.

Councilman Ricks - Will you still be using the Silver Spring facility? We will use it until it is torn down for a park.

Councilman Roth - Why the selection of this particular location in Takoma Park? People have said that we are needed in this area. There is no program and parents are at their wits end. I can understand community apprehension as we are very protective with our houses also and will not permit anyone in unless they state their business and conduct themselves properly.

Councilman Ricks - Are drug problems mainly in upper Montgomery County or lower Montgomery County? In reference to the degree of affluence implied by the question - all social levels are represented at the facility as it is better to have a cross section of the population and the age groups range from 18 months to 43 years of age.

Councilman Ricks - How many from Takoma Park? Four at this time. She noted that in addition to the residents many community needs are met with help in dealing with no jobs, lost welfare checks, poor housing. In other words, the three basic needs of life are stressed - food, shelter and clothing. We don't know what the needs will be in Takoma Park.

Councilman Ricks - Are people assigned for various housekeeping jobs? Residents do all of the work at the house themselves with some doing building, electrical work, cooking, etc. Members are becoming experts at various things such as graphics, recording, etc.

Councilman Forshee - How long before people are able to get back into the mainstream of life? Six months to two years would be an average length of time. Stated that the "Grass-roots" community approach assists in getting back in. People have to work on cleaning up this problem themselves; it is your community; it is your drug addicts.

Councilman Nishimoto - When a person first contacts RAP he goes to a center and after a certain phase then would come to Takoma Park, is this correct? No one would come to the facility in Takoma Park until he has demonstrated his intentions by attendance at the RAP Shop on 14th Street.

Councilman Nishimoto - Are you planning to establish a RAP Shop in Takoma Park? I don't know - perhaps in 10 years or so; we don't know what the need will be.

Councilman Ricks - Where does detoxification take place? If detoxification is necessary, we get the person into a hospital to come through this stage.

Councilman Nishimoto - At what stage will they be in when they come to Takoma Park? At this time, the plan is that most of the people coming to Takoma Park will be older residents who will bring in their experience and abilities and after a while more newcomers will be added.

Councilman Ricks - What mode of transportation do you have; does everyone have cars? We have a bus type vehicle and trips are scheduled according to need by a dispatcher.

Councilman Burgess - If the RAP shop work load becomes too heavy in the future at the D.C. location, would it be opened in Takoma Park? No, the RAP Shop operation is entirely separate from the housing facility and would never be at the same location.

Councilman Nishimoto - Can you give us some assurance that you would not open up a RAP Shop in Takoma Park? It would depend on the community and the need.

Councilman Nishimoto - What you propose to open in Takoma Park is the second phase of coming off drugs? The RAP Shop prepares people to come into the residence.

Councilman Webb - Do they come on a daily basis to RAP shop? Is there an overnight facility there? No, the RAP shop is strictly a daily thing with persons becoming involved in the "daytime dynamic".

Councilman Webb - Will people be coming to the Takoma Park house that are not residents of the facility for more or less out-patient (out-people) treatment? Mr. Malzone replied that there is no out-patient treatment however teachers, etc. may come to the house and not live there. The maximum number allowed by the County will be the extent of the people coming and going.

City Administrator Pridgen - Isn't there a RAP facility at 1904 T Street, N.W. in Wash.D.C. at the present time? Yes, there are approx. 80 people in residence.

At this time, Councilman Roth addressed himself to the audience and requested that the third speaker on the list come forward.

3. Mrs. Delores Stowell delivering statement prepared by Mrs. Sue Lerner, 7708 Takoma Ave. made the following points: (a) It is not the province of this body to evaluate the RAP program, its need or effectiveness, but rather to make recommendations with respect to the proper utilization of properties both from a community and legal point of view. (b) Possible intensity in use of structures designed as private dwellings. (c) Excess of City services will be needed as compared to residential properties. (d) Foot and vehicular traffic will be more than 500% of what residential occupancy might yield. (e) Jeque Park may become an annex to RAP. (f) If to be used as a dormitory type school, it does not meet the County requirements for brick or masonry above the first floor. Must also conform with the LIFE SAFETY CODE of the National Fire Protection Association (rulings attached to statement).

4. Mrs. Kathryn T. Simpson, 7300 Cedar Avenue, Takoma Park, Maryland: Stated that (a) Community Improvement Board, of which she is Chairman, is precluded from making zoning recommendations, however the RAP facility has been discussed at meetings. (b) North Takoma should not be required to absorb another institution particularly with the College's expansion into Block 69. (c) Properties could conceivably be reverted to single-family use as they were originally intended. (d) Another institution in this area could cause development pressure west of Piney Branch Road and although some development inevitable, it should be strictly confined. (e) RAP program is most impressive and if we have a responsibility, we should address ourselves to the problem, perhaps financially until decisions could be made. (f) We must not defeat our desire to maintain the quality of our City or impair our ability to be helpful by trying to absorb more than we can support with our City services.

5. Mr. Arthur Catudal, 527 Albany Avenue, Takoma Park, Maryland: Stated the following: Speaking as President of the North Takoma Citizens Association (a) After having Mr. Malzone speak to the Association, a straw vote was taken to determine feelings of the group which showed that the majority was opposed to the location of RAP at proposed site. (b) On April 4, 1972, the following Resolution was adopted by the North Takoma Citizens Association.

It is resolved that:

WHEREAS, the Regional Addiction Prevention, Inc. (RAP) has undertaken to purchase three separate but contiguous frame dwellings at the corner of Albany and Buffalo Avenues; and,

WHEREAS, RAP, in public hearings, has announced its intention to convert these three dwellings into communes housing upward of fifty (50) unrelated male and female drug addicts reportedly in a stage of suspended practice; and,

Resolution, continued:

WHEREAS, this embryonic experimental program, because of its limited experience, has not been subjected to the usual reviews and analyses as to its success in absolute cures, its environmental effect, and the efficacy of its self-policing control methods; and,

WHEREAS, the proposed commune complex is situated in an area of largely single-family owner-occupied dwellings and across the street from a city park, dedicated to the City's Sister City of Jequie, Brazil, which is used by hundreds of children, both in organized programs and free play, and enjoyed by all citizens of Takoma Park at the various concerts and entertainments presented by the City each summer; and,

WHEREAS, the streets in the area are already so overcrowded with student parking and movement of vehicles from the Montgomery College, that a further increase in traffic will raise noise and fume pollution and traffic hazards to intolerable levels; and,

WHEREAS, the area is already faced with the loss of a whole block (69) of fine residential homes to permit the expansion of Montgomery College, and the proposed use of three more dwellings by a non-profit organization would further erode the tax base of the City of Takoma Park; and,

WHEREAS, considerable alarm and consternation have been expressed over the foregoing conditions by the elderly and long time residents of our area, who have valiantly struggled to maintain and preserve a quality of life exemplified in many forms, and also more recently arrived residents, with small children to raise, who were attracted to the area by these same values;

NOW THEREFORE: The North Takoma Citizens Association, at a regularly scheduled meeting on this date, April 4, 1972, does hereby express its strong opposition to the establishment of the proposed commune complex by Regional Addiction Prevention, Inc. in the three dwellings located at the corner of Albany and Buffalo Avenues, or a reduced activity of this nature in any one of those dwellings.

Mr. Catudal referred to a Petition circulated in April, 1972 and noted the immediately adjacent areas to the property in question where the petitioners reside. A point of order was raised as to the time limits previously set for speakers. Mr. Catudal responded by noting that he is speaking for an organization, North Takoma Citizens Association, and feels that he is entitled to the same amount of time as the RAP Organization. Mr. Catudal noted that a number of residents have indicated that they will sell their property if RAP is permitted to go into operation. 249 persons signed the Petition.

Councilman Burgess - Noted that several of the points in the Resolution questioned the efficacy of the program. Asked Mr. Catudal if he was opposed both to the loss of property values, etc. as well as the efficacy. Mr. Catudal replied that he was primarily concerned about what it will do to the neighborhood.

Councilman Burgess - If it was to be located somewhere else in Takoma Park, would you be as concerned? Mr. Catudal replied that he felt Takoma Park was picked as the group thought it would be easier to get into. Further stated that North Takoma would not be completely immune if the facility was located somewhere else in Takoma Park.

6. Mr. John Paterson, 514 Albany Avenue, Takoma Park, Maryland made the following points:

a) Read letter presenting petition with signatures of 42 residents supportive of negotiations of RAP relative to residences in their neighborhood. (b) Aware that RAP has the facilities in order to provide an in-residence, re-education program and drug-free home environment for former addicts to enable youths to become productive contributors to a sane and healthy society. (c) Drug abuse is a social abuse in Takoma Park as elsewhere - RAP can promote lives free from any kind of drug dependence. (d) Want to be good neighbors as we expect them to be.

(e) Recognize need for such places and do not say "have such places but have them elsewhere" and petition City and County to support the exception for land use. (f) Read letter from Mr. MacCallum, Director, Montgomery County Office of Drug Control stating his gratification that some citizens recognize need for programs and support them by welcoming facilities in their neighborhood.

7. Mrs. Mary Pennifield, 7305 Takoma Avenue, Takoma Park, Maryland stated the following:

(a) Atmosphere would not be amenable to this location. (b) No one should be forced into accepting a social hazard as this operation would be. (c) Could any assurance be given that our homes will not be broken into by their residents? (d) We are not perfect ourselves, so what can we expect from them?

8. Dr. Jeffrey Meltzer, 7333 New Hampshire Avenue, Takoma Park, Maryland made the following statements: (a) Speaking both as a resident of Takoma Park and a Dentist who has treated RAP residents at Providence Hospital Clinic - have treated them as patients and human beings (b) Found them to be exceptionally responsible as patients and people. (c) Invited to tour facilities in D.C. and became involved in their program with neighborhood children in giving flouride treatment to children who have never been able to see a Dentist other than through the efforts of RAP. (d) Before these people are "put down", stare them in the eye and see what kind of person you are looking at. People in opposition are making themselves out to be better before they know the circumstances.

9. M's Maureen Camera, 7423 Buffalo Avenue, Takoma Park, Maryland stated: (a) 20 years of age and a member of their generation and was fortunate enough that my parents cared and gave me moral guidance. (b) Grew up in Takoma Park and benefitted by all the things it has to offer - want the younger members of my family to have the same healthy atmosphere. (c) RAP residents are not professionals and professionals are the ones who should treat this problem.

10. M's Sandy Littlejohn, 7320 Piney Branch Road, Takoma Park, Maryland stated the following: (a) Was introduced to RAP Program $1\frac{1}{2}$ years ago and was extremely impressed with the program. (b) Distressed by petty grievances expressed tonight. (c) RAP Program in working with the neighborhood children even involved taking them to our cabin for short periods to get them away from their street environment. (d) Noted that if you go to Jeque Park during a concert you can smell the marijuana. (e) Would rather have her child at the RAP House than around drug abusers.

11. Mrs. Hahn, 9 Cleveland Avenue, Takoma Park, Maryland stated: (a) There are drug abuse programs in Montgomery County that have doctors, psychologists, psychiatrists, etc. (b) We do not turn our backs on our addicts (c) Don't feel we can handle any more problems without hiring more policemen.

12. Mr. Louis Cadman, Rockville, Maryland stated: (a) Happen to be the parent of a drug addict. (b) RAP is really anti-drug and it is something you need because you have a problem.

13. Mr. Roderic Davis, 703 New York Avenue, Takoma Park, Maryland stated the following: (a) Noted that the North Takoma Citizens Association had 40 members before the threat of RAP and now the organization has 100 members. (b) Stated that sometimes amateurs can do as much as professionals, therefore, this is not the problem but rather the location. (c) No one should have to sacrifice the things they have worked for all their lives, i.e., large homes in quiet neighborhoods. (d) Complimented the Mayor and Council for holding the Public Hearing - wish they would give Block 69 equal time.

14. Mr. Bob Simpson, 7400 Piney Branch Road, Takoma Park, Maryland stated: (a) Have been around drugs for some time and know that Takoma Park has reputation as "Junk City." (b) 13 out of 16 armed robberies this year were committed by addicts. (c) If we don't have RAP or something similar, in 5 or 10 years we will be very sorry that RAP was not allowed to operate.

15. Mrs. Dorothy Porter, 7305 Maple Avenue, Takoma Park, Maryland made the following comments:
- (a) Don't feel that having residence in Takoma Park will help the Takoma Park children.
 - (b) Have been under a number of pressures in the past few years and feel that this is one additional pressure that we don't need.
16. Mr. Wayne Price, Montgomery County Probation Officer stated: (a) In charge of all known drug addicts which are on probation and are adults. (b) There are no facilities in Montgomery County or Prince George's County - State of Maryland has been neglected. (c) The only place an addict can go is to jail or a mental hospital. (d) Noted that the "Second Genesis" as similar facility has actually increased property values in the area where it is located in Alexandria. (e) An ex-junkie cannot stand a junkie and drives them out of the community. (f) Feel that Takoma Park should take advantage of this opportunity.
17. Mr. Joseph Cangialosi, 7001 Poplar Avenue, Takoma Park, Maryland made the following comments: (a) Commented regarding the use of the word "community" and noted that all phases, family, neighborhood, city, county, etc. must be considered by weighing the cost against the benefits. (b) "Pro" speakers have not made enough of a case that it will be a positive benefit to the City of Takoma Park to have RAP here.
18. Mr. John Dente, 7400 Piney Branch Road, Takoma Park, Maryland stated: (a) Noted the large number of prescriptions filled each year for tranquilizers, energizers, sedatives, etc. for average people, not drug addicts. (b) Heroin problem came to the forefront when not only blacks were using it, but also white middle and upper class citizens. (c) Referred to the many problems facing this country and noted that people have to stop "dropping out of society." (d) RAP tries to deal with the social, economic, etc. values which lead to drug addiction. (e) Noted that Methadone is just as bad as heroin. (Councilman Roth interrupted at this point and stated that a debate on methadone would not be in order).
19. Mr. Fred Myer, 7417 Buffalo Avenue, Takoma Park, Maryland stated the following: (a) Per canvassed entire area of the proposed facility and have 202 signatures of residents who have signed a petition against the RAP operation. (b) Would be a zoning violation in a "residential neighborhood." (c) Operation would be tax free. (d) Will lower property values. (e) concern for aged citizens walking on the streets. (f) Fear for young children going to school, library, etc. (g) Nearness of Montgomery College. (g) Close proximity of Jeque Park with summer programs. (g) additional traffic burden. (h) encroachment on the privacy of an established residential neighborhood.

There was discussion relating to the feelings of the Council as to how long the Hearing should continue. Councilman Roth suggested that at the conclusion, Mr. Malzone of RAP and Mr. Catudal of North Takoma Citizens Association each be given three minutes to summarize their positions. Councilman Burgess stated that people having been waiting for $2\frac{1}{2}$ hrs. and he would be happy to wait and hear them speak. Councilman Nishimoto concurred with Councilman Burgess. Mayor Miller noted that he feels the main controversy is whether the Council should recommend for or against the change in zoning, when and if this is required. Also, the question as to whether this is an organization that can come in and take care of the property and maintain property values in the neighborhood. He noted that the most important thing is that the Mayor and Council get an accurate picture as to the feelings of the citizens and some guidance as to how to recommend to the County when required. He noted that further testimony should be limited to the feasibility of this facility in the particular neighborhood.

20. Mr. David Weisman, 7701 Takoma Avenue, Takoma Park, Maryland stated: (a) Have visited RAP facility in D.C. and it appears to be a tremendous asset to the community. (b) After visiting RAP house, I feel that it would be an asset to Takoma Park and would like to have it here rather than anywhere else in the County.

21. Mrs. Umberger, 512 Albany Avenue, Takoma Park, Maryland stated the following: Don't feel that our children should be exposed to this problem right in our own neighborhood.
22. Mrs. Brzozowski, 1621 Drexel Street, Langley Park, Maryland made the following comments (a) Have two daughters at RAP facility in Washington, D.C. (b) Everyone who has spoken against the proposed facility is thinking of the "almighty dollar" and not the young people (c) If RAP is not permitted to operate, you will be doing the same thing to the young people in the community that Hitler did to my people in Germany.
23. Mr. Leonard Hendrix, 7400 Baltimore Avenue, Takoma Park, Maryland stated: (a) With the property being under Special Exception for a nursing home, how can RAP just bring in 50 people for their operation. (b) Voters elected Mayor and Council to do their wishes and protect this good community.
24. Mr. Ken Fisher, Jr., 525 Albany Avenue, Takoma Park, Maryland commented as follows: (a) Nursing home was zoned for 57 patients, 35 employees and 18 parking spaces. (b) Very impressed with RAP operation after visiting facility in Washington (c) positively no co-habitation - separate dormitories for male and female (in separate buildings). (d) Stated that reports from students at Montgomery College indicate that there is a large number of drug users attending. (e) Would not be apprehensive of facility being next door to him.
25. Mr. Andre Sokolov, 509 New York Avenue, Takoma Park, Maryland stated: (a) Feel that another establishment should not be located in an already crowded neighborhood. (b) Feel that permitting of comments (out of turn) from the audience only makes the issue more confusing.
26. Mr. Bill Scrim, 7400 Piney Branch Road, Takoma Park, Maryland commented: (a) We are all against "smack" and RAP will take it out of the community. (b) Junkies don't like being in a community where there is a program. (c) People complain about RAP being a tax free organization - perhaps churches should also be taxed.

There were several comments directed to the Council at which time Councilman Ricks pointed out that the Council is not on trial and the testimony given should be about RAP and not about the Council.

27. Mr. W. B. Coffman, 7200 Maple Avenue, Takoma Park, Maryland commented: (a) Sorry that situation has come to this point as there is no better organization to have in the community. (b) Everyone has been abused tonight - on both sides of the issue. (c) Do volunteer counseling for addicts (75). (d) 75% of the people on drugs have just moved into the City. (d) The Council must be made aware that the problem has moved here and we must face it and decide to do something about it. (e) We all should pray for the drug addicts.
28. M's Ann Lockus, 7400 Piney Branch Road, Takoma Park, Maryland stated the following: (a) Everyone probably has a friend as I did that has died from an overdose of heroin. (b) You need to start hitting at the "gut" level because it might happen to someone in your family or a friend.
29. Mrs. Peggy Bruton, 7325 Takoma Avenue, Takoma Park, Maryland stated: (a) Referred to the letter from Mr. MacJallum of the Montgomery County Office of Drug Control and inquired as to possibility of Montgomery County making some kind of payment to the City in lieu of taxes. (b) Requested that this legitimate problem be explored.
30. Mrs. Carol Ulrich, 7332 Piney Branch Road, Takoma Park, Maryland commented: (a) Have been associated with people who live at RAP for some time. (b) Absolutely no evidence that property values have decreased in the neighborhood. (c) RAP house is run in a very structured manner and is very orderly (d) Feel that RAP can only benefit Takoma Park and they should be welcomed with open arms.

31. Mr. Andy Thompson, 908 Curlin Road, Silver Spring, Maryland commented: Stated that he did not live in the City and was informed by Councilman Roth that he would be permitted one minute to speak. Mr. Thompson stated that persons outside the City should be allowed to help get RAP into Takoma Park. Mr. Roth again stated that he had one minute. Mr. Thompson chose not to speak.

32. Mr. Alex Rhode, 7319 Baltimore Avenue, Takoma Park, Maryland stated: (a) Came to Hearing mostly to listen as he had not formed an opinion. (b) Appears that main issue is the maximum number of people which does not appear to be any more than was accomodated by the previous tenants. (c) Impact on Jequie Park would come from Montgomery College if there was going to be such an impact. (d) It has been erroneously assumed that drug addicts are some sort of monsters who sit around in parks and prey on little children. (e) Stated that the drop in property value occurs when people start running and sell their homes in a panic and state that the facility is the reason for selling. (f) Council must recognize that the property has been zoned for multiple family, medical use, which is what is being proposed now. (g) If we turn our backs on this program, we must face the fact that we are truning our backs on something very important.

33. Unidentified resident of area: Stated that she could not recall when the property was re-zoned for the nursing home. Inquired as to what the difference would be. Councilman Roth stated that when the Special Exception came up before, the Council was notified and a sign was posted. He noted that to date there is no sign on the property or anything to indicate that any kind of legal action is being taken.

34. Mrs. Gerta Shugar for Mr. Claiborne M. Ball, 7611 Takoma Avenue, Takoma Park, Maryland: (a) Drug addicts should be encouraged to discontinue the habit, which RAP seems to do. (b) RAP must be somewhere and should not be pushed from pillar to post. (c) Would enjoy seeing real estate speculators set back, i.e., neighbors whose prime purpose in home ownership is to sell property for a profit. (d) Feel RAP should be permitted to operate as long as they do what has been promised.

35. Mr. Bob Comeau, 7324 Piney Branch Road, Takoma Park, Maryland commented: (a) Suggested objective facts be obtained relating to the increase or decrease of property values in the neighborhood of other facilities. (b) Emotional appeals have been expressed by both sides and feel that concrete facts would be helpful.

The Public Hearing was adjourned at 11:05 P.M.

Statements submitted after Hearing are contained as part of the official record and copies circulated to all Council members. Copies of written statements presented at the Hearing are also attached hereto.

Statements were received from the following persons after the Public Hearing and are on file at the City Office.

- Mrs. Rita Marth, 7308 Cedar Avenue, Takoma Park, Maryland
- Mr. James Welu, 7330 Piney Branch Road, Takoma Park, Maryland
- Mrs. Jacqueline Simon, Chief of Community Relations, Housing Authority of Montgomery Co.
1400 Fenwick Lane, Silver Spring, Maryland.
- Mrs. Henry C. Daniels, 19 Sherman Avenue, Takoma Park, Maryland
- Mrs. Octa B. Winter, Clerk of the Session, Takoma Park Presbyterian Church, Takoma Park, Md.

ATTEST: Haynes M. Paulys
City Administrator-Clerk

APPROVED: George M Miller
Mayor