

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

November 13, 1972

City Officials Present

Mayor Roth
 Councilman Burgess
 Councilman Faulkner
 Councilman Forshee
 Councilman Nishimoto
 Councilman Ricks
 Councilman Sidell
 Councilman Webb

City Treasurer Turner (Acting City
 Administrator)
 Corporation Counsel Gingerich
 Asst. Corp. Counsel Culpepper
 Fire Chief LaScola
 Deputy Fire Chief Fickes
 Police Chief Porter
 Director of Public Works Barile
 Director of Recreation Ziegler

The Mayor and City Council met in executive session at 8:00 PM, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge of allegiance, a motion to approve the minutes as submitted and dispense with the reading was made, seconded, and carried.

CORRESPONDENCE RECEIVED: Acting City Administrator Turner reporting

1. Barbara E. Hommel, Animal Control Committee, 7327 Carroll Avenue. Report on work of the committee; request that City departments fully enforce sections 3-4 and 3-5 of the code (1971); request for consideration of employing a full-time animal warden, using revenue-sharing funds. (Planning and Code Enforcement Committee; Finance Committee)
2. Donald H. Goldsmith, Chairman, Prince George's County Municipal Association. Notice of meeting on 11-16-72, 8:00 PM, Seat Pleasant Town Office, 54 Addison Road. (Council Files)
3. Ann B. Vogel, Secretary, Takoma Limited Committee, 7117 Garland Avenue. Suggested public hearings on use of funds City will receive under the Federal Revenue-Sharing Act. (Finance Committee) Mayor Roth said this would be considered after the Treasurer and Finance Committee, at his request, have drawn up a list of alternative uses for the funds and the implications for each.
4. Fred R. Joseph, Esq., Attorney for Police and Firemen's Association. Recommended changes in proposed amendment to Article 5, "Personnel." (Finance Committee) Councilman Forshee said a meeting has been set up with Mr. Joseph and Association representatives on November 22, to discuss the recommendations. Mayor Roth asked that the Committee relay to other members of the Council any issues arising from the meeting.
5. John H. Mackes, Prince George's Hearing Examiner, Upper Marlboro. Request for position of Council on ZAP A-8419, 6911 New Hampshire Avenue (Planning and Zoning Committee)
6. Ellen Marsh, Secretary, Save Takoma Park Committee, 7405 Maple Avenue. Response to Mayor's request for Committee to introduce a motion at TCAC opposing the Advocate Plan road widenings, saying that CAC has passed a motion to withhold comment on this plan until the TESS Master Plan has been developed. (Mayor) Mayor Roth said he was both disappointed and puzzled by the ambivalent attitude of the Committee.
7. Clarence M. Boatman, Ritchie Citizens Association, 133 Ritchie Avenue. Expression of appreciation for Council's prompt action on request for stop signs at Ritchie, Geneva and Oswego, and for initiation of request for traffic control device at Ritchie & Piney Branch. (Law Enf. Com

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8. Robert H. Moore, Takoma Limited Committee, 7314 Willow Avenue. Expression of concern about limitations imposed on citizen participants at October 9 Council meeting; also concern that correspondence directed to Council may not be read publicly. (Council as a Whole)

9. James D. Dement, Equity Real Estate Corp., College Park. Letter commending Messrs. Barile and Olson for cooperation in connection with his work in the City connected with renovation and sale of houses. (Council Files; copies to Messrs. Barile and Olson with commendatory letter from the City Administrator)

FINANCIAL STATEMENT OF BANK BALANCES AS OF OCTOBER 31, 1972: City Treasurer Turner reporting

SUBURBAN TRUST COMPANY--GENERAL FUNDS	176,916.01	
October receipts	<u>350,152.96</u>	527,068.97
October disbursements*		<u>338,361.55</u>
Balance as of October 31, 1972		<u>188,707.42</u>
*Includes purchase of 2 \$100,000 Treasury Bills		
SUBURBAN TRUST COMPANY--PAYROLL ACCOUNT		
Balance as of September 30, 1972	15,735.33	
October transfers from General Funds	<u>83,518.88</u>	99,254.21
October disbursements		<u>88,914.16</u>
Balance as of October 31, 1972		<u>11,340.05</u>
CITIZENS BANK OF MARYLAND--GENERAL FUNDS		
Balance as of September 30, 1972	11,349.79	
October receipts	<u>359.92</u>	11,709.71
No October disbursements		--
Balance as of October 31, 1972		<u>11,709.71</u>
CITIZENS BANK OF MARYLAND--SPECIAL ASSESSMENT FUND		
Balance as of September 30, 1972	780.31	
October receipts	<u>2,551.45</u>	3,331.76
No October disbursements		--
Balance as of October 31, 1972		<u>3,331.76</u>
CITIZENS BANK OF MARYLAND--PUBLIC IMPROVEMENT FUND		
Balance as of September 30, 1972	40,018.79	
No October receipts	<u>--</u>	40,018.79
October disbursements		<u>740.24</u>
Balance as of October 31, 1972		<u>39,424.80</u>
CITIZENS BANK OF MARYLAND--SAVINGS A/C TP-63		
Balance as of September 30, 1972	161.61	
No October transactions	<u>--</u>	161.61
Balance as of October 31, 1972		<u>161.61</u>
AMERICAN NATIONAL BANK--GENERAL FUNDS		
Balance as of September 30, 1972	2,326.86	
October receipts	<u>182.10</u>	2,508.96
No October disbursements		--
Balance as of October 31, 1972		<u>2,508.96</u>
PETTY CASH		<u>200.00</u>

U. S. TREASURY BILLS

Purchased:	Maturity:	Cost:	Value:
9-12-72	6-30-73	95,973.33	100,000.00
9-21-72	5-31-73	96,410.00	100,000.00
9-28-72	4-30-73	96,953.61	100,000.00
9-28-72	3-29-73	97,406.33	100,000.00
10-18-72	2-28-73	98,204.72	100,000.00
10-18-72	1-31-73	98,658.75	100,000.00
		<u>583,606.74</u>	<u>600,000.00</u>

MAYOR'S COMMENTS:

Upon motion by Mayor Roth, duly seconded, the resolution below was unanimously adopted:

RESOLUTION

WHEREAS, it was with profound sorrow that the Mayor and City Council learned of the passing of John T. Brawner, Jr. on Sunday, October 15, 1972; AND

WHEREAS, John T. Brawner, Jr. was a resident of Takoma Park for a number of years, a charter member of the Takoma Park Boys Club, an early active member of the Montgomery County Baseball Umpires Association, associated with the Maryland Industrial Baseball League and the Montgomery Boys Baseball Association; AND

WHEREAS, John T. Brawner, Jr., a sports writer for the Suburban Record for the last twelve years, gave unselfishly of his time and energy to the betterment of the community;

THEREFORE, BE IT RESOLVED by the Mayor and City Council, on behalf of the officials and employees of the City of Takoma Park, as well as the citizens of this community, that we do hereby express sorrow at the passing of John T. Brawner, Jr. and extend to his mother our most sincere condolences; AND

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Council and a copy thereof be sent to his mother, Mrs. Maude Brawner.

Mayor Roth stated that Mr. Brawner had been a good friend to the City, both as a citizen and as a member of the staff of the Suburban Record, and that he would be sorely missed. He requested that a copy of the above resolution be sent to the Record

Mayor Roth said that Mr. Pridgen had undergone surgery and is recovering nicely; that during his absence, Mr. Turner would assume his duties. He then introduced Mr. Lewis Cross who was recently appointed to the Library Board. He spoke of the efforts he and other Prince George's County mayors had made in attempting to get the tax differential bill through, explaining that, despite their efforts, it had been vetoed by the County Executive, which the Council failed to over-ride by one vote. However, another bill has been introduced by Councilmen White and Francois which Councilman Nishimoto said is designed to overcome some of the objections of the Executive and his staff. The Mayor indicated that the major opponent of both bills is not so much Mr. Gullett, but his assistant, Mr. Edwards, and said it will require a good deal of time and effort to get the new bill passed. He also said that the Montgom-

County Chapter of the MML is working with the County Executive on a tax differential bill which is somewhat different in that rebates would be made to municipalities. Councilman Nishimoto reported that the Maryland Municipal League has discussed the possibility of a State-wide tax differential requirement. He said there are counties and municipalities in the State who have had revenue sharing for as long as 25 years.

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Mayor Roth said that Mr. Gleason had announced that the Solid Waste Advisory Committee, with whom he has been working, has recommended a program in which the planned Dickerson Pepco facility would be designed to burn solid waste as well as provide sophisticated machinery capable of separating recoverable metals. He pointed out the potential value of such a plan, since it has been estimated that the present landfill will be filled in a year and a half. He also said that Mr. Gleason was scheduled to announce the setting up of nine recycling centers--one at each high school--in the near future, and asked Mr. Barile to keep informed on the progress. In connection with reports of the possible revival of the North Central Freeway, the Mayor reported that he had received a response to his letter to the Chairman of the Senate Committee on Public Works (as reported at the last Council meeting) which said, in effect, that it is a moot issue, since the Highway Bill, with which it was linked, did not pass. He said the letter is available to anyone who is interested.

ADDITIONAL COMMITTEE ITEMS:

Councilman Forshee said that agenda item 82, relating to railroad retirement deductions, would be acted on later in the meeting.

PUBLIC PARTICIPATION:

1. Aurel LeMay, 704 Philadelphia Avenue. In connection with the possible exclusion of railroad retirement from income for City tax purposes, Mr. LeMay asked if all other types of retirement income should not be treated in the same fashion. Councilman Forshee said that both Social Security and RR retirement income are excluded in most jurisdictions; Mayor Roth suggested that others, such as military and federal retirement, are not excluded because of the amounts involved. Mr. LeMay then spoke of the bump in the road in front of his home, saying he had brought it to the attention of Council several times before, though it never appeared on the agenda, a problem on which no action has been taken. He said he felt it to be the responsibility of the City to follow up on maintenance work done by others, such as the state, on roads within the City limits. He said this is apparently not being done; instead, citizens are told that it is the responsibility of the State. He indicated that a resident of the 800 block of Philadelphia had, on his own initiative, managed to bring the State in to repair curbs, even though it is now winter--an excuse they often use. Mayor Roth requested the Public Works Committee to consider the problem, and possibly direct the Department to follow up on it.

2. Joseph Ferrier, 7413 Maple Avenue. Mr. Ferrier objected to Council's use of the phrase "we were elected" as a response to appeals by citizens, saying that in his opinion once elected, they become the representatives and servants of citizens rather than their overseers. He suggested that one of the problems is simply lack of time on the part of Council, whom he regarded as honorable and public-spirited men, to become experts on all matters, and said they had taken steps in the right direction by appointing several citizen committees. He went on to say that they have at times spread a cloak of infallibility over themselves, continuing to support possibly bad decisions (e.g., Block 69), because of loss of face or lack of time to restudy the situation, resulting in the compounding of an initial error. He felt that if they refused to take corrective action in the face of opposition by substantial numbers of citizens, then they must assume the role of the big guy over the little ones, which requires the use of strong-arm tactics which, in turn, is unfair to those forced to carry out these tactics--the Police Department--in that it gives them an undeserved bad image and erodes public confidence. Mr. Ferrier also asked that Council consider following the practice of other councils by openly discussing agenda items or other issues at public meetings, noting that it is not unusual to have dissenting opinions and close votes, and suggesting that this would help to humanize the Council. He also raised opposition to the charging of fees for use of space in the Municipal Building, saying he had heard that only those groups sponsored by the Council are given access without a fee, and proposing that all groups of citizens be treated in the same fashion--if space is available, they should be permitted to use it without charge. Mr. Ferrier said he considered the Mayor and Council to be as good as one would find anywhere, but simply asked that they go a bit further along the lines suggested.

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3. Clarence M. Boatman, 133 Ritchie Avenue. Mr. Boatman requested information on the status of several agenda items and was responded to as follows: In connection with the stop light on Piney Branch and Ritchie, Councilman Nishimoto reported that on October 30, the Chief had met with the SHA traffic engineer who indicated they are proceeding with their study; that the Committee is hopeful they will give a favorable recommendation, but has no way of knowing in advance. Mayor Roth said a report would be made on agenda item #43 later in the meeting. He also said that Council is considering the item dealing with employment of former councilmen to City posts, and agreed to consider whether or not it is a good practice to employ members of the same family in City jobs, other than those at the lowest level--a request Mr. Boatman said he had previously made. Mr. Boatman then inquired if Council would recommend that buildings around the Metro stop would be restricted to 15 stories, as contained in a request now before the County Council. He indicated that there are buildings in the County which exceed this height. Mayor Roth explained that the City Council can make recommendations, but the County Council makes the final decision based on recommendations made by Park and Planning. With reference to the planning for the Metro stop, he told Mr. Boatman that Park and Planning has studied it with the help of a citizens committee of some 25 persons, the composition of which was possibly less than half Takoma residents. Their recommendations are now being printed up for a public hearing which he has been told would be held on January 10, though no official notification has been received. Mr. Boatman requested that citizens be informed via the Newsletter of items which will and will not be picked up during Wednesday special trash collections. He said that regulations in nearby jurisdictions are often quite different from the City's, e.g., Montgomery County will pick up large items for a charge of \$15.00 or so. It was agreed that this would be publicized, along with Public Works regulations, and that the rules would be reexamined in view of Mr. Boatman's comments. Councilman Burgess said some thought had been given to printing up this information on cards for distribution by sanitation workers. Mr. Boatman said there is still a problem with dogs who bite and asked that the regulations governing dogs either be enforced or removed from the books. Councilman Ricks said he would have a report on this situation later in the meeting.

4. Donald Ramsey, 8300 Flower Avenue. Mr. Ramsey said he would like to have attended the hearing on the proposed youth care institution at 700 Hudson Avenue, since he lives only a short distance away, but had received the minutes containing the announcement after the hearing was held. He indicated that, in general, he favors the proposal, though his opinion might be different were he better informed.

5. Phil Vogel, 7117 Garland Avenue. In connection with maintenance of the public rights of way on Philadelphia Avenue, Mr. Vogel said he felt it to be the responsibility of the City to either press the State to care for them or have the Public Works Department do so. Councilman Burgess said he would have a report later in the meeting. Mr. Vogel submitted a petition signed by 46 persons in opposition to the widening of Route 410 in P. G. County. In response to his question, Mayor Roth said he had not attended the most recent I-95 steering committee meetings, but would be present when the vote is taken. He indicated that his impression is that opposition to I-95 is almost unanimous among committee members. Mr. Vogel expressed concern about an action at the last meeting of this committee in which a proposal was made to build an elevated Metro subway line on Sligo Creek Parkway which would terminate at Langley shopping center. Mr. Vogel read a portion of a Post column which explored the relationship between urban development and taxes, saying in essence that taxes increase in direct proportion to urbanization, due to the increased need for services, with rural communities enjoying the lowest taxes. He also read a Post editorial citing statistics to support the premise that crime increases proportionately to building height, based on studies conducted by a New York University architect. Mr. Vogel pointed out that the Prince George's County Council had asked for a recommendation. Mayor Roth said he had read both articles and indicated he knew of a high-rise in Ft. Lauderdale, Florida, where there had been no crime. Mr. Vogel also asked that something be done to correct the littered and poorly maintained condition of Maple Avenue. Mayor Roth asked Mr. Vogel, in view of his expressed interest, and as a member of Takoma Limited Committee, if he would use his influence to have them introduce a resolution at TCAC opposing the widening of Piney Branch and Philadelphia Avenues. Mrs. Leslie Agro, 7306 Willow Avenue, TLC's representative to TCAC, said that, though the Committee had opposed the widenings for some time, they do not feel it to be appropriate or necessary to introduce such a resolution at present. She suggested that the Mayor have the City's representative do so.

6. Brenda Boykins, 116 Lee Avenue. Mrs. Boykins made two requests: (1) that Council consider constructing a sidewalk on the South side of Lee Avenue between Maple and Hancock, where there are none on either side of the street and necessitates walking in the street on a very dangerous hill; (2) that the Code Enforcement Division enforce the applicable codes to rid 116 Lee Avenue of roaches, where the owners' efforts in this direction are only superficial and so ineffective that she has had to bring in exterminators at her own expense. She also said that the problem is compounded because all tenants won't permit the building exterminator to come into their apartments. Councilman Ricks said that the owners are required to exterminate and he would have the inspectors investigate.

7. Etta M. Davis, 703 New York Avenue. Mrs. Davis spoke of a visit she had made to a Connecticut community and the enthusiasm and participation of citizens in recycling and general clean-up efforts, saying that over a thousand persons had shown up on one occasion to help clear an area of debris. She also informed Councilman Burges's that Montgomery College's efforts to shade the parking lot lights were ineffective and indicated she would so inform the Business Manager.

8. Mr. Ramsey, in connection with the earlier discussion on the introduction of a resolution before the TESS CAC, offered the following explanation: In general, the CAC opinion on road widening is in agreement with that of the City Council; however, because of the pending revision of the TESS area master plan, the CAC has taken the position that anything having an effect on the plan should not be the subject of ad hoc resolutions, but should have the benefit of the entire planning process. Mayor Roth said that, though he understood this line of reasoning, he feared that the issue might become submerged into other interests in such a way that opponents of road widenings might be out maneuvered when the vote is taken, suggesting that it would be much simpler for the Citizens Advisory Council to take a position in advance. Mayor Roth explained that the Council has viewed the CAC as a citizens group and therefore has refrained from sending their representative (the City Administrator) to the meetings, though they would reserve the right to have him attend, should the need arise. Mr. Ramsey said that, though he recognized the ambiguity inherent in this situation, he felt that it should be resolved in some way, since there is a considerable communications gap between the City and the TCAC; that, though he is not a member of either the Takoma Limited or Save Takoma Park Committees, he felt that the impression has been conveyed that the City Council expects these organizations to speak for the City government. Mayor Roth said that this was not the case at all; that these groups had come to the City Council and asked them to go on record as being opposed to the widenings, which they did, and he is asking that they also request the CAC to take a similar stand. Mr. Ramsey again expressed the need for closing the communications gap mentioned, saying the dialogue just completed illustrated the problem very well.

9. Dorothy Porter, 7305 Maple Avenue. With reference to the above comments, Mrs. Porter said the matter had come before the Advisory Council in connection with the Advocate plan and that all the delegates had agreed to take no specific action. She pointed out that Takoma Ltd. is only one member of the group.

10. Mr. Ferrier said it might be well if the Mayor and Council were represented in the TCAC, suggesting that if the City Administrator feels a delicacy about being that representative, as indicated by the Mayor, then an alternate could be designated. In this way, the Mayor and Council could be informed of the various strategies employed by the group and the logic behind them. He said that Mr. LeMay had persuaded the East Silver Spring Citizens Association to verbally withdraw the road widenings from their plan, even though their president continues to favor them. He said that when the time comes, his group will be fighting for their position and if the Council is with them, so much the better.

11. Robin Semas, 7206 Maple Avenue. Mrs. Semas asked if something could be done to have the dead tree removed from the rear of 7209 Cedar Avenue, saying that its falling branches have caused continuing problems over the past two years and there is now danger of the tree falling onto the property at 7206 Maple Avenue. Mr. Barile said there is no law which can be used to force the owner to cut the tree; however, he is clearly liable and might be persuaded to do so. Mayor Roth referred this to the Housing and Code Enforcement Committee.

COMMITTEE REPORTS:

PLANNING AND ZONING COMMITTEE: Councilman Faulkner reporting

26. ZAP A-8419, 6911 New Hampshire Avenue, R-55 to C-0. Upon the recommendation of the Committee, as presented by Councilman Faulkner, Council agreed to take no further action on this case. Councilman Faulkner explained that the City had initially opposed the C-2 rezoning of the property (Lot 4, Bl. 27, BFG), which is located next to the Sunoco station; and that after the City lost its appeal on the C-0 zoning of Lot 7 (two lots to the north of the site in question) in 1968, the Court had indicated that C-0 zoning would be appropriate for Lots 4 through 6 also.

79. Special Exception S-165: use of 700 Hudson Avenue as a youth care institution. Upon motion by Councilman Faulkner, duly seconded, Council voted to go on record as opposing the granting of this special exception, requesting that the Board of Appeals be so notified, and that the Corporation Counsel represent Council at the hearing scheduled for 1:00 PM, November 30, 3rd floor, County Office Building, Rockville. Councilman Faulkner said a special meeting had been held to permit nearby residents to express their views. About 17 persons attended (mostly residents and resident/owners of apartments on nearby Roanoke Avnue), all apparently opposed, and 10 speaking to specific concerns such as problems with parking and noise; the character of the residents and their influence on neighborhood children; fear of the residents.

FINANCE COMMITTEE: Councilman Forshee reporting

82. Consideration of RR retirement deduction in computing City taxes. Upon motion by Councilman Forshee, duly seconded, Council adopted the ordinance below by roll call vote, recorded as follows: Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks, Sidell and Webb. Nay: none. Excused: none. The ordinance permits the deduction of railroad retirement from total income.

ORDINANCE NO. 2235

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

SECTION 1. THAT the reference to gross income in Section 3 of Ordinance 2163, adopted June 14, 1971, shall be amended to read as follows:

"Gross income" means total gross income from all sources, including, but not limited to gifts, and whether or not included in the definition of "gross income" for Federal or State income tax purposes; however, gross income shall not include any income received from Social Security and Railroad Retirement.

SECTION 2. THAT this ordinance shall be effective as of July 1, 1972.

It was noted by the City Treasurer that most nearby municipalities and counties now exclude both Social Security and railroad retirement. Councilman Burgess proposed, with Councilman Forshee concurring, that prior to preparation of the next budget, the Finance Committee would seek ways of setting a monetary ceiling on total retirement income, so as to include all retirement systems, with the criterion for exclusion being based on whether or not the total income falls within the fixed ceiling.

31. Use of recording equipment for hearings and Council meetings. Councilman Forshee indicated that this be removed from the agenda, since equipment already on hand is being used and is apparently adequate. He indicate that should the need for additional equipment arise, it would be considered at that time.

81. Adoption of revised City Charter and Code. Councilman Forshee requested that this be put on the action agenda for the next Council meeting.

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33. Use of 8 Columbia Avenue. There have been two bids on the building and lots, Councilman Forshee said: a gentleman is interested in constructing two homes on the lots across from the building, and a group from the Takoma Park Seventh-day Adventist Church is interested in purchasing the building and lots for a community center. In connection with the latter, he said a meeting would be held November 21, 8:00 PM, for people in the immediate vicinity to hear just how the group proposes to use the building. He requested that an announcement of the meeting be sent to those concerned.

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting

Proposed regulations on use of facilities at 7500 Maple Avenue. Councilman Webb said that the Committee and the Recreation Director have met on three occasions to discuss rules, fees, security, etc., and have compiled a 3-page set of proposals which are still being considered. He indicated that he hoped to introduce a workable set of rules at an early date.

Activities. Councilman Webb commented on the success of the Halloween party and gave special thanks to Messrs. Edward Hutmire, Douglas Ziegler, Dan Dick and Dale Antosh, who served as architects and construction engineers for the haunted house, with the help of many other volunteers. He also announced the following: The Xmas party will be held on December 10, 4:00 PM, in the Gym. A children's movie will be shown on November 17, 7:30 PM in the Gym. The Sister City Committee has voted to donate the some \$300 given in memory of former Councilman McClenon, along with some funds of their own, to a Jequie dental clinic in honor of both Mr. McClenon and Mayor Miller. He indicated that additional contributions would be welcomed.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

Councilman Nishimoto apologized for the change in time of the last Law Enforcement Committee meeting, saying he had had to leave at 8:00 to attend a meeting with the Montgomery County Council, where they presented some of their legislative proposals and representatives of municipalities had an opportunity to let it be known that cities are here to stay. In connection with the planned Maple Avenue roadway stripe, he said that some residents of that street feel it should not be carried out, believing that it would contribute toward making it a thoroughfare; and that the Committee has agreed to discuss it at the November 22 Law Enforcement Committee meeting (8:00). He also said a meeting with people living in the vicinity of Spring Park would be held on November 15, noting that both these meetings are open to the public.

Councilman Nishimoto requested that an item be added to the agenda to consider a recommendation for a "no left turn" sign at the intersection of the South side of Philadelphia and Maple Avenue, saying that this spur of Philadelphia is frequently used to beat the traffic light. He also announced that, provided registration quotas are met, he would be teaching two classes at Montgomery College (Takoma campus) next semester: American National Government and Politics of the Metropolitan Area. Councilman Nishimoto said that he is presently on the faculty of the Department of Agriculture Graduate School and has served as consultant to Federal City College.

6. Request for left-turn arrow on light at N.H. & Sligo Creek Pky; 53. Request for push-button traffic device on Carroll Avenue at Takoma Tower. Both these were discussed with the SHA traffic engineer and a recommendation has been promised, Councilman Nishimoto said. In connection with item #53, he indicated that a light at Tulip and Carroll is being considered rather than at Westmoreland.

68. Speed control on Philadelphia Avenue between Takoma and Chicago. Councilman Nishimoto reported that since October 1, the following notices have been issued in this area: 9 moving violations; 18 written warnings; 5 verbal warnings. He said that patrols in the area would continue.

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76. Minibike problem in Spring Park area. Councilman Nishimoto said an ordinance is being prepared which would control the use of minibikes in the City.

86. Suggestions for speed control in Spring Park area. The area is being patrolled and the problem will be a topic of discussion at the November 15 meeting, Councilman Nishimoto said.

93. Request for 4-way stop signs at Buffalo and Albany Avenues. Councilman Nishimoto reported that this is under consideration.

10. Traffic hazard at Piney Branch, Eastern and Takoma Avenues. Councilman Nishimoto announced that the State Highway Administration has at last completed the work at this intersection and there is now a large sign reading "Left Turn--Slow" in the north-bound lane of Piney Branch Road.

66. Proposed designation of Lincoln Avenue as a one-way street. No action will be taken on this, Councilman Nishimoto said, since the majority of persons attending the hearing viewed it with disfavor. It was decided that the Police Department would notify the persons contacted prior to the hearing and that a notice would be placed in the Newsletter.

67. Proposed designation of Montgomery Avenue as one way. A majority of the residents of Montgomery Avenue and nearby streets have indicated a desire to carry out this proposal, Councilman Nishimoto said. The ordinance below was introduced for possible adoption at the next meeting:

FIRST READING OF AN ORDINANCE

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

SECTION 1. THAT Montgomery Avenue shall be designated as one way for all vehicula traffic; AND

SECTION 2. THAT the direction of travel shall be East between Pine and Hickory Avenues; AND

SECTION 3. THAT the Director of Public Works is authorized to erect appropriate signs to effect the above directive; AND

SECTION 4. 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.

94. Request for 3-way stop signs at Buffalo and New York Avenues. Councilman Nishimoto read the ordinance below for consideration, saying that the Committee agreed with the Chief's recommendation that a stop sign on Buffalo Avenue would control the situation, since there is already a stop on New York Avenue at Takoma:

FIRST READING OF AN ORDINANCE

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

SECTION 1. THAT all traffic travelling north on Buffalo Avenue shall come to a complete stop at its intersection with New York Avenue; AND

SECTION 2. THAT the Director of Public Works is hereby authorized to erect a stop sign on the Southeast corner of the above 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.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Ricks reporting

94. Report on Animal Control Committee meeting. With reference to Correspondence item 71, Councilman Ricks said that it was the feeling of the Committee that if immediate full enforcement of the laws now on the books were accomplished, many of the most pressing problems would be solved. He read those sections of the code referred to 3.1(6), 3-4 and 3-5 (1971 code), and pointed out the violations which can be observed, particularly those relating to dogs at large, and said that full enforcement cannot be carried out without a full-time animal warden. Councilman Ricks also said there had been some discussion of raising the impounding fee as a possible deterrent to persons who permit their dogs to roam. He briefly noted the "scoop" ordinance which Montgomery County is considering. Councilman Ricks asked Council to consider the possibility of hiring a full-time warden; he pointed out that, although the Police and Public Works Departments and the animal warden are doing all they can, the problem continues. He spoke of a report that a fireman had been bitten by a dog in the line of duty. Councilman Nishimoto and Mayor Roth engaged in a discussion on the possibility of insisting that the counties either provide additional service in this area or reimburse the City since, as the Mayor pointed out, there is a tendency for the counties to withdraw services if the City provides them.

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting

78. Proposed ordinance or tax on cutting trees, or alternative means of conserving. Councilman Burgess reported that a productive Committee meeting had been held, with five interested citizens participating and providing background information on ordinances in other areas. He indicated that Mrs. Dorothy Porter had been particularly well-versed in this area and said the Committee would write for model ordinances for study. He said that his view as one member of the Committee is that consideration should be given to putting an ordinance on the books to be used if the necessity arises, saying that no one really knows the extent of the problem, but it would be well to have a means of controlling it. In response to Councilman Nishimoto's question re planting of trees, Councilman Burgess said the City has a program for replacing trees on public property.

96. Request for sidewalks on Alfred and Ray Drives. Councilman Burgess said that this involves an unusual jurisdictional problem in that the residents are in the unenviable position of having their property located in the City and their public rights of way, on which sidewalks would be laid, in Montgomery County. He said that Mr. Barile is investigating some means on overcoming the problems of dual jurisdiction, which Mr. White said had been used as a basis for being given the run-around. He pointed out that regardless of which jurisdiction constructs the sidewalks, it will be necessary that a majority of the residents express a desire for them and be willing to bear the cost.

56. Request for maintenance of public right of way on Phila. Ave. between Carroll and Piney Branch Road. Councilman Burgess proposed as an experiment that trees be planted between Carroll and Maple Avenues, saying that the blacktop would have to be removed and problems of finding a ground cover which will grow in the shade and be capable of withstanding possible damage by trucks. In connection with the latter, he said he would rely on the advice of the Horticultural Club. Councilman Burgess said that because of a shortage of available personnel during the fall and winter months, the project would have to be deferred until spring, asking that it be placed on the working agenda until that time.

72. Drainage problem on Lincoln and Elm Avenues. During the last two rains the drains proved to be adequate, Councilman Burgess said, and asked that the initiator of the request be so notified and the item deleted from the agenda.

89. Request to screen, resurface and lower lights on Montgomery College parking lot. In view of Mrs. Davis' comments on the shading of the lights, Mr. Burgess asked that this item be placed back on the working agenda. He indicated that the surfacing material of the lot meets County

environmental health regulations and that the school is reluctant to put any more money in a temporary lot. He requested Mr. Barile to check further on the lights and again ask about the possibility of resurfacing the lot.

95. Request to repave Alfred and Ray Drives. Councilman Burgess reported that that portion of Alfred Drive lying within the City was repaved last summer and that a request has been put in to have Montgomery County inspect the remainder of Alfred Drive and Ray Drive (all of which is outside the City) with a view to repaving, requesting that they add it to their schedule if the work is needed. He asked that the item be deleted from the agenda, since this is as far as the City can carry it.

97. Request for more frequent street sweeping on Allegheny Avenue. Councilman Burgess stated that Allegheny had been swept recently, and indicated that it has not been possible to respond to all requests or use the sweeper on a routine basis, because of a shortage of personnel; that no one person can be assigned to this task, but someone must be taken from the general crew. He said it would be desirable to have at least one person assigned part-time to this job and that Mr. Barile would provide data to justify the need prior to the new fiscal year.

Purchase of floor buffer. Upon motion by Councilman Burgess, duly seconded by Councilman Forshee, Council approved the purchase of a buffer at a cost not to exceed \$450, with funds to be transferred from the Reserve Fund to the appropriate Public Works account.

Items of interest. Councilman Burgess said the new street sweeper has been delivered and that leaf collection was begun on November 6--a project which takes priority over all other work, save emergencies. As a matter of information, he pointed out that the schedule is set up so that collections are made first on those streets with the greatest number of trees.

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting

90. Request to remodel a portion of Fire House. Councilman Sidell reported that at the Committee's request, the Director of Recreation has submitted comments on the plan as it relates to the part of the Fire House used by that Department. He suggested placing this item on the working agenda following the next Council meeting.

98. Request for check on partially boarded up building on Montgomery College campus. Upon Mr. Sidell's request, Chief LaScola reported on this as follows: The County Fire Marshall has closed down a portion of this building, which is located on the campus at the corner of New York and Takoma Avenues. The City Fire Department has no jurisdiction here. Councilman Sidell said he understood that many of the buildings in the area are considered dangerous and are likely to be closed down. He asked that the item be deleted from the agenda.

Purchase of home radios. Councilman Sidell recounted the proposed trial rental of these quick-call monitors, saying that this option is no longer available; that the Committee is thus recommending the purchase of ten radios, to be placed in homes of volunteer firemen in an effort to obtain a better turn-out during the night hours. Mayor Roth explained that the planned trial had not been intended to test the ability of the radios to function properly, but rather to determine if their use would yield a higher volunteer response. Councilman Sidell said that if response is improved, they may later recommend the purchase of additional radios and, if this should be the case, it may be possible to eliminate the siren. Following further discussion on the radios would be distributed, and Councilman Sidell's motion, duly seconded, Council approved the ordinance below authorizing the purchase by roll call vote, recorded as follows:
Approved: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks, Sidell and Webb. Nay: none.
Excused: none.

ORDINANCE NO. 2236

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

SECTION 1. THAT a contract for the purchase of ten (10) Model MO3CNB-1103 Solid State Quick-Call Monitors, with accessories, is hereby awarded to Motorola Communications and Electronics, Inc. at a total cost of TWO THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$2,840); AND

SECTION 2. THAT funds for this purchase shall be transferred from the Reserve Fund to the Fire Department Capital Outlay A/C 11.213H.

Purchase of fire prevention film; Emergency repairs to siren and siren tower. Councilman Sidell said he would defer action on these items until they had been discussed in committee. In connection with the siren tower, he requested that Mr. Barile look into the possibility of having the Department paint it.

Personnel. Upon motion by Councilman Sidell, duly seconded, Council accepted with regrets the resignation of Volunteer Lt. William R. Taylor.

Panic bars for Municipal Building doors. Councilman Sidell reported that the Fire Chief has submitted some recommendations, but that he would propose no action until they have been brought before the Committee. There followed a discussion on whether or not these would be needed if it is decided to employ a security guard, and just what type emergency exit device would be most practicable, should they be required. Councilman Ricks said that the lack of a means for emergency egress (in case someone is accidentally locked in the building) is holding up the work of the committee responsible for granting permits for use of the building facilities. Mayor Roth requested the Acting City Administrator to take up the matter with the architect and request some input into the Fire Protection Committee on alternatives, costs, etc.

SPECIAL LIBRARY COMMITTEE: Councilman Webb, Chairman

Mayor Roth said there would be a meeting of the group on the following evening, at which Mrs. Robinson would be present.

COUNCIL AS A WHOLE COMMITTEE: Mayor Roth, Chairman

38. Proposal to name 8 Columbia Avenue "Miller Memorial Recreation Building." Mayor Roth reported that no action would be taken on this item, since the Council Chamber had been dedicated to Mayor Miller.

40. Proposed establishment of special Council or citizens environmental protection committee. It was agreed that such a committee would not be set up, Mayor Roth said, since matters of this nature relate primarily to functions of the Public Works Committee, and they will be referred to that Committee or, in the case of special circumstances, to the appropriate committee. Special input from citizens on an ad hoc basis will also be utilized, he said.

43. Appointment of Council citizens advisory committee. Mayor Roth said that it/was felt that a more useful arrangement would be on the basis of ad hoc specialized input from citizens, rather than establishing a permanent committee of persons with skills of a more general nature.

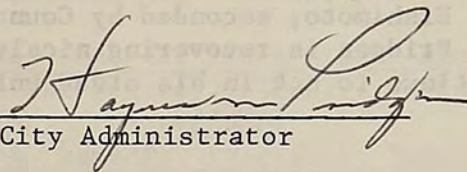
November 13, 1972

52. Request to work for legislation banning sale of throwaway containers. Mayor Roth reported that Bowie's ordinance is being challenged in court and it was the general feeling that such an ordinance would be unenforceable in a City of Takoma Park's size. He said that the County is presently holding active discussions on means of controlling the problem and that the Council would support any County-wide action.

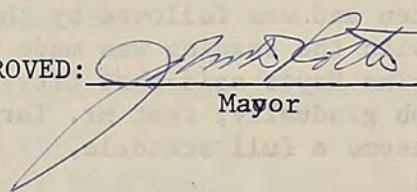
Other agenda items. Mayor Roth reported on these as follows: The Corporation Counsel has been asked to make a report by December 31 on the age requirement for elective office; the matter of residency has been settled by court action; the City Administrator has been asked to investigate several other items. His visits to other cities will be continuing after his return to work, the first two of which have proved to be fruitful in terms of possible changes which might be considered for Takoma Park. Council will continue to work on the remaining agenda items over the next two months.

There being no further business to come before the Mayor and Council, the meeting was declared adjourned at 11:05 PM, to reconvene at 8:00 PM, November 27, in the Council Chamber.

ATTEST:


 City Administrator

APPROVED:


 Mayor

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

November 27, 1972

City Officials Present

Mayor Roth
 Councilman Burgess
 Councilman Faulkner
 Councilman Forshee
 Councilman Nishimoto
 Councilman Sidell
 Councilman Webb

City Treasurer Turner (Acting
 City Administrator)
 Corporation Counsel Gingerich
 Asst. Corp. Counsel Culpepper
 Deputy Fire Chief Fickes
 Police Chief Porter
 Director of Public Works Barile
 Director of Recreation Ziegler

Excused: Councilman Ricks

The Mayor and City Council met in regular session at 8:00 PM, November 27, 1972, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. The invocation was given by Dr. Stephen S. Hiten and was followed by the pledge of allegiance. A motion to approve the minutes and dispense with the reading was made by Councilman Nishimoto, seconded by Councilman Forshee, and carried. The Mayor said that City Administrator Pridgen is recovering nicely and is getting back on the job gradually; that Mr. Turner would continue to act in his stead until Mr. Pridgen is ready to resume a full schedule.

CORRESPONDENCE RECEIVED: Acting City Administrator Turner reporting

1. Robert J. Crowley, LEAA Coordinator, P. G. County Dept. of Human Resources and Community Development, Capitol Heights, Md. Letter and information on police-community rel. project. (LEC)
2. Frank and George Zervos and family, City. Letter commending Chief LaScola and the ambulance service for their efficiency in handling a recent emergency. (Fire Protection Comm.)
3. M. S. Caltrider, District Engineer, State Highway Administration, Greenbelt. Notice that recommendations on situation at Langley Professional Building will be available during the week of November 20; also advises that traffic signal at Routes 193 and 650 is to be redesigned in the Spring of 1973. (Recommendations to: Mayor, Law Enforcement and Public Works Committee, when received)
4. Dickran Y. Hovsepian, President, Montgomery Co. Council, Rockville. Notice of public hearing on County Executive's recommendations concerning the Interim Sewerage Program, 12-7-72, 8:00 PM, Council Hearing Room, COB. (Public Works Committee; Mayor directed that Mr. Brugges and/or Mr. Barile attend)
5. Edward W. Hutmire, President, Takoma Park Recreation Council. Request for tree on Library grounds suitable for the Xmas tree lighting ceremony. (Mr. Barile commented on this, saying the old trees had to be removed because they were diseased and that the Department expects to obtain a temporary tree that week; that the Department would await instructions from Council on where a permanent tree is to be located.)
6. Edward W. Hutmire. Letter reiterating earlier request of Rec. Council that City rent 8 Columbia Avenue, suggesting sale of 8 Sherman to provide funds for renovation; or, if this decided against, that 8 Sherman be kept and that the group proposing to purchase the Columbia Avenue facility provide facilities for entire community, particularly on those days when the Sabbath is being observed, and space is not fully utilized. (Finance Committee)

November 27, 1972

7. Edward W. Hutmire. Request for City to clear undergrowth from City-owned property and encourage other property owners to do the same on the strip of land between the Recreation Center, Junior High School and the Public Works grounds; suggested use of part of Public Works land as a tree seedling nursery. (Public Works Committee) (Councilman Nishimoto commended Mr. Hutmire for the foregoing suggestions; Mayor Roth said there may be some problems with having that portion of the land owned by Park & Planning cleared, in that they wish to retain it in its natural state.)
8. E. C. Woodburn, Zoning Application and Information Office, Park & Planning Commission, 6600 Kenilworth Avenue, Riverdale. Notice of application for Special Exception #2749, for operation of a men's rehabilitation social service center (Salvation Army) at the SE corner of New Hampshire and Ethan-Allen Avenues. (Planning and Zoning Committee)
9. James J. O'Donnell, Acting State Highway Administrator, Baltimore. Notice of meeting on December 9, 10:00 AM, County Council Hearing Room, Rockville, to review proposed State primary and secondary highway construction program for FY. 1974 through 1978. (Public Works Committee; Mayor to attend)
10. Dickran Y. Hovsepian, President, Montgomery County Council. Notice of public hearing on Executive's recommendations concerning the site selection for an advanced wastewater treatment facility, December 15, 8:00 PM, COB (Public Works Committee)
11. Margaret Zea, 422 Ethan Allen Avenue. Letter of appreciation for Newsletter notice on Wednesday special pickups. (Public Works Committee)
12. Peter A. Menedis, President, Takoma Park Volunteer Fire Dept., Inc. Letter expressing appreciation to Council for action taken permitting purchase of ten alerting radios. (Fire Protection Committee)
13. Stella T. Jordan, 1115 Kingwood Drive. Complaint of Police Department's failure to enforce regulations governing placing of leaves in City streets. (Law Enforcement Committee)
14. Catherine C. Wakelyn, Secretary, Old Takoma Park Citizens Association. Letter urging adoption of a tree ordinance similar to one used in Clearwater, Florida; request that views of Association members who have discussed matter with Public Works Committee be considered prior to adoption. (Public Works Committee)
15. Catherince C. Wakelyn. Notice of formation of the Old Takoma Park Citizens Assoc.; list of officers; copy of by-laws.
16. Elaine C. LaVaute, 240 Park Avenue. Suggested use of speed bumps on City streets to curb speeding. (Law Enforcement Committee)

MAYOR'S COMMENTS:

Mayor Roth reported that some of the lights on the building had not been burning because a switch had been inadvertently thrown; that the situation would be corrected so that the lights would be on until a reasonable hour. He also commented on literature which has been handed out recently as follows: He drew an analogy between handouts made by merchants who are trying to sell their products and other handouts intended to sell ideas, saying he felt that both should be treated in the same way: i.e., prior to "buying," the product, or idea, should be investigated for soundness as opposed to propaganda. He requested that citizens having questions about articles concerning the City in the handouts being circulated bring them to the Council, saying that that body has a long-standing and well-earned reputation for giving honest answers to honest questions.

November 27, 1972

Mayor Roth, in company with Lt. Jarboe, Acting Fire Department Training Officer, awarded certificates to 15 girls and boys who were the most recent graduates of the Fire Department's baby sitting course. It was noted that the total sitters trained now numbers 536. Instructor and curriculum include: Mrs. Nancy Hartung, RN, Infant and Child Care; Mrs. Terry Rose, Student Nurse, Medical Aspects of Baby Sitting; Police Officer Jack Goetz, Police Protection. Certificates were awarded to the following:

Callie A. Cooke, Jr.
April C. Dawson
Lindy Farley
Mary Jeanne Farley
Lori Farley

Patty Flemion
Theresa Flemion
Lynn Gray
Mark Gray
Beth Laughlin

Kellie O'Connell
Elizabeth Simpson
Katherine Simpson
Chris Zakielarz
Christina Zakielarz

ADDITIONAL COMMITTEE AGENDA ITEMS:

Councilman Forshee asked that item 33 (Use of 8 Columbia Avenue) be placed with the action items of the Finance Committee.

PUBLIC PARTICIPATION:

1. Aurel LeMay, 704 Philadelphia Avenue. Mr. LeMay referred to the poor appearance of the lot at Carroll and Westmoreland, where he said there appears to be an open-air car repair service in operation. He also referred to the blinking school light in the 600 block of Philadelphia Avenue, which he said he had reported at the last Council meeting. He thanked Mr. Barile, Councilman Burgess and others responsible for removing the bump in the roadway in front of his home.
2. Mary L. Pennifield, 7305 Takoma Avenue. Mrs. Pennifield, on behalf of her neighbors in the area of Piney Branch, Eastern and Takoma Avenues, thanked Councilman Nishimoto for alleviation of the traffic hazard at that intersection. Councilman Nishimoto said that Chief Porter was largely responsible for this.
3. William Scott, 7520 Maple Avenue. Mr. Scott requested that a cross-walk be painted on Maple Avenue at Sherman. He recounted his own experiences in trying to cross the street without being hit by a car, and also spoke of observing a crossing guard unsuccessfully attempting to stop a speeding car in that area. He noted that there are no signs or crosswalks between Grant and Sligo Creek to impede the speeding cars.
4. Phil Vogel, 7117 Garland Avenue. Mr. Vogel spoke of the recent newspaper publicity the City Police Department has received in two separate articles, the first of which credited Det. Cpl. Sherman with the capture of two bank robbers, and the second of which described how a man's car had been mistakenly towed away and demolished. In connection with the first, Mr. Vogel commended Councilman Nishimoto, Chief Porter and Cpl. Sherman for their fine work and, with reference to the latter, he said that, though he emphathized with the man, he felt that he and the repairman had been at fault. Mr. Vogel said that in his opinion, Officer Winkler, who is responsible for this operation, had done an excellent job in ridding the City of abandoned cars. He attributed the success of the program to Councilman Nishimoto's innovative legislation which authorizes payment of \$5.00 per car to towing companies and retention of money received from scrap dealers. He suggested that if the City had more forward-looking legislators and legislation perhaps there would be no need for comments such as those made earlier on the circulation of literature. Councilman Nishimoto, after thanking Mr. Vogel, said that the Chief and the Department did, indeed, deserve recognition for their work in this area and indicated that of the some 415 cars picked up, there were problems connected with only three. Mayor Roth said he would add his personal commendation to the persons who participated in apprehending the bank robbers.

5. Walter Prichard, 32 Lee Avenue. Mr. Prichard commended the Council for continuing to publish the Newsletter and asked that they give material support to the new Takoma Journal. He also requested that some action be taken to quell the noise of barking dogs in his area, saying that there is possibly an illegal kennel operation at the rear of 11 Lee Avenue. In addition, he asked that some action be taken to cut down the noise from speeding cars and motorcycles on Lee Avenue and pointed out that other jurisdictions have taken steps in this direction.

6. Stephen S. Hiten, 7 Hickory Avenue. Mr. Hiten commented on Mr. Hutmire's letter concerning trees and said that he is much concerned about the number of trees being cut down. He asked that the City enter into a program of replacing trees and warned that the park atmosphere of Takoma Park will soon be destroyed if something isn't done to replace trees on both private and public property, pointing out the City's definite responsibility to care for those on public property. Dr. Hiten also asked that information be disseminated informing people of regulations governing special trash pick-ups, with particular emphasis on the fact that no collections are made during weeks within which a holiday falls. When Mayor Roth spoke of the hand-out the Department is considering, Dr. Hiten suggested that it be printed on a card which could be hung in a convenient place.

7. Kathryn Simpson, Chairman, Community Improvement Board. Mrs. Simpson said the Board has set up a committee, headed by Mrs. Phipps, to investigate ways of securing trees for persons who want them. Councilman Burgess asked to discuss this with her after the meeting, since it appeared to be essentially the same type program the Public Works Committee has been considering at the instigation of Mrs. Phipps, Mrs. Porter, and others. He said that Mr. Barile has been asked to obtain information on the legality of obtaining and selling at cost trees from the State nurseries.

COMMITTEE REPORTS:

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting

90. Request to remodel a portion of Fire House. Councilman Sidell requested that this item be placed on the working agenda.

Purchase of fire prevention film. After noting that this is a budgeted item, Councilman Sidell said he would authorize the Chief to go ahead with the \$140 purchase, unless there were objections from Council.

Emergency repairs to siren. Councilman Sidell requested that Public Works charge the cost of this item (\$101.85) to the building repair account, saying that if additional expense is involved later, he would bring it before the Council at that time.

Panic bars, or other means of emergency egress from Municipal Building. Chief LaScola has made some recommendations, Councilman Sidell said, and asked Public Works, in consultation with the architect, to submit their thoughts on the appropriate device.

PLANNING AND ZONING COMMITTEE: Councilman Faulkner, Chairman

No report.

FINANCE COMMITTEE: Councilman Forshee reporting

35. Merit plan: proposed revision. Councilman Forshee said a meeting had been held the previous week and they are now considering some input received.

105. Proposed public hearing on revenue-sharing funds. Councilman Forshee made the following report: He said that the Mayor has asked the Committee to consider the possible uses of the funds as related to existing needs; that the Treasurer has been requested to keep abreast of the legal aspects of the bill which govern the way in which the money may be spent; that, at present, there doesn't appear to be a need for a public hearing though, should that need occur, a hearing would be held; and that the Committee will be glad to receive suggestions on possible uses of the funds at Council meetings. In connection with this, he said a suggestion had been made that the money be used to reduce taxes, a possibility which he viewed with some favor.

81. Adoption of revised City Code. Upon motion by Councilman Forshee, duly seconded by Councilman Sidell, the ordinance below was adopted by roll call vote which was recorded as follows: Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Sidell and Webb. Nay: none. Excused: Councilman Ricks.

ORDINANCE NO. 2237

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

SECTION 1. *THAT all ordinances of a general governing nature for the City of Takoma Park, Md., previously adopted have been reviewed, reorganized, and revised into a codification, including certain new provisions for the general public welfare, under the supervision of the Corporation Counsel, AND*

SECTION 2. *THAT such codification is now published into a document to be known as The City of Takoma Park Code, 1972.*

SECTION 3. *THEREFORE, BE IT HEREBY ORDAINED THAT The City of Takoma Park Code, 1972 is hereby approved and adopted, and the same is hereby legalized and shall be deemed and taken in all courts of the State of Maryland, and by all public officials of the State to be evidence of the Local Laws and Ordinances of the City of Takoma Park, Maryland, and shall remain in existence at the effective date.*

SECTION 4. *BE IT FURTHER ORDAINED THAT this Ordinance shall take effect on December 1, 1972.*

SECTION 5. *PROVIDED FURTHER THAT the foregoing shall not in any way effect or repeal any Ordinance granting franchises or contracts, which franchises or contracts are hereby ratified, confirmed, and continued according to their provisions, terms, and conditions.*

In response to Councilman Nishimo's query, Councilman Forshee said that the new Code can be amended to correct, change, up-date, repeal, etc., just as the old one had been, and that this process had already begun with the personnel section, for which a revision has been proposed (agenda item #35). Mayor Roth said that amendments will be more easily handled because of the organization of the new Code and that it will be possible to have amendments reproduced by NIMLO which will fit into the binder at the proper place.

33. 8 Columbia Avenue and impounding lot property. Councilman Forshee said that about 22 persons had attended a meeting which was held for residents in the area of this property to hear and ask questions about the planned use of the building by the Takoma Park Seventh-day Adventist Church, who made the only offer received on the property. He explained that there had been only one firm bid on the two lots (the old impounding lot) and, in the view of many, no bids on 8 Columbia Avenue, since the only bid submitted was that of the Church and was not for a definite sum, but was phrased to indicate a willingness to buy for \$100 over the highest bid, up to a specified figure. He said that, though he is not a member of the Takoma Church, he does belong to the denomination, and would withdraw from the decision-making process, whereupon he asked Councilman Sidell to take the chair for presentation of motions.

FROM THAT the offer of \$12,000 made by the Takoma Park Seventh-day Adventist Church is hereby accepted, and the City Administrator is authorized to execute the necessary documents to effect the sale of the property (including the generator safe) and land known as 8 Columbia Avenue (Lot 1, Block 19, B. F. Gilbert's Division, Liber 628, Folio 385), to the Takoma Park Seventh-day Adventist Church for the sum of TWELVE THOUSAND DOLLARS (\$12,000).

Reading of the ordinance, a lengthy discussion ensued, in which the following points: Councilman Burgess expressed disappointment in the final offer made and said that, he would very much like to retain it for the Recreation Department along the lines suggested by Mr. Hutmire, he felt the City could not afford the luxury of repairing and maintaining it; that, contrary to Mr. Hutmire's contention that initial renovation would be the most costly item, the up-keep would be considerably more. He said that the church group has a good program in outline form and, if they carry it through, it should benefit the entire community. He expressed the hope that the group would heed Mr. Hutmire's request and allocate time for Recreation Department activities when possible. Mayor Roth concurred with Mr. Burgess' analysis of the cost situation, and said that it had never been the intent of Council to retain that building; that, if renovation had been feasible, the new building would not have been undertaken. He and Councilman Nishimoto said that it was due to Councilman Burgess' initiative that the purchase price had been increased. Councilman Nishimoto said he was greatly impressed with the Church's program and thought it was one which should be available to the entire community. In this connection, he said he wished to again express a concern he had voiced at the June public hearing: i.e., the fact that the activities are to be entirely church-sponsored and would likely result in little participation by persons not affiliated with the church, thus polarizing rather than unifying segments of the community. He asked that the following excerpt from Mr. Hutmire's letter (correspondence item #6) be included in the record to reinforce his own hopes along these lines: "We hope, of course, that the programs planned by the Seventh Day Adventist Church group, if they are sold the building, will allow for a cooperative coordination into the activities schedule of the efforts we are planning and that the facility would serve the entire community. Recognizing the Church's regular observances, for example, the Sabbath on Friday evenings and Saturdays, the building should none the less be available at those times for other activities not necessarily associated with Church-sponsored programs."

Mayor Roth said that it was his understanding that non-Adventists would not be excluded from the programs and, in response to a request for confirmation of this, Councilman Burgess said that, though much of the program as described by Elder Sharman appeared to be religiously-oriented, there were also non-religious community activities described by a member of the group. Councilman Webb reported that the Church's Keystone facility had included two classes co-sponsored by the Recreation Department. Councilman Nishimoto requested that the hope of a neighbor, as expressed at the neighborhood meeting, be included in the record; i.e., that there would be no change in the facility in terms of expansion, either laterally or horizontally. He and Councilman Burgess noted that once the building is sold, the City has no control over such things. Councilman Webb said that to the best of his knowledge, the issues which had just been raised were answered by representatives of the church at the two meetings held, but that if their intent is still unclear, he felt another hearing should be scheduled. Councilman Nishimoto said that it had not been his intention to cast aspersions on the church, but that the sale cannot be conditional, and he felt, in the interest of citizens, that these hopes and desires on the use of the building should be expressed. After further discussion, the ordinance was adopted by roll call vote, recorded as follows: Aye: Councilmen Burgess, Faulkner, Nishimoto, Sidell and Webb. Nay: none. Abstaining: Councilman Forshee. Excused: Councilman Ricks.

ARKS AND RECREATION COMMITTEE: Councilman Webb reporting

Activities. Councilman Webb announced the following: The Antique Seminar Group has presented two volumes of Treasury of American Design to the Library. The Christmas tree lighting ceremony and arrival of Santa Claus will take place on December 10, 4:00 PM, in the Gym.

November 27, 1972

Councilman Sidell proposed the following motion, which was seconded by Councilman Webb:

ORDINANCE NO. 2238

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

- SECTION 1. THAT WHEREAS on August 14, 1972, the Mayor and Council authorized the City Administrator to advertise for bids for the sale of City-owned property at #8 Columbia Avenue and the two vacant lots across the street from same, bids to be either separately or together, AND
- SECTION 2. THAT WHEREAS invitations to bid were duly advertised and widely circulated, and bids were opened on September 27, 1972; AND
- SECTION 3. THAT the bid of Mr. Ellsworth Lewis on Lots 15 and 16, Block 18, B.F. Gilbert's Subdivision (Liber 1641, Folio 172), Takoma Park, Maryland, is hereby accepted for the sum of \$5,000 per lot; AND
- SECTION 4. THAT the City Administrator is authorized to execute the appropriate documents to effect a sales contract in the amount of TEN THOUSAND DOLLARS (\$10,000).

Councilman Nishimoto said he had earlier proposed using these lots as a minipark to conserve a bit of open space which is disappearing in the City at such a rapid rate, but that when he approached some of neighborhood people, they had not given the plan much support. He pointed out that the only loss the City would sustain would be some \$400 in taxes, since the \$10,000 earned from the sale could not be considered a real loss if the City retained the property. Mayor Roth said that he believed everyone was in favor of open space, but that Councilman Nishimoto had accurately assessed the attitudes of the nearby residents--they do not support the idea of a park. Councilman Burgess felt the reason may lie in their fear of walking by a large open area at night, one often expressed in connection with the impounding lot. Councilman Nishimoto expressed the hope that Mr. Lewis would go ahead with his plan to build two houses on the lot as soon as possible. Following further discussion along these lines, the ordinance was adopted by roll call vote, recorded as follows: Aye: Councilmen Burgess, Faulkner, Sidell and Webb. Nay: Councilman Nishimoto. Abstaining: Councilman Forshee. Excused: Councilman Ricks.

Councilman Sidell reiterated Mr. Forshee's statements concerning the offer made by the Church for 8 Columbia Avenue, and moved that the ordinance below be adopted accepting the negotiated price of \$12,000, with Councilman Faulkner seconding the motion. In presenting the motion, Councilman Sidell stated that the Committee's decision had been predicated on the following considerations: there was only one offer received from among the several hundred invitations to bid sent out; the condition of the building and the cost of repairing it; the nature of the planned use of the building, which will be beneficial to citizens of the City; the fact that the property was once owned by the Church and they would like to have it back. [Note: At the meeting of neighborhood people, there were no objections raised when asked if they opposed the sale of the property to the Church.]

ORDINANCE NO. 2239

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

- SECTION 1. THAT WHEREAS on August 14, 1972, the Mayor and Council authorized the City Administrator to advertise for bids for the sale of City-owned property at 8 Columbia Ave; AND
- SECTION 2. THAT WHEREAS invitations to bid were duly advertised and widely circulated and the one bid received was opened on September 27, 1972; AND
- SECTION 3. THAT the bid received from the Takoma Park Seventy-day Adventist Church was unacceptable and a price agreeable to both parties was subsequently negotiated.

November 27, 1972

93. Request for 4-way stop signs at Buffalo and Albany Avenues. Councilman Nishimoto read the ordinance below for possible adoption at the next Council meeting. Chief Porter said he has surveyed the situation on several occasions and, in his opinion, stop signs on Albany would contribute to safety, while the need for stops on Buffalo has not been demonstrated.

FIRST READING OF A PROPOSED ORDINANCE

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

SECTION 1. THAT all traffic on Albany Avenue shall come to a complete stop at its intersection with Buffalo Avenue; AND

SECTION 2. THAT the Director of Public Works is hereby authorized to erect STOP signs on the northeast and southwest corners of the above intersection; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17 of the City of Takoma Park Code, 1972.

94. Request for 3-way stop signs at Buffalo and New York Avenues. Following Councilman Nishimoto's motion, seconded by Councilman Forshee, the ordinance below was adopted by roll call vote, as follows: Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Sidell and Webb. Nay: none. Excused: Councilman Ricks.

ORDINANCE NO. 2241

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

SECTION 1. THAT all traffic travelling north on Buffalo Avenue shall come to a complete stop at its intersection with New York Avenue; AND

SECTION 2. THAT the Director of Public Works is hereby authorized to erect a stop sign on the southeast corner of the above intersection; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17 of the City of Takoma Park Code, 1972.

99. Proposed no left turn from South side of Philadelphia (Old Philadelphia) to Maple Ave. Councilman Nishimoto referred to his remarks at the last Council meeting and read the ordinance below for Council's consideration:

FIRST READING OF A PROPOSED ORDINANCE

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

SECTION 1. THAT left turns shall be prohibited from Old Philadelphia Avenue onto Maple Avenue; AND

SECTION 2. THAT signs be erected by the Public Works Department to effect this prohibition; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17 of the City of Takoma Park Code, 1972.

Appointment of Police Officer. Upon motion of Councilman Nishimoto, duly seconded, Council approved the appointment of Randolph W. Fears to the police force, effective December 2, 1972.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Sidell, Vice-Chairman, reporting

100. Code violations at 116 Lee Avenue (roaches). Councilman Sidell noted that Code Enforcement Officers have been informed by the resident manager that an exterminator has a contract to care for the building every two weeks; he asked, however, that the item remain on the agenda, since this did not appear to be an adequate response to the situation described.

101. Tree at rear of 7209 Cedar Avenue. The owner has stated he will get estimates for removal of the tree, Councilman Sidell said. He also asked that this be retained on the agenda.

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting

96. Request for sidewalks on Alfred and Ray Drives. Councilman Burgess reported that the County has been contacted and has indicated a willingness to add this to their work schedule, if they are petitioned by a majority of residents affected. He said that Mr. White has been notified of the proper procedure, and asked that the item be removed from the agenda.

102. Request for sidewalk on South side of Lee Avenue. The initiator of the request, Mrs. Boykins, has been informed of the procedure which must be carried out, Councilman Burgess said, and, upon Councilman Forshee's request, agreed to retain it on the working agenda for consideration of possible alternatives to standard-type sidewalks, in the event she is unsuccessful in securing the approval of a majority of the property owners. Councilman Webb expressed concern about the possibility of a decision to use something other than concrete.

104. Request to paint curbs near driveways in Montgomery College area. Councilman Burgess said that, while he understands the frustration of homeowners, he is reluctant to undertake such a project in one area which could ultimately lead to the painting of curbs on a City-wide basis, pointing out also that some residents object to the yellow paint. He requested, instead, that the Police Department attempt to control the parking problem by more intensive patrols of the area, ticketing the cars in violation of the 5-foot ordinance.

103. Removal of bump in roadway at 704 Philadelphia Avenue. After referring to Mr. Lemay's comments, Councilman Burgess said that Mr. Barile had been in contact with the SHA on a regular basis over the last year, and was glad the job had at last been accomplished.

Blinking school lights near SSI School. There was some discussion on this, resulting in the Mayor requesting that Chief Porter and Mr. Barille discuss with Hawkins Electric Co. the problems being encountered with these lights and report back to their respective committees.

SPECIAL LIBRARY COMMITTEE: Councilman Webb reporting

Councilman Webb announced that Mrs. Rita Robinson would be retiring as Librarian at the end of December. The Mayor and members of the Council spoke of the excellent service she has rendered the City and its citizens for so many years.

COUNCIL AS A WHOLE COMMITTEE: Mayor Roth reporting

Mayor Roth said the Council would be looking forward to Mr. Pridgen's resumption of visits to other cities, once he is back on the job.

There being no further business to come before the Mayor and Council, the meeting was declared adjourned at 10:14 PM, to reconvene on December 11 at 8:00 PM, in the Council Chamber.

ATTEST: *Haynes M. Pridgen*
City Administrator

APPROVED: *John P. Roth* -----
Mayor