

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL  
December 11, 1972

City Officials Present

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

Excused: Councilman Webb

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

The Mayor and City Council met in executive session at 8:00 PM, December 11, 1972, 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 by Councilman Ricks, seconded, and carried.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting

1. Ruth S. May, Project Chairman, Takoma Park Women's Club. Letter transmitting checks for \$50 to be applied toward painting and blacktopping at Heffner Recreation Center, asking that work commence prior to December 31. (Public Works Committee) (Mayor Roth requested that Public Works determine how much of the job could be accomplished with funds available and so notify the group.)
2. Editors and staff of the Takoma Journal, 7139 Maple Avenue #B. Invitation to Mayor and Council to contribute articles for publication. (The Mayor requested that a response be made indicating they will accept the invitation when they feel it is appropriate.)
3. Elliott McGinnies, 8321 Sligo Creek Parkway. Request to cover the surface of Wabash Avenue with tar and gravel. (Public Works Committee)
4. Elaine C. LaVaute, 240 Park Avenue. Complaint of conditions at 239 Park Avenue. (Housing and Code Enforcement Committee)
5. Mrs. V. Minton, 136 Grant Avenue. Letter praising the courtesy and helpfulness of the men in the Sanitation Department. (The Mayor requested that this letter be called to the attention of members of the Sanitation Department, with a word of special thanks.)
6. Barry S. Cramp, Chief Zoning Hearing Examiner, Prince George's County. Notice of Hearing Examiner's recommendation for denial of ZMA A-8646 for R-18 to C-G (corner of University Boulevard and Anne Street).

FINANCIAL STATEMENT OF BANK BALANCES AS OF NOVEMBER 30, 1972: City Treasurer Turner reporting

SUBURBAN TRUST COMPANY--GENERAL FUNDS

Balance as of October 31, 1972	188,707.42	
November receipts	46,636.06	235,343.48
November disbursements		154,785.34
Balance as of November 30, 1972		80,558.14

December 11, 1972

SUBURBAN TRUST COMPANY--PAYROLL ACCOUNT

Balance as of October 31, 1972	11,340.05	
November transfers from General Funds	<u>110,315.49</u>	121,655.54
November disbursements		<u>79,518.37</u>
Balance as of November 30, 1972		<u>42,137.17</u>

CITIZENS BANK OF MARYLAND--GENERAL FUNDS

Balance as of October 31, 1972	11,709.71	
No November transactions	<u>    --</u>	11,709.71
Balance as of November 30, 1972		<u>11,709.71</u>

CITIZENS BANK OF MARYLAND--SPECIAL ASSESSMENT FUND

Balance as of October 31, 1972	3,331.76	
November receipts	<u>1,281.34</u>	4,613.10
No November disbursements		<u>    --</u>
Balance as of November 30, 1972		<u>4,613.10</u>

CITIZENS BANK OF MARYLAND--PUBLIC IMPROVEMENT FUND

Balance as of October 31, 1972	39,424.80	
No November receipts	<u>    --</u>	39,424.80
November disbursements		<u>    420.58</u>
Balance as of November 30, 1972		<u>39,004.22</u>

CITIZENS BANK OF MARYLAND--SAVINGS A/C TP-63

Balance as of October 31, 1972	161.61	
No November transactions	<u>    --</u>	161.61
Balance as of November 30, 1972		<u>161.61</u>

AMERICAN NATIONAL BANK--GENERAL FUNDS

Balance as of October 31, 1972	2,508.96	
No November transactions	<u>    --</u>	2,508.96
Balance as of November 30, 1972		<u>2,508.96</u>

PETTY CASH

200.00

MAYOR'S COMMENTS:

Mayor Roth, on behalf of the Council, presented retiring Librarian Rita Robinson with a plaque commemorating her fifteen years' service to the City and the community. He spoke of her leadership and guidance in connection with the expansion of the new library, as well as her day to day dedication. Mrs. Robinson expressed her appreciation, saying she had enjoyed her work as Librarian

The Mayor said he had seen an article in the Star announcing that Park and Planning has published its proposed Takoma Park Transit Impact Plan, with the public hearing (at which the County Council will be present) scheduled for January 10, 8:00 PM, at the Piney Branch Middle School. Copies of the plan are available at the Commission offices; the City has been supplied with enough copies for distribution to civic associations and persons on the Council minutes mailing list. He said that the plan was developed with the advice of a citizens advisory committee, appointed by the Commission and comprised of: Samuel A. Abbott and his daughter, Nancy Young; Joseph Ferrier; Peggy Comeau; James Welu; Rosalie Crenca, who resides about a mile outside the City; Allen T. Marsh; Ernest Wolfe; Evelyn Miller; John Hammond; Alva Appel; Kathryn Simpson; and Councilman Nishimoto, who was named by the City Council to act as its representative. Mayor Roth indicated that, had Council been given the opportunity, it would have advised against including two persons from the same family. He characterized last year's public hearings as being incredibly mismanaged and chaotic, and expressed the hope that the climate of the up-coming hearing would be one which would encourage a responsible dialogue, with an opportunity for all points of view to be expressed.

Mayor Roth expressed his disappointment with the failure of the Commissioners to provide the City with information concerning the hearing, saying that the citizens provide some \$800,000 in tax revenues for this body to serve them as its planning agency.\*/ He also announced the following: The Prince Georges County Council is considering a County-wide ordinance to provide for gas line safety; those who have expressed concern about this matter may wish to urge passage of the bill. A tax differential bill has been passed by the Prince George's Council, Mayor Roth said, though it is complicated and will require consultations with individual cities. He, Councilmen Burgess and Nishimoto attended the December 9 meeting on the State Highway Administration's proposed 5-year highway plan and all spoke against the widening of Route 410 and Piney Branch Road, both of which are included in the plan; County Executive Gleason also spoke in opposition. A joint hearing before the County Council and the County Delegation will be held on January 16 (8:00 PM, Council Hearing Room). The Mayor noted that he is scheduled to attend three meetings the following Thursday, including COG and the I-95 Steering Committee, and would have to make a choice.

ADDITIONAL COMMITTEE AGENDA ITEMS:

Councilman Nishimoto said he would speak on COG's citizen advisory committees, as well as MC 119-73, and a suggestion he had made to the Mayor regarding a legislative advisory committee. Councilman Ricks said he would be reporting on 239 Park Avenue (correspondence item #4).

PUBLIC PARTICIPATION:

1. Councilman Ricks congratulated Chief LaScola and his staff for the excellent TV presentation made in connection with the fire hazards in high-rise apartments.
2. Kathryn B. Simpson, Chairman, Community Improvement Board, 7300 Cedar Avenue. Mrs. Simpson asked that Council respond to some requests made by the Board well over a year ago, suggesting February as a possible time: hardsurface parking requirements for commercial and multi-family housing. In connection with the latter, she said that lack of appropriate parking facilities has resulted in a great deal of parking in front yards--a practice which should be discouraged. She also asked that Council work through COG or other appropriate jurisdictions to obtain a recycling plant for the metropolitan area, saying that the volunteers of the Takoma recycling center, who are doing such a worthwhile job, are receiving some criticism from nearby residents because of conditions (such as weather) and events they are powerless to control. She said she felt it to be the responsibility of the government to assume ultimate responsibility in this area, noting the difficulties in sustaining a volunteer operation and the likelihood that their effectiveness will be impaired because of undeserved criticism. Mayor Roth mentioned, as a partial solution, the County's proposal for a refuse disposal operation in conjunction with the planned Pepco facility at Dickerson.
3. Ellen Marsh, 7405 Maple Avenue. Mrs. Marsh spoke of the valuable assets the City has in its old houses, and urged Council to appreciate them, preserve them, and capitalize on them, expressing the hope that some would be around for a bicentennial celebration about which she has some ideas. She said that Commissioner Hanson had once stated that the restoration of Annapolis' old homes had brought in as much additional tax revenue as would have been received from a major shopping center; and that the City possesses all the attributes of Cleveland Park and should make capital of it. In connection with the revenue-sharing money, she requested that it not be used to reduce taxes, since the individual amounts would be insignificant, suggesting instead that it be used for such things as: new curbs and sidewalks where needed; acquisition of the Austin property (located behind her home) for a park, garden, or nursery; and/or purchase of a piece of

\*/ At Councilman Nishimoto's request, the following information was obtained from a representative of the Montgomery County Planning Board: speaking time will be allocated in order of requests; public agencies will be permitted to speak 10 minutes; organizations, 5 minutes; individuals, 3 minutes. (Call Mr. Hoover at 589-1480 to get on the speakers' list.)

property for sale on Piney Branch and Philadelphia for an azalea garden. In connection with the proposals for parks, Councilman Nishimoto said that, judging from the negative response of both Council and citizens in the area of 8 Columbia Avenue to his suggested use of the old impounding lot as a minipark, he doubted there would be much support for Mrs. Marsh's suggestion. Mayor Roth said he felt no member of the Council was against parks, but want to locate them in suitable places and get the best value for money. With reference to the revenue-sharing funds, he said that the converse of the tax income formula could be applied as a rough indicator of possible tax reduction: 1¢ increase in the tax rate produces +\$7,000 in revenue. Mrs. Marsh also inquired about the legality of the billboards on the Kass parking lot and was told that a court case is pending, but the matter would be investigated and the results communicated to her, as well as to Council. Mrs. Marsh expressed pleasure at the interest of others in the proposed tree ordinance, and said she hoped this would encourage Council to act. She indicated she had received a copy of the Carmel, California ordinance which she would pass on to Councilman Burgess.

4. Phil Vogel, 7117 Garland Avenue. Mr. Vogel said he is glad to hear of Council's interest in parks, since for two years they failed to utilize open space allocations because they weren't willing to appropriate matching funds. He requested that Council acquire space in Prince George's County appropriate for a ball field, noting that he had previously suggested two locations--at Jackson and Central, and the Asher tract. Mayor Roth said that he has long had an interest in such a field in his area, but suggested that neither of the locations mentioned by Mr. Vogel were adequate for ball playing. Mr. Vogel said that when one has nothing, something less than adequate would be acceptable and, in connection with the Asher tract, said that if a tennis court can be placed there, as indicated by Park and Planning, then there would be space for a ball field. Mr. Vogel also asked for a copy of the recommendations received from the SHA on problems at the Langley Professional Building. Mayor Roth said he would make one available, but pointed out that the recommendations indicated they did not understand Council's request, and he has asked for a meeting for clarification. In connection with Mr. Vogel's query on the petition he submitted opposing the widening of Route 410 in Prince George's County, Mayor Roth said he had submitted it to the County, but with little hope it would have the desired effect, since it contained only two names from Prince George's County residents, with the remainder residing in Montgomery County, six of whom were residents of Chevy Chase. Mr. Vogel said he felt the proposal would affect all residents of the area. He then suggested that Mayor Roth appoint an alternate to his seat on the I-95 Steering Committee, since he may be unable to attend the next meeting, proposing either Councilman Burgess or Faulkner, both of whom reside in the County.

5. Bernice Myers, 7212 Cedar Avenue. Mrs. Myers said she had unsuccessfully tried to persuade the Save Takoma Park Committee to introduce a resolution at TESS expressing opposition to the widening of Philadelphia and Piney Branch Road. Mrs. Myers then made the following comments and requests: she requested a public hearing on the use of revenue-sharing funds, requesting that part of the funds be used to purchase a second ambulance; she also requested that the restrictions on taking the ambulance into D.C. be removed, saying that it is common knowledge that hospitals, such as Georgetown and GW, which are affiliated with universities, have the best facilities, and that the removal of the restrictions now imposed would benefit all citizens. In connection with Block 69, she asked that Council reconsider its position. Along this line, she reiterated some of the comments made by Mrs. Marsh concerning the value of the old homes, speaking also of the Mecholsky house at 7214 Cedar, which she and her husband renovated in 1961, and which, according to land records was first sold in 1873 and is probably the oldest house in the City. She said that the stated reason for taking Block 69 was totally illogical: i.e., that in order to preserve a residential area, part of that area must be destroyed. She said that each house in that block is unique and irreplaceable in today's trend toward architectural monotony. Mrs. Myers also said she would expect the College to attempt to acquire Silver Spring Intermediate School, if it is to be closed, and went on to say that, despite the many reassurances given, it does not seem reasonable to expect future College Boards of Trustees to be bound by the present Board's contention that there are no plans for expansion beyond Block 69. Mayor Roth said that in the affidavit filed by the Board in response to the court suit, they state they do not intend to expand further. In connection with Mrs. Myers' request to reopen the issue of Block 69, he said that Council has committed itself to a meeting with the Board and residents of the area as soon as the court case has been settled; that the Board has taken the position of not becoming

December 11, 1972

involved in discussions until after a decision has been handed down. Referring to Mrs. Simpson's request for hardsurface parking at multi-family dwellings, Mrs. Marsh suggested that brick be used instead of blacktop, saying that a brick surface will absorb water and is less harmful to earth, looks better, and is easier to maintain. Later in the meeting, Mrs. Simpson said that she, too, would prefer the brick to blacktop for the same reasons. Mrs. Myers closed her remarks by commenting on the removal of a member of the Council audience by members of the Police Department in plain clothes, calling it needless intimidation and spying.

6. Catherine C. Wakelyn, 7419 Maple Avenue. After Mayor Roth further clarified his remark on how to compute a possible tax reduction through use of revenue-sharing funds, Mrs. Wakelyn said that she would prefer to have the City use it for other purposes, possibly for departmental needs. She suggested that Council make inquiries before assuming that citizens would prefer a tax cut. Mayor Roth said that Council hasn't made any decisions and it was his hope that the alternatives the Finance Committee will propose would be publicized.

7. James Welu, 7330 Piney Branch Road. Mr. Welu commended the Mayor and Councilmen Burgess and Nishimoto on their appearance and defense of Takoma Park homes at the highway presentation the previous Saturday. He indicated that it seemed obvious that the SHA would like to go ahead with the widening of East-West Highway, that they have moved their right-of-way acquisition plan up from last year's plan by 3-4 years. Furthermore, he said that an employee of the SHA had indicated to him that the concept plan referred to at the meeting means that the plan is on the drawing board and they have already determined the number of families they are ready to move out. He also indicated that the new plan calls for five lanes. When Mayor Roth spoke of the strength behind the opposition to the widenings (the futility of further planning prior to adoption of a master plan; the fact that the County Executive is backing the City's position; and Delegate Docter's agreement to speak to the rest of the Delegation about the City's opposition), Mr. Welu said that he had also felt secure last year in the knowledge that both the City and County Councils, as well as the entire State Delegation, were behind the citizens, but the SHA had nevertheless gone ahead with their plans. Mayor Roth said that both individual and collective efforts would have to be renewed at the January 16 meeting. Mr. Welu asked if Council could persuade Del. Docter to introduce into the highway plan a provision that would require the SHA to build sidewalks on the north side of East-West Highway, using some of the funds tabbed for road widening. He indicated that Mr. Docter is interested in legislation to this effect. Mr. Welu also asked that the City Council push for a sprinkler system in Takoma Tower, along the lines of the County Executive's recent proposals. In response to Mr. Welu's request, Councilman Forshe said that the \$75,000 in revenue-sharing funds just received covered the first six months of 1972; that a second \$75,000 should arrive in January. Mr. Welu said that, though he is aware there are many needs in the City, he would personally prefer a tax cut, and asked if this would ultimately reduce the funds received. Councilman Nishimoto said it probably would, since the allocation is correlated with the tax of the community; if the rate is reduced, it follows that the allocation would also be reduced. Mayor Roth said he wasn't sure this was necessarily true, but that the allocation had been increased in proportion to the City's tax rate increase, the final allocation having been almost double that of the original estimate based on the 1967 rate. Mr. Welu suggested that the property at Piney Branch and Philadelphia was not appropriate for a park or a home because of the steep terrain; that a park-like corner could be created by encouraging the owner to invest in some form of erosion control, thus sparing the City an investment of some \$9,000.

8. Aurel LeMay, 704 Philadelphia Avenue. Mr. LeMay disagreed about the development of the above-mentioned property, saying that something could be done with the property--either privately or publicly--as is done along Sligo Creek Parkway. In connection with the Montgomery College parking lot lights, Mr. LeMay said that they have not yet been dimmed satisfactorily; that they continue to shine in his windows, a block and a half away. He said that the only presentation on the Metro Impact Study prior to January 10 would be made the following evening at the TESS meeting, and pointed out that it is a public meeting.

9. Delores Stowell, 7704 Takoma Avenue. Mrs. Stowell reaffirmed Mrs. Myers' requests for a second ambulance and removal of restrictions on going into D.C. She noted that her own home on Block 69 dates back to the 1880s. She asked for more information on the closing of SSI and was told that information on the date of closing and projected use of the site would be obtained.

In that connection, she reported that the present school budget includes no funds for renovation or maintenance, and said that persons in the area are much opposed to the closing and are actively working to keep it open. She said that it would be helpful if Council followed up their effort with their own request to the Board of Education, just as they have made intercessions with the State Highway Administration and other bodies in connection with road widenings. Mrs. Stowell reported that the reasons given for closing the school at a meeting for parents with Dr. Dodd, were such things as water in the basement, a leaky roof, not enough electrical outlets, and a decrease in enrollment. In connection with the latter, she said that the present enrollment is no less than it has been at various times over the past 10 years. She stated that parents were told there were three possibilities: retain the school, raze it, and the possibility of Montgomery College's using it is not being ruled out. Mrs. Stowell asked about a report that roads cannot be widened if there is a playground along the road, as is the case with SSI--a matter about which the Council had no knowledge. She suggested that since a good portion of Block 69 is gone, the closing of SSI may be only another incentive to widen Route 410. Mrs. Stowell pointed out that, contrary to rumors going around to the effect that the College is not going to use any more properties on Block 69 than those it now possesses, Mrs. Ross had stated in a meeting with the County Council in late October that they have enough land except for an auditorium, which would require at least five more properties. Mrs. Stowell felt that, once the building begins, it would be only a matter of time until homeowners on the Block start moving out, saying, however, that she would somehow tolerate the noise. She also said that Mrs. Ross, in talking to the Council, still refers to the plan containing parking on Block 69; that even though they have made reference to a parking garage on Fenton, this may be so expensive that it would preclude Council approval. She also reiterated Mrs. Myers' statement that future Boards of Trustees will not feel bound by decisions of the present Board.

10. Mrs. Myers urged Council to plan ways to preserve the assets of the City by supporting the citizens in their requests and efforts to hold on to Block 69 and the adjoining blocks, the SSI School, and in their opposition to aspects of the Transit Impact Plan. She suggested that they consider using some of the revenue-sharing funds to assist in the case of the school, saying it is cheaper to restore than to bulldoze and build new schools. In that connection, Mrs. Myers said she felt the Middle School, with its windowless, four-wall enclosures, was not fit for children. Mayor Roth suggested that the PTA could swing a bigger clout with the Board of Education than the Council. With reference to Mayor Roth's characterization of the first Transit Impact hearings as chaotic, Mrs. Myers agreed, but said that citizens were quite naturally aroused when, without prior consultation or an opportunity to participate in the planning, they were faced with the prospect of a radically changed City if the plan were adopted. Mayor Roth said that the hearings were designed to receive public comment and that no one had made any final decisions on the plan prior to the meetings. Mrs. Myers reiterated her earlier request that Council heed the wishes of citizens, so they don't have to become hysterical and abusive to get their point across.

## COMMITTEE REPORTS

### PUBLIC WORKS COMMITTEE: Councilman Burgess reporting

115. Suggested use of portion of PW grounds for tree seedling nursery. This has been studied by the present as well as past Public Works Committees, Councilman Burgess said, with the same conclusion reached: it is not an appropriate location for a nursery for many reasons--the City owns only the land between Heffner Park up to the school (Park and Planning own the ravine portion); it is wooded, steep, and the site of a large storm drainage system; the compost pile also occupies part of the property; and the impounding lot is now located there. He suggested that perhaps some of the revenue funds might be used to purchase an appropriate spot for a nursery and said the Committee would welcome suggestions from citizens.

89. Requests to screen, resurface and lower lights on Montgomery College parking lot. Councilman Burgess said that Mr. Barile would continue to press the College on this matter, since the adjustments made are obviously inadequate; he noted, however, that there is no legal force which can be exerted here, only persuasion.

Public Works Committee continued

ew 114. Request to clear undergrowth from area between Recreation Center and Public Works grounds. Public Works will clear its property at the first opportunity, Councilman Burgess said, and will request that Park and Planning do the same.

78. Proposed tree ordinance. Councilman Burgess reported that model ordinances have been requested from several sources, including several local jurisdictions such as Gaithersburg, which has had one in force since the 1940s.

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting

Councilman Sidell said the Committee hopes to be able to resolve one, and perhaps both, the outstanding agenda items prior to the next meeting of the Council. He also congratulated Chief LaScola and the Department for their TV presentation.

PLANNING AND ZONING COMMITTEE: Councilman Faulkner reporting

116. Special Exception 2749: use of property at SE corner of New Hampshire and Ethan Allen  
Avenues for a men's social service center (Salvation Army, applicant). Councilman Faulkner re-  
viewed the history of this case, saying that a similar application had been denied by the District  
Council in 1970 and, following considerable citizen opposition, the City had also opposed it. He  
noted also that the property is located outside the City and said the Committee would hold a hear-  
ing sometime after the first of the year.

117. Car repair operation on lot at Carroll and Westmoreland Avenues. This matter is being  
checked, Councilman Faulkner reported.

FINANCE COMMITTEE: Councilman Forshee reporting

105. Revenue-sharing funds. Councilman Forshee asked that this be left on the agenda for  
further discussion, saying Council will consider those suggestions made earlier in the meeting  
as well as any others made. He said that if a special meeting is necessary, it would be held.

35. Merit plan: revision to personnel section. Upon motion by Councilman Forshee, duly  
seconded by Councilman Sidell, the ordinance below was adopted by roll call vote, as follows:  
Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks and Sidell. Nay: none. Excused:  
Councilman Webb.

ORDINANCE NO. 2242

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

SECTION 1. THAT Article 5, Sections 2-51, 2-55, 2-56, 2-57, 2-58, 2-61, 2-69 and 2-71 of the  
City of Takoma Park Code, 1972, be amended as follows:

ARTICLE 5. PERSONNELSec. 2-51. Classification of Employees.

(a) Permanent or regular employees are those appointed by the Council to fill a  
position in a department of the City Government.

Sec. 2-55. Holidays, compensatory time; alternative days.

(d) Permanent or regular, probationary, or temporary employees required to be on  
duty on any of the foregoing holidays shall receive compensatory time off. An hourly  
employee required to be on duty on any of the foregoing holidays shall receive time  
and one-half pay for the hours worked in accordance with his hourly rate.

(e) When a regular routine tour of duty continues through more than one calendar  
day, the shift beginning within the holiday shall be considered the holiday shift.

Sec. 2-56. Annual Leave

(a) Each full-time, permanent and/or probationary employee of the City shall be  
entitled to the following amounts of annual leave at full pay during each calendar  
year:

(1) During the first five years of employment, at a rate not exceeding  
80 hours (ten days) per leave year or 6-2/3 hours per month.

(2) Beginning with the 6th year and continuing through the 10th year, at  
a rate not exceeding 120 hours (15 days) or 10 hours per month.

(3) Employees on the payroll continuously for ten years or more, at a rate  
not exceeding 160 hours (20 days) or 13-1/3 hours per month.



(b) New employees will begin earning annual leave upon employment, but will be credited with leave only after having completed 90 days of continuous employment.

(c) Earned leave will be credited at the end of each calendar month. No leave shall be credited when an appointment is made effective after the 15th of the month. An employee whose separation from the service is made effective before the last day of the month shall receive no leave credit for the service performed during the month.

(d) Annual leave not used during any calendar year may be carried forward in an amount not exceeding one hundred sixty hours (4 weeks) previously earned annual leave.

(e) Leave year means the period beginning January 1 and ending December 31.

(f) For leave purposes, a leave week equals forty hours (five days). Not more than eight hours of annual leave may be credited to an employee for each annual leave day. An employee who works a longer day shall not be charged in excess of eight hours of annual leave for each day he is on annual leave.

(g) Annual leave for regular part-time employees shall be computed on a pro-rata basis.

Sec. 2-57. Annual leave approval.

(a) All annual leave shall be taken at the times as may be approved by the department head.

(b) Annual leave of the department head shall be taken at a time as may be approved by the Chairman of the Council Committee having jurisdiction with respect to that department, after consultation with the Mayor.

Sec. 2-58. Sick leave; amount and accumulation.

(a) Each permanent, probationary and/or regular part-time employee of the City shall, in addition to annual leave, be entitled to earn sick leave at the rate of fifteen (15) work days per calendar year.

(1) Earned sick leave will be credited at the rate of one and one-fourth (1-1/4) work days per month. Credit shall be entered at the end of each calendar month.

(2) Earned sick leave not used within the calendar year may be accumulated to a maximum of forty-five (45) work days over and above the fifteen (15) work days granted annually. Employees may not be credited at the beginning of a calendar year with more than forty-five (45) work days of previously accumulated earned sick leave.

(3) No sick leave shall be credited when an appointment is made effective after the 15th day of the month. An employee whose separation from the service is made effective before the last day of the month, shall receive no sick leave credit for the service performed during that month.

Sec. 2-61. Sick leave for hourly and temporary employees.

(a) Hourly and temporary employees may be granted sick leave at the discretion of the department head, subject to the following provisions:

AND

SECTION 2. THAT a new section to be identified as Section 2-61A, entitled "Funeral Leave" be added, to follow immediately after Section 2-61:

Sec. 2-61A. Funeral leave.

(a) Each permanent employee may be granted by the department head time off with pay, not to exceed three work days, in the event of a death in his or her immediate family. Funeral leave shall not be charged to annual leave, compensatory leave, or sick leave.

(1) The term "immediate family" includes only father or mother, wife or husband, brother or sister, son or daughter of the employee. If living under the same roof of the employee at the time of death, other relatives by marriage shall also be considered as the immediate family of the employee.

Sec. 2-69. Employee changing position; pay scale

(a) When an employee is promoted, transferred, or demoted to a new class of position, his rate of pay shall be determined as follows:

(1) If his rate of pay in his previous position was less than the minimum for the new position, his rate of pay shall be increased to the minimum for the new position, or to the next step in excess of the rate being paid in the previous position. Longevity increments shall not be considered in determining the rate being paid in the previous position.

AND

SECTION 3. THAT Section 2-71, entitled "Volunteer Fireman pay," be hereby rescinded and repealed in its entirety; AND

SECTION 4. THAT this ordinance and amendments to Article 5, Personnel, shall become effective and in full force as of January 1, 1973.

Councilman Forshee said that Section 2-71 had been deleted at the request of the Volunteer Fire Department but that otherwise, the changes are a liberalization of policy. He said that the Committee is continuing their work on other sections which will be presented to the Council in the near future.

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

Councilman Ricks reported that the Christmas party had been a great success, and expressed appreciation to the volunteers who helped to make it so. Mayor Roth congratulated the Department and the Recreation Council for their work. Councilman Ricks also announced the following holiday activities: Prince George's Puppet Players will present "Christmas Krumpets with Marmalade" on December 21, 4:00 PM, Piney Branch Middle School; a special free gym program December 26-30, with open gym in the morning and roller skating in the afternoon, also unannounced special prizes.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

COG Citizens advisory committees. Councilman Nishimoto announced that, under a newly developed proposal, each of COG's policy committees--Land Use, Community Resources, Health, Environmental Protection and Public Safety--will be supplemented by a citizens advisory committee, comprised of one citizen from each member jurisdiction. He indicated that the Mayor and Council would make the appointments and asked that interested citizens submit their names for the slot on the Public Safety Citizens Advisory Committee.

Montgomery County Council legislative proposal #119-73, Land Development and Redevelopment in Montgomery County. Councilman Nishimoto spoke of this proposal as one having an ironic twist, in that it would empower the County to acquire properties appropriate for intensive development along rapid transit corridors; it also includes eminent domain authority. He said the ramifications inherent in this proposal are such that it could leave the City virtually powerless in case of disagreement with the County Council, since it provides for a simple majority vote rather than the usual two-thirds majority override vote. He viewed this as part of a trend toward County control over municipal matters and felt the Council should fight this type of encroachment upon their powers--a view which he said is shared by the Mayor and Council. In connection with this, Councilman Nishimoto said he had asked and received permission from the Mayor and Council to develop a plan for a legislative advisory committee to deal with legislative matters affecting the City. He said that Mr. Welu's proposal for sidewalks on the North side of Philadelphia Avenue

was the type of suggestion which would be valuable to Council in working with the legislative delegation concerning legislation for Takoma Park.

First quarter report of Crime Control Team activities: Councilman Nishimoto gave the following report and commended Chief Porter for the success of the program: During the period July 1-September 20, the team arrested 22 persons involved in crimes; assisted in 45 felony and misdemeanor calls; and checked 32 suspicious persons exclusive of those arrested. He said the program is operating under a \$23,000 LEAA grant, which he understands will be renewed for a second year, and noted that letters commending the team have been received from five local business organizations.

8. Proposed study of traffic problems by traffic safety engineer. A meeting with a safety engineer has been scheduled for January 17, Councilman Nishimoto reported.

68. Speed control on Philadelphia Avenue between Takoma and Chicago Avenues. Councilman Nishimoto reported that nine warnings and two summonses for excessive speed have been issued since November 22. He asked that the item be removed from the agenda, saying patrols would continue to be vigilant in the area.

86. Suggestions for speed control in Spring Park area. Councilman Nishimoto requested that this be deleted from the agenda, since the intensive patrols have resulted in a diminution of the problem.

93. Request for 4-way stop signs at Buffalo and Albany Avenues. Upon motion by Councilman Nishimoto, seconded by Councilman Burgess, the ordinance below was adopted by roll call vote, recorded as follows: Aye: Councilmen Burgess, FAulkner, Forshee, Nishimoto, Ricks and Sidell. Nay: none. Excused: Councilman Webb.

ORDINANCE NO. 2243

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 Sec. 1-17 of the City of Takoma Park Code, 1972.

99. Proposed no left turn from South Side of Philadelphia Avenue to Maple Avenue. Councilman Nishimoto asked that action on this be deferred until the Committee has studied it further, saying that he had received some objections to the proposed action.

108. Blinking school lights in 600 block of Philadelphia Avenue. Councilman Nishimoto reported that the light has been repaired, but may need to be replaced if the defect recurs. He asked that it be removed from the agenda.

109. Proposed crosswalk at Maple and Sherman Avenues. This suggestion has been made from time to time, Councilman Nishimoto said, but the Chief, after a thorough study, has recommended against it. He pointed out that a crosswalk may give one a false sense of security in that motorists don't stop or slow down, and indicated that the proposed location would be particularly dangerous because of poor visibility for both pedestrians and motorists. He requested that the item be deleted from the agenda.

110. Complaint of noise from speeding cars and motorcycles on Lee Avenue. Police patrols have been instructed to give this area close attention, Councilman Nishimoto said, and asked that it be removed from the agenda.

111. Complaint of failure to enforce laws concerning piling of leaves in streets. Councilman Nishimoto said that Officers have been instructed to issue warnings, instead of tickets, to persons found in violation of the ordinance. He also asked that it be deleted from the agenda.

112. Suggested use of speed bumps on City streets to deter speeders. Councilman Nishimoto also asked that this item be removed from the agenda, saying that if such a plan were instituted, the City would be faced with liable suits resulting from accidents or damage to cars.

Speed bumps and barricade on Grant Avenue. Upon Councilman Forshee's request, with Councilmen Nishimoto and Burgess concurring, it was agreed that the speed bumps be removed from Grant Avenue and the barricade re-erected.

Personnel. Councilman Nishimoto moved that the appointment of Randolph Fears be withdrawn, saying that because of personal problems, he will be unable to accept the position to which he was appointed. The motion was seconded by Councilman Burgess and carried.

Personnel. Upon motion by Councilman Nishimoto, seconded by Councilman Burgess, Council approved the appointment of the following police officers, effective January 6, 1973: Kenneth W. Lucas and Sidney R. Scott.

Purchase of portable radios and accessories. Upon motion by Councilman Nishimoto, duly seconded by Councilman Forshee, the following ordinance was adopted authorizing this purchase. The roll call vote was recorded as follows: Aye: Councilmen Burgess, Faulkner, Forshee, Ricks, Nishimoto and Sidell. Nay: none. Excused: Councilman Webb.

ORDINANCE NO. 2244

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

SECTION 1. THAT a contract for the purchase of two Motorola tranceiver radios, #H 21TTN 1104 N, with accessories, is hereby awarded to Motorola Communications and Electronics, Inc., at a total cost of \$1,020.80 (ONE THOUSAND TWENTY DOLLARS AND EIGHTY CENTS); AND

SECTION 2. THAT funds for this purchase shall be drawn from budget A/C 11.113D6.

In connection with the accidental destruction of a 1951 DeSota [see minutes of 11-27-72], Mayor Roth said he had the Post letter to the editor commending Chief Porter for his honesty in admitting a mistake had been made. He suggested that the procedure be reviewed, even though there were only three problems cases from among the 415 cars picked up. Councilman Nishimoto said this process had already begun.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Ricks reporting

100. Code violations at 116 Lee Avenue. The Code Enforcement Officers have discussed this matter with the resident manager and the tenant involved is satisfied with the situation, Councilman Ricks reported. He asked that the item be removed from the agenda.

101. Tree at rear of 7209 Cedar Avenue. Councilman Ricks said that the owner of the offending tree has been contacted and has promised to cut it himself, if necessary. He asked that the item be deleted, with the understanding that the Division would check on it again.

113. Complaint of barking dogs and possible kennel at 11 Lee Avenue. Councilman Ricks said that the owners of the dog moved some five days prior to the complaint. He also said the Code Enforcement Officers have an appointment to check the premises, and asked that it be deleted.

Complaint of code violations at 239 Park Avenue (correspondence item #4). Councilman Ricks said he had personally looked at this dwelling and it appears to be in better shape than indicated in the complaint. However, he said the Code Enforcement Officers and the Fire Marshal have an appointment to inspect it the following Saturday.

SPECIAL LIBRARY COMMITTEE: Councilman Ricks reporting

Upon motion by Councilman Ricks, duly seconded, Council approved the appointment of Mrs. Barclay to serve as Acting Director of the Library until a permanent Librarian is appointed. Councilman Ricks announced that an open house would be held at the Library on December 20, 7-9:00 to honor Mrs. Robinson, saying the public is invited. Mayor Roth spoke of the general philosophy of cooperativeness and responsiveness engendered by Mrs. Robinson during her tenure as Librarian, saying he felt it would continue after her retirement. He illustrated this by relating an incident in which the Library purchased a book in response to a citizen's request and making it available to him some 6-8 weeks before he could have obtained it from the county libraries. He also felt that the fact that 155 nonresidents hold library cards, for which they pay a fee, was indicative of the quality of service received.

Mayor Roth, on behalf of the Council, wished all those present a fine Christmas and prosperity in the New Year. He announced that, in line with long-standing tradition, the second meeting in December would not be held. He said that even though he and members of the Council may at times appear irritated and impatient, that it is only because they are trying to do the best possible job for the citizens they represent, saying that they appreciate and take into account the thoughts and constructive comments made by citizens, and will try to be of good service to them during the coming year. There being no further business to come before the Mayor and Council, the meeting was declared adjourned at 10:27 PM, to reconvene at 8:00 PM, January 8, 1973, in the Council Chamber.

ATTEST Haynes Pridgen  
City Administrator-Clerk

APPROVED: John F. Roth  
Mayor