

THE CITY OF TAKOMA PARK, MARYLAND

EXECUTIVE MEETING OF THE MAYOR AND COUNCIL

September 10, 1973

City Officials Present

Mayor Roth	City Administrator Pridgen
Councilman Burgess	Police Chief Porter
Councilman Faulkner	Fire Chief LaScola
Councilman Forshee	Rec. Dir. Ziegler
Councilman Nishimoto	P.W. Dir. Barile
Councilman Ricks	C.E. Officer Olson
Councilman Sidell	Corp. Couns. Gingerich
Councilman Webb	Dep. City Clerk Pusti

The Mayor and City Council met in Executive Session at 8:00 PM, September 10, 1973, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the Pledge of Allegiance, a motion to approve the minutes of August 13, 1973, and dispense with the reading was made, seconded, and unanimously carried.

CORRESPONDENCE RECEIVED: City Administrator Pridgen reporting.

1. Notice of hearings on 20 Year Highway Needs Study. Public hearings will be held in the Council Hearing Room, COB, Rockville, at 8:00 PM, Sept. 10 and 24 regarding the SHA 20 Year Highway Needs Study for Mont. Co. Items relating to E-W highway will be discussed at the 9/24 meeting. Persons desiring to testify should call the Delegation Office.

2. Robert M. Arciprete, Chief, Park Planning, MNCPPC. Acknowledgement of City letter regarding MNCPPC acquisition of Takoma Park Local Park for recreational purposes; stated that the MNCPPC will review the City's request to acquire adjoining parcels of land within the City. (Mayor Roth requested that a letter be written to Mr. Arciprete thanking him for the continued concern of the MNCPPC.)

3. Kathryn T. Simpson, Chairman, CIB, Takoma Park. Report concerning a City resident who has been conducting a "porch sale" on his property for several weeks; request that the City eliminate this commercial use of the property. (Mayor Roth noted that this letter has been forwarded to Councilman Ricks; he will comment on this during his report.)

4. Kathryn T. Simpson, Chairman, CIB, Takoma Park. Letter regarding the destruction of trees at the Metro parking lot site at Eastern & Cedar; request for constant surveillance of Metro activities by the City. (Planning & Zoning Comm., copy to Mayor Roth.)

5. Robert Ginsberg, 7129 Maple. Letter stating his opposition to the proposed ordinance to allow parking on both sides of Maple; commended the ban on thru truck traffic; requested posting of speed limit at entrance to City on Maple. (Law Enforcement Committee)

6. Phil Vogel, 7117 Garland. Letter citing conditions of curbs, grassy areas, and some properties along Phila. and Ethan Allen Aves. (Public Works Comm.)

7. David Paull, 8510 Dixon Ave., Sil. Spr. Invitation to Mayor and Council to attend the Grand Opening of the Right Track Motorcycle Driver Training School. (Council files.)

FINANCIAL STATEMENT OF BANK BALANCES - 7/31/73: City Treasurer Pridgen reporting.Suburban Trust Co. - General Funds

Balance, June 30, 1973	\$142,591.27	
* J y receipts	<u>269,571.15</u>	\$412,162.42
July disbursements		<u>148,322.16</u>
Balance, July 31, 1973		<u><u>263,840.26</u></u>

*Includes matured Treasury Bill - \$175,000 as of 7/26/73

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Suburban Trust Co. - Payroll Account

Balance, June 30, 1973	\$ 26,857.57	
July transfers from General Funds	<u>92,720.92</u>	\$119,578.49
July disbursements		<u>103,066.24</u>
Balance, July 31, 1973		<u>16,512.25</u>

Citizens Bank of Maryland - General Fund

Balance, June 30, 1973	500.00	
July receipts	<u>366.67</u>	
Balance, July 31, 1973		<u>866.67</u>

Citizens Bank of Maryland - Spec. Assesst. Funds

Balance, June 30, 1973	4,713.10	
July receipts	<u>537.50</u>	
Balance, July 31, 1973		<u>5,250.60</u>

Citizens Bank of Maryland - Pub. Imp. Fund

Balance, June 30, 1973	3,966.82	
No transactions during July	<u>- 0 -</u>	
Balance, July 31, 1973		<u>3,966.82</u>

Citizens Bank of Maryland - Savings A/C TP 63

Balance, June 30, 1973	167.11	
No transactions during July	<u>- 0 -</u>	
Balance, July 31, 1973		<u>167.11</u>

American National Bank - General Funds

Balance, June 30, 1973	2,508.96	
No transactions during July	<u>- 0 -</u>	
Balance, July 31, 1973		<u>2,508.96</u>

Letty Cash200.00MAYOR'S COMMENTS

Mayor Roth noted that his comments will be brief because of the large number of citizens in the audience. Stated that the TPJHS Drill Team received some favorable publicity in the Mont. Co. Record; Brian Breckenridge of Takoma Park will be honored by the Jr. Chamber of Commerce; WSSC has a job opening for a commissioner, and anyone who feels that he might qualify for the job should contact the Council.

PUBLIC PARTICIPATION

1. Bob Oehlaf, 7122 Maple. Stated that, in spite of past assurances, Metro has continued to cut down trees in this area; unless the City takes some quick action, all the trees will be cut down. Stated that the District of Columbia, Metro, and the construction contractor should be threatened with a lawsuit.
2. Kathryn T. Simpson, 7300 Cedar Ave. Spoke regarding Metro, items 15 & 16 on the H & CE agenda, and the proposed parking ordinance for Maple Avenue. Stated her opposition to the proposed ordinance and read a petition from 32 residents of Cedar Ave. stating their opposition; suggested severe limits on speed on all residential streets; stated support for a professional survey.
3. Councilman Ricks. In reply to Mrs. Simpson's comments regarding items 15 & 16, he stated that these items were listed on his agenda to elicit citizen comment.
4. Allen Marsh, 7405 Maple Ave. Spoke regarding the traffic problems on Maple. Read a portion of a letter he wrote to the Mayor and Council in 1966 regarding this. Noted that his child and three other children have been struck by automobiles since 1966. Mentioned the citizen opposition when the stop signs at Maple & Tulip were proposed; commented on the opposition to the proposed ordinance. Noted the petition containing 119 signatures that had been presented to the Council in June. Stated

that he is grateful for the "no thru trucks" signs that were erected recently. Requested that the proposed ordinance be adopted and a public hearing held after the signs have been up for a month or two.

5. Catherine Wakelyn, 7419 Maple. Mentioned an informal traffic count she had taken; in a period of 5 minutes, she had counted 75 cars traveling north along Maple. Agreed that a traffic survey in the Metro area is necessary, but a solution to the situation on Maple cannot be delayed until a professional study is made; there must be some action taken now. On behalf of the OTPCA, she expressed regret that the trees were cut down at the Metro parking lot site. Noted that she attended a meeting on 8/29 with Mrs. Garrott and Mr. Platt of WMATA regarding the design for the TP parking lot; she was shown a plan depicting the finished lot which included a number of trees that were going to be saved - they have already been cut down. Mentioned the lack of natural percolation in Takoma Park, and stated that a large concrete parking lot will increase the problem. Urged the Council to insist that a drainage study and an air quality standard study be made. Requested that the City exert pressure to have the size of the proposed parking lot reduced. She noted that Mr. Cleatus Barnett, the Mont. Co. representative to WMATA, stated that the construction engineers exceeded their authority when they cut the trees down. He also stated that he acted on the recommendation of the Mont. Co. Council in urging that the TP lot accommodate a large number of cars. Mrs. Wakelyn requested that the Mont. Co. Council be requested to reconsider the size of the lot. In answer to a question from Councilman Ricks, she stated that she does not know if this lot will be primarily for transit or all day parking.

6. Councilman Nishimoto. Noted that Mrs. Wakelyn's statistics for traffic on Maple are fairly accurate; Chief Porter has reported that approximately 25% of the speeding occurs during the morning rush, and the rest is primarily during the evening rush hours. Councilman Nishimoto suggested that a possible means of alleviating the problem would be to make Maple Avenue one-way going into the District. He mentioned that he had discussed the possibility of issuing City parking permits for cars parking on City streets. Stated that this idea had been presented to the lawyer for the Mont. Co. Council, but he stated that this is unconstitutional. Councilman Nishimoto noted that if the parking at the Metro station is reduced, this may increase the number of commuters parking on City streets.

7. Dave Weisman, 7701 Takoma. Stated that when the citizens appealed to the Council for help on SSI, the Council did everything in its power to retain the school. Mentioned that several members of the School Board stated that they felt the only way the citizens would get relief on the SSI question would be through the Federal Courts. Noted that appeals to the State B of E have produced no results, although no decision can be made until two more meetings have taken place. Stated that the Citizens to Save SSI have retained two lawyers who obtained a temporary restraining order from the Fed. Court in Balto. Because of a statement made by Judge Blair, the citizens feel certain that the hearing will result in the re-opening of SSI. Appealed to the Council for additional funds; the citizens have collected about \$850 for the attorneys' fee. The total cost, including an appeal if necessary, is \$3,000. Noted that depositions from two members of the School Board helped in obtaining the T.R.O.

8. Robin Ficker, Attorney retained by SSI Committee. Read a portion of the TRO which stated: pending further order of the Court, the defendants are restrained from any action which would prevent the use of SSI for school purposes in the event that the plaintiffs win; plaintiffs' application for a TRO should be denied in all other respects because it was not presented until the day the new school term started. Mr. Ficker stated that in applying for the TRO, he asked the judge to: (1) restrain the defendants from destroying, etc., school property; (2) open the school immediately for the original pupils; (3) render a declaratory judgement that the plaintiffs have been discriminated against because of race and economic status; (4) stop new

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school construction in Mont. Co. until it is decided if the plaintiffs have been discriminated against. Stated that the closing of SSI violated the "due process" clause of the 14th Amendment. Noted that \$22,000,000 has been budgeted for the thirty schools on the top priority list for repairs and construction; three of the schools are in the TESS area, and of the \$22,000,000 only \$10,000 is for the Takoma Park area. In answer to a question from Councilman Nishimoto, Mr. Ficker noted that the above figures are from a School Board report. In answer to a question from Councilman Ricks, the two attorneys, Robin Ficker and Deborah Drudge, stated that they were retained by the Committee to Save SSI. Councilman Ricks then inquired if the attorneys are asking that the school be reopened and brought up to physical standards or just reopened. Mr. Ficker stated that he would expect any health and safety hazards to be corrected, and if an injunction is granted, the B of E will be required to bring SSI up to standards.

9. Eugene Herman, 511 New York. Stated that he has seen a copy of the work produced by the attorneys and is very much impressed with it. Noted that he and Mr. Weisman visited about half the parents who had children attending SSI and many of them submitted letters to the Council which have been read into the record on previous occasions. Appealed to the Council for financial assistance and stated that the retention of SSI will benefit the entire City. Commented on a Supreme Court decision in a North Carolina case which backs up the position taken by the Committee to Save SSI. Mayor Roth thanked Dr. Herman for his comments and requested that he inform the Council of the hearing date.

At this point, Councilman Burgess suggested that, since there are so many people in the audience and a variety of subjects being discussed, all discussion pertaining to one subject be completed before comments are made on other topics. It was decided that discussion on SSI be completed before further comments are heard regarding Metro and Maple Avenue.

10. Bernice Myers, 7212 Cedar. Stated that she represents the OTPCA. She enumerated some of the things in Takoma Park that have been threatened by the planners and the bulldozers; stated that SSI is an old-fashioned, spacious structure, and mentioned the advantages of attending that school. Mrs. Myers said that the School Board failed to maintain the building and then stated that the school must be closed because the building is unfit and a fire hazard. Read a portion of the minutes of the Council meeting of June 12, 1973, when the Council voted unanimously to take legal action to retain SSI; mentioned the funds appropriated by the Council at that meeting. Stated that members of the Comm. to Save SSI attended the OTPCA meeting last Tuesday and reported that since the City attorney had not filed suit against the School Board, they retained two lawyers who filed suit and obtained a TRO; the OTPCA voted to give financial aid to the Comm. She stated that the members of the OTPCA are "appalled at the dereliction of duty exhibited by the City attorney." On behalf of the OTPCA, she requested the Council to reaffirm its June position; to pay for the legal action taken by Mr. Ficker and Miss Drudge; to reimburse the citizens who had contributed to the SSI fund. Councilman Ricks noted that the EEP (the research organization that was retained to gather information and prepare the report) was recommended to the City by the SSI Comm. Mrs. Myers (speaking as an individual) requested "that the City attorney be thanked for whatever proper and useful services he has performed in his twenty years of employment by the City; that his resignation be accepted and that he be replaced by a new employee of judgement and devotion to duty who can and will carry out his instructions competently and effectively and provide the City Gov't. with sound counsel and representation, even on Constitutional questions."

11. Councilman Burgess. Spoke in defense of Mr. Gingerich's course of action. Noted that to his recollection: (1) Mr. Gingerich said he didn't have the staff to undertake the SSI research; (2) Mr. Weisman and Mr. Brown recommended EEP and said the consultants could produce a strong case against the School Board;

(3) the Council voted to appropriate up to \$5,000 to retain EEP; (4) the consultants were to prepare the case to take before either the local or State School Board. Further discussion ensued between Councilman Burgess and Mrs. Myers about the Council meeting of June 12.

At this time, Mayor Roth requested that Mr. Gingerich review the action that has taken place regarding the SSI situation.

Councilman Forshee stated his agreement with the statement made by Councilman Burgess.

12. Vincent L. Gingerich, Corporation Counsel. Stated that at the time this matter was presented to the Mayor and Council, he noted that he did not have the facilities to proceed with the research; the Mayor and Council voted to appropriate up to \$5,000 for research. A firm that had been recommended to the Mayor and Council by the SSI Comm. was retained; they prepared a document that was presented to the S.B., and Mr. Gingerich prepared a petition for injunction to restrain the SB from razing SSI until a final decision had been reached on the appeal. Mr. Gingerich noted that some of the citizens in the audience signed affidavits in support of the petition for injunction. The petition was presented to Judge Miller of the Circuit Court of Mont. Co., who asked if an appeal had been made to the State B of E; Mr. Gingerich stated that the Board had been approached and his purpose in coming to Judge Miller was to be certain that the school is not razed prior to a final decision. The attorney for the SB was contacted by Judge Miller and he assured the Judge that SSI would not be razed until a final decision was reached. Judge Miller requested that Dr. Elseroad write a letter to the City attorney confirming this - such letter was received. Mr. Gingerich stated that at all times he has had the reassurance of the B of E that nothing would be done to destroy the building until a final ruling was made. If the SB had taken any action contrary to this agreement, Judge Miller would have signed an injunction. The Mayor and Council contacted the B of E and requested that they reconsider their decision of May 21; the B of E would not. When the report prepared by the consultants was turned down by the B of E, a petition was filed with the State B of E and a hearing date of July 23 was obtained. A continuance to August 3 was granted because a member of the consulting firm had been called out of town. There was not sufficient time to present all the testimony, and the hearing was continued to Sept. 4. City and SSI Comm. witnesses testified until 4 PM, at which time the B of E began its presentation; the testimony was not completed and the hearing was continued until Oct. 10; it is hoped to be completed on that date. He stated that considerable time and preparation have been spent on this presentation, and the study done by the consultants has been submitted to the District Court as part of the file on SSI.

13. Mayor Roth. Summarized Mr. Gingerich's statement and stated that, in his opinion, Mrs. Myers' statement has drawn some conclusions that will be difficult to support. Councilman Ricks noted that Mayor Roth, Councilman Nishimoto and he have appeared before the County B of E. Councilman Burgess stated that the City attorney has been handling this case in the manner he feels is best; noted that it is unlikely that two different attorneys would follow the same course of action in a case. Stated that as long as the City is paying Mr. Gingerich's salary, he has full support of the Council and his work is satisfactory.

14. Delores Stowell, 7704 Takoma. Stated that the Council did not take any action until after the SB had made its decision to close SSI. Noted that SSI facilities are currently being used by MC students and questioned why SSI is open for MC use and not for neighborhood children. Asked if TESS has changed its position on SSI. Councilman Faulkner asked if the judgements resulting from the actions taken by the Corp. Couns. and Mr. Ficker were not essentially the same.

15. Robin Ficker. Stated that the Federal Court action is different from the State hearing and that the Council must make a choice to either go with the Fed. Ct.

of the St. B of E. Noted that the Fed. Ct. hearing is coming up before the State hearing. Councilman Burgess asked if Mr. Ficker was accusing the State B of E of "dragging its feet" in order to delay action until after school had started. Stated that in its decision at the June 12 meeting, the Council had acted in good faith in its preliminary action of retaining the consultants; the legal background provided by the firm would enable the City attorney to pursue the case. It was decided at the Council meeting that the first step would be to contact the State B of E and this is the course of action that has been followed. Councilman Webb noted that the citizens came to the Council with the request for funds to retain EEP; noted that he has been on vacation and asked if the citizens had requested additional help or had notified the Council that they were dissatisfied with the course of action followed by the Corp. Couns.

16. Dave Weisman. In reply to Councilman Faulkner's question, he noted that Mr. Gingerich's assurance had been verbal, while Mr. Ficker had received a written TRO. After the hearing in August, Mr. Millstein (EEP witness) told the SSI Comm. that the case was being "dragged out" and should be taken to the Federal or State Court; he also said that he did not feel that the SSI Comm. would get any relief from the St. B of E. Mr. Weisman said that his main concern is preserving SSI; the course of action that will achieve this is the course that should be pursued. He stated that Dr. Elseroad has taken advantage of the citizens of TP. In answer to Councilman Webb's question, he noted that Mayor Roth was notified of the decision to retain Mr. Ficker and Miss Drudge; Mr. Weisman stated that this is the first opportunity he has had to appear before the Council. Councilman Ricks asked if the SSI Comm. supported the strong statements made against the action that has been taken by the City. Mr. Weisman stated that, in his opinion, Mr. Gingerich followed the course of action he thought was best; noted that he spent many hours with the Corp. Couns. and is certain that Mr. Gingerich has proceeded in the manner he felt was most appropriate. Mr. Weisman said that he feels the case should be appealed through the Fed. Court. He mentioned the Committee appointed by Dr. Elseroad to formulate other uses for SSI.

17. Eugene Herman. Stated that after the Aug. Board hearing, Mr. Millstein said that the hearing would drag out and even if the St. B of E did rule in favor of retaining SSI, it would be too late because the children and teachers from SSI would be settled in other schools. He said he feels that the Fed. Court is more sympathetic than the State. Noted that time is of the essence.

18. Joe Ferrier, 7413 Maple. Mentioned the financial figures presented by Mr. Ficker. In reply to an earlier question by Councilman Ricks, he noted that Mrs. Myers had prefaced her statement regarding Mr. Gingerich by stating that she would now speak as an individual. He asked the Council to seriously consider the request for funds to retain Mr. Ficker and Miss Drudge.

19. Don Ramsey, 8300 Flower. Noted that there is no way of knowing beforehand if a certain course of action will be effective; stated that the main concern is to keep SSI open. Suggested the best procedure might be to follow through on both lines of action. Suggested that a portion of the RSF be used for this purpose. Mayor Roth noted that he has full confidence in Mr. Gingerich's ability to represent the City.

20. Nancy Shallhorn, 7401 Maple. Thanked the LEC and the Council for their response to the petition from the residents of Maple Ave. Stated that the citizens in Maple didn't propose the changes in traffic regulations without considering the effects on neighboring streets; strong enforcement of traffic regulations should avoid problems in those areas. Stated that the traffic conditions on Maple are bad enough to warrant special consideration. Requested that the proposed ordinance to allow parking on both sides of Maple be tried. In response to a question from Mrs. Shallhorn, Chief Porter noted that a car was recently stopped for going 58 mph down Maple. She again requested that the Council enact the proposed ordinance.

21. Leslie Agro, 7306 Willow. Stated that she shares the concern of the residents on Maple; requested that the proposed ordinance be adopted - at least for a trial period. Asked that the Council make a special effort to control traffic on Maple. Stated that although she is not a resident of that street, she wouldn't infringe on their right to have a safe street.

22. Elizabeth Bozarth, 7326 Willow. Spoke in support of the petition for traffic control on Maple Avenue.

23. Don Driberg, 7100 Maple. Stated his opposition to the proposed ordinance; Mentioned a short period of time two years ago when cars were allowed to park on both sides of the street because of construction; said it was unbearable.

24. Delores Stowell. Spoke in support of the request for traffic control by the citizens on Maple.

25. Bernice Myers. Requested emergency action to eliminate the dangerous auto traffic on Maple; stated that if the proposed ordinance is not adopted, some of the suggestions contained in the petitions presented to the Council should be seriously considered.

26. William Coffman, corner of Maple & Tulip. Stated that the four-way stop signs and increased police patrols have somewhat alleviated the traffic problem but urged that the proposed ordinance be adopted. Noted that the noise from heavy, speeding traffic is distressing.

At this time (10:35), Mayor Roth called a 10 minute recess; the meeting resumed at 10:45.

27. Alice Dick, 7402 Maple. Cited numerous instances of speeding on Maple; noted the difficulty she has in getting in and out of her driveway because of the heavy traffic. Stated her support for the proposed ordinance. Requested that Councilman Burgess have the PW Dept. repair the curbing in front of her home.

28. Joe Ferrier. Stated that the petition submitted to the Council contained 119 signatures and, instead of the prompt results that the citizens expected, the Council has deferred action. He said that the residents of Maple are aware that other streets also have traffic problems, but they are not trying to act for all of TP. Requested that this not be put off until the traffic patterns of the whole City can be studied; stated his opposition to hiring a consultant.

29. Louis Joseph, 7211 Maple. Stated that stop signs have slowed the traffic somewhat, and that parking on both sides should slow the traffic a good deal more. Suggested that a traffic count be made now, and another one made after cars have been allowed to park on both sides of the street; this would indicate the effect of the ordinance on the volume of traffic.

30. Frances Phipps, 7210 Holly. Spoke regarding the administrative processes that led to the cutting of trees by Metro. Stated that she and Mrs. Marsh have met several times with WMATA officials regarding the trees and the size of the parking lot. Mentioned a meeting with Mrs. Garrott (Mont. Co. Council member), WMATA planners, and transportation aides from WMATA and Mont. Co.; a site plan for the TP parking lot was shown at the meeting - this is the largest parking lot on the Glenmont line. Stated that the Metro planners emphasized the importance of "parked car commuters" to Metro, even though they acknowledged that these riders are only about 8% of the total users of Metro. Mrs. Phipps noted that the City had no input on the original decision of the size of the lot; the way things are going, the City will have no input on the review. Requested to discuss some fact sheets and other data on Metro with the Council; requested the Mayor to contact Mrs. Garrott and ask that the City be constantly informed of all actions and decisions regarding the TP lot. Noted that Mr. Lonnie Clark stated that he told the construction workers on Friday that the trees were not to be cut down; on Tuesday, the trees were gone.

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Stated that decisions regarding the Takoma station should not be made by people outside the City. In answer to a question from Councilman Nishimoto, Mrs. Phipps noted that the District Planning Staff appeared before the WMATA Board and stated strong opposition to commuter parking at D.C. sites. Stated that Cleatus Barnett, Mont. Co. representative on the WMATA Board, favored large parking facilities for Mont. Co. residents; in Sept., 1971, Mr. Barnett voted for parking spaces for 450 cars at every stop along the line. District representatives voted against this, but in order to reach agreement, they voted to allow 300 spaces at Brookland and Ft. Totten. The burden of providing parking is being put on TP. Stated that because of its unique geographic location and the poor representation of TP at the planning meetings, political compromise rather than logic determined the policy for the Takoma station. Councilman Ricks noted that when the P & P Citizens Adv. Comm. was set up he raised the question about the flow of traffic between points on the line; noted that as things progressed, the question of parking was not discussed - the main emphasis was on the zoning of the impact area. Mrs. Phipps noted that every possible mistake has been made; at that time, the immediate danger was land use. She requested that origin and destination studies be made.

31. Ellen Marsh, 7405 Maple. In response to Councilman Ricks' comment, she stated that the parking lot was not emphasized because it was supposed to have been in the District; the citizens had been preoccupied with zoning and development in the Metro impact area. After the R-60 zoning had been obtained, the parking situation became an issue; Mrs. Marsh stated that Mr. Barnett is in favor of a large parking lot. Detailed plans of the TP station show that all ingress and egress for that parking area is on Eastern Ave. She said it weakens the citizens' case when the City Gov't. is not behind them and when the City is not represented at meetings. Mrs. Marsh said that when Mrs. Garrott's office called Mr. Platt and asked why the trees were cut down, he said "I didn't promise you anything." Mrs. Garrott brought up the question of the trees at the last WMATA Bd. of Directors meeting; the engineers apologized and stated that the contractor exceeded his authority. Mrs. Garrott was assured at that meeting that no more trees would be cut down. Noted that the efforts of individual citizens have resulted in a review of the lot; it was suggested that the Mont. Co. Council be contacted, so that is where the effort is being concentrated. Requested official City representation at the review meeting on Oct. 1. In answer to a question from Councilman Burgess, Mrs. Marsh said that Mr. Barnett is not a member of the Mont. Co. Council - he was appointed Mont. Co. representative to WMATA by James Gleason. Noted that since WMATA and Mr. Barnett admitted that the trees were cut down in error, the City should request that a decent privacy fence be erected around the construction and that something "temporary and green" should be planted on the site.

32. Joe Ferrier. Suggested that since WMATA took trees that didn't belong to them, they should replace them.

33. Frances Phipps. Noted that WMATA's policy is to replace any trees that have been cut down with trees equal in girth.

34. Nancy Shallhorn. Wished to "add a footnote to the tree ordinance." Noted that some of her neighbors had cut down some large trees on their property; stated that they sold the trees (2,200 board feet of lumber) as fire wood.

35. Elizabeth Bozarth. Commented about some neighbors who used a power saw to cut down a number of trees during the pollution alert; asked who should be contacted regarding situations like this. Noted that she had been in favor of a tree ordinance. Mayor Roth stated that if a problem like this occurs during the week, the City Administrator should be contacted; if it is on a weekend, either the Mayor or Councilman Burgess should be notified.

36. Etta Mae Davis, 703 New York. Thanked the Mayor for his letter in regard to a meeting of concerned citizens and requested that a date be set for the meeting.

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In response to a statement by Mayor Roth, Mrs. Davis noted that there are many problems in TP besides Mont. College. Stated that the purpose of an informal meeting is to give the citizens an insight into the opinions of each Council member on various issues affecting the City. The Mayor requested that the record show that the purpose of the meeting is not to resurrect the question of MC construction; as long as this is clear, the Mayor stated that he is willing to set up a meeting. Mrs. Davis requested that the record show that there never was a public hearing on Block 69. Mayor Roth stated that a meeting date will be set. Mrs. Davis stated that the Historical Society was contacted about the proposed Historical District; she and Mayor Roth engaged in a short discussion regarding the proposed historical sites in TP.

37. Delores Stowell. Spoke regarding the proposed Historic Districts and explained how being listed on the Historical Register would affect properties. Stated that a person owning property in an Historic District would probably take more pride in ownership and make more of an effort to keep his property attractive; she noted that low-cost home repair loans are available through HUD for owners of property located in Historic District. Stated that she has been contacted by people who asked how to acquire property in an Historic District. Noted that MC has parking registration; 2,700 cars are registered for the 200 parking spaces provided by the college. Mentioned the stabilization buffer zone concept that was used by advocates of MC expansion; Councilman Ricks and Mayor Roth stated that they have never felt that the college should be used as a buffer. Mrs. Stowell noted that these were given by the College Board of Trustees as reasons for keeping a campus in TP. She stated that TP is one of the finest and most harmoniously integrated communities in the State, and citizens and officials should be proud of this fact.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting.

Administrative action: Purchase of dehumidifier. Councilman Burgess moved for the adoption of the following ordinance to purchase a dehumidifier for use in the mimeograph room of the Municipal Bldg. The motion was duly seconded, and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks, Sidell, Webb. Nay: none.

ORDINANCE NO. 2278

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

SECTION 1. THAT the purchase of one Westinghouse 20-pint dehumidifier for use in the reproduction room of the Municipal Building is hereby authorized; AND

SECTION 2. THAT funds in the amount of \$94.95 (NINETY-FOUR DOLLARS AND NINETY-FIVE CENTS) to cover this purchase shall be transferred from the Reserve Fund to A/C 10.813C1.

24. Req. to improve access to Langley Prof. Bldg. Stated that proposals regarding this were sent to the SHA; they sent unacceptable proposals back. Since there have been no additional complaints about this and the PW Committee is not in favor of re-routing traffic down City streets to alleviate any problems at that site, Councilman Burgess requested that this item be removed from the agenda.

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting.

Administrative action: Demolition of condemned houses. Councilman Sidell moved that the following ordinance be adopted. The motion was seconded by Councilman Forshee and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks, Sidell, Webb. Nay: none.

ORDINANCE NO. 2279

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

SECTION 1. THAT The City of Takoma Park Code, 1972 be amended as follows:

Chapter 5, FIRE PREVENTION, ARTICLE 1. (Montgomery County Fire Prevention Code Adopted) Section 5-1 be reidentified as Section 5-1 subparagraph (a), and a new subparagraph (b) be added reading as follows:

(b) Notwithstanding other sections of the Takoma Park Code to the contrary, when it becomes necessary for the Fire Marshal to exercise the authority vested in him under the Fire Prevention Code, he shall proceed in the following manner:

1. In the case of evacuation, in addition to verbal notice to occupants in the case of extreme emergency, a written notice shall be supplied to the head of each occupant household, setting forth the reason or reasons for such evacuation, if such vacancy is necessary for longer than one 24-hour period.
2. In the case of locking and/or boarding to prevent any person from entering onto the premises, an order in writing shall be furnished to the Director of Public Works, with detailed instructions as to the approved method of securing the building or buildings, with the request that a statement of cost be provided to the City Treasurer for the specific project.
3. In the case of demolition, at least two bids shall be obtained from qualified bidders for the wrecking of the building or buildings, including the removal of all debris, filling of any excavations and clearing of the property so that it will be in a safe condition. A City purchase order shall be issued to the acceptable bidder and, upon completion of the operation and approval by the Fire Marshal, the account shall be paid by the City Treasurer.
4. The Fire Marshal and/or the Director of Public Works shall furnish to the City Treasurer complete and adequate documentation to support the charges as above outlined, including any incidental costs, and the items shall be a levy against the specific property according to the Land Records and shall be a lien in the same form as taxes and shall be so collected by the City Treasurer, including sale for delinquent taxes.

Permanent appointment of fireman. The motion by Councilman Sidell to approve the permanent appointment of Fireman Richard Reid (retroactive to 9/1/73) was duly seconded and unanimously approved.

Resignation of fireman. Councilman Sidell moved that the resignation of Pvt. Doyle Kelly, effective 9/7/73, be accepted. The motion was duly seconded and unanimously approved.

PLANNING AND ZONING COMMITTEE: Councilman Faulkner reporting.

Due to the late hour, Councilman Faulkner made no report at this time.

FIRE PREVENTION COMMITTEE: Councilman Forshee reporting.

Planned use of RSF. Councilman Forshee gave the following report on RSF received and planned expenditures. Noted that this report has been sent to local papers for publication and will be submitted to the Federal Government.

Planned Use Report for July 1, 1973 - June 30, 1974

Revenue Sharing Funds Received through June 30, 1973	\$174,654
Interest earned	4,462
Total funds available	<u>179,116</u>
Amount expended - Debt retirement	70,000
Fund balance, June 30, 1973	<u>109,116</u>
Less: Rec'd. in April, 1973 for Second Allocation Period	27,647
First Allocation Fund	<u>\$ 81,469</u>

Planned Use (unappropriated) First Allocation Period:

Housing Rehabilitation Fund (low-interest loans)	\$ 50,000
Streets, curbs, sidewalk renovation	29,210
Earned interest - unallocated	2,259
First Allocation Fund Balance	<u>\$ 81,469</u>

Second Allocation (period Jan. 1, 1973 - June 30, 1973):

Received April, 1973	\$ 27,647
Received July, 1973	27,649
Second Allocation Fund	<u>\$ 55,296</u>

Planned Use (unappropriated) Second Allocation Period:

Traffic light at Firehouse	\$ 5,000
Impounding (Police) lot	20,000
Public Works facilities improvements	30,296
Second Allocation Fund Balance	<u>\$ 55,296</u>

Third Allocation (no portion yet rec'd.), July 1, 1973 - June 30, 1973:Planned Use:

Replacement of (1952) FWD Fire Pumper	\$ 43,000
Replacement of (1969) Olds Ambulance	12,000
Public Works Dept - Equipment	11,276
Total Third Allocation	<u>\$ 66,276</u>

Capital expenditures Councilman Forshee moved that the following ordinance be adopted; this will allow capital expenditures of under \$500 (when funds have been provided in the Budget) without an ordinance. The motion was seconded by Councilman Burgess, and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks, Sidell, Webb. Nay: none.

ORDINANCE NO. 2280

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

SECTION 1. THAT Section 2-45 (a) (5), Article 4, Finance, Chapter 2, Administration of the City of Takoma Park Code, 1972, be amended to read as follows:

Sec. 2-45 (a) (5) If the item is a matter of capital expenditure, it has been specifically provided for in the budget, or has been approved by action of the Council. A capital expenditure shall be interpreted to mean any article or items of equipment of a fixture nature of a value in excess of five hundred dollars (\$500.00) ((Fifty dollars \$50.00)) that is generally considered as a "fixed asset" in accounting parlance.

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

Mayor Roth noted that, although an ordinance will not be required, the City Administrator should be notified of all expenditures of this type.

Departmental Assistant. Councilman Forshee proposed that a new position entitled Departmental Assistant be created and inserted in the Merit Plan Pay Schedule. This is to provide assistance to the Head of a Department of insufficient size or staff organization to justify a deputy or other intermediate supervisor; the Assistant will be responsible in the absence of the Department Head. This position may entail irregular working hours, including possible week-end or holiday duties. However, the employee should not be required to be on duty longer than the normal departmental work week, except by the grant of compensatory time off subsequent to such abnormal working period. The motion by Councilman Forshee to adopt the following ordinance was seconded by Councilman Webb, and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Faulkner, Forshee, Nishimoto, Ricks, Sidell, Webb. Nay: none.

ORDINANCE NO. 2281

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

SECTION 1. THAT Ordinance No. 2269, adopted June 11/18, 1973, be amended by insertion of the following position and pay scale:

MISCELLANEOUS:	Start	6 mos.	2	3	4	5	6
Departmental Asst.	\$7513	7648	7785	8058	8331	8605	8878

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting

152. Req. for review of Mun. Bldg. fee schedule. Councilman Webb stated that this will be discussed during the next Council meeting.

Recreation Dept. Activities. Councilman Webb gave the following report on Recreation activities. The Independence Day Committee will have a meeting Sept. 11 at 8 PM; reminder of the Antique Show and Sale on Sunday, Sept. 16 from noon to 6 PM; the Boys Club Banquet will be held Saturday, Oct. 13 at 6:30 PM at the TP Jr High School. Fall classes being offered by the Rec. Dept. include Gymnastics, Photography, Sewing, Karate, Dance, Guitar, Stocks Today, Baton, Art, Roller Skating, Bicycling Clinic, Soccer, Woodworking, Leathercraft, Tennis, Swimming, First Aid; information about these classes can be obtained at the Takoma Library or Recreation Dept.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting

163. Petitions on traffic control: (a) Maple Ave. Councilman Nishimoto noted that this was not discussed during the pre-Council meeting. Councilman Nishimoto moved that the proposed ordinance to allow parking on both sides of Maple (first reading, Council meeting of 8/13/73) be adopted with the following provisos: (1) that the Council discuss the impact of this ordinance at the LEC meeting on Oct. 15; (2) that at the time of discussion, the ordinance could be amended to provide for one-way traffic on Maple - he noted that this is the recommendation of Chief Porter. Councilman Nishimoto deleted the provisos and moved that the ordinance, as originally proposed, be adopted; the motion was seconded by Councilman Burgess. Councilman Sidell stated that the Fire Prot. Comm. would like to study this further; parking on both sides may impede free passage of emergency vehicles. Stated that Chief LaScola requested that a review and study of the impact of this ordinance on emergency vehicles be made and presented to the Council. Councilman Sidell requested that a vote on this ordinance be delayed until after the FPC study. Councilman Nishimoto moved that the ordinance be amended to make Maple one-way towards the District with parking on both sides. The motion failed for lack of a second. Councilman Forshee stated his opposition to an ordinance that makes special exception for one particular area. Councilman Burgess noted that citizens in other areas have not submitted written petitions and suggestions; the petition was a united effort by the residents on Maple Ave. Councilman Sidell stated that he supports a study by a consultant. In reply to a question from Councilman Burgess, Councilman Nishimoto stated that he is in the process of trying to find a consultant. The proposed ordinance was defeated by a roll call vote as follows.

Aye: Councilmen Burgess, Faulkner, Nishimoto. Nay: Councilmen Forshee, Ricks, Sidell, Webb.

Absentee voting. Councilman Nishimoto reported that HB 928, regarding absentee voting has been passed by the Assembly.

Consumer protection. Councilman Nishimoto stated that Mont. Co. has passed legislation that will permit Municipalities to request County enforcement of consumer protection laws within Municipal Boundaries.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Ricks reporting.

Due to the late hour, Councilman Ricks deferred his report until the next Council meeting.

Mayor Roth stated that the request by Mr. Weisman and Mr. Herman will be studied and discussed further by the Council as a Whole Committee and the Corporation Counsel.

There being no further business to come before the Mayor and Council, the meeting was adjourned at 12:25 AM, to reconvene at 8 PM, on Monday, September 24, 1973.

APPROVED: _____

Mayor Roth
Mayor

ATTEST: _____

Hajun M. Pindgen
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
September 24, 1973

City Officials Present

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

Police Chief Porter
Fire Chief LaScola
Recreation Director Ziegler
Public Works Director Barile
Code Enf. Officer Olson
Corporation Counsel Gingerich
Deputy City Clerk Pusti

Excused:

Councilman Forshee
Councilman Ricks

The Mayor and City Council met in Regular Session at 8:10 PM, September 24, 1973, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. The invocation was given by the Rev. Theron Snyder, Trinity United Church of Christ. Following the Pledge of Allegiance, a motion to approve the minutes of September 10, 1973, and dispense with the reading was made, seconded and unanimously approved.

CORRESPONDENCE RECEIVED: Deputy City Clerk Pusti reporting.

1. Evelyne Ferry, 24 Hickory Avenue. Suggestion that the rule limiting speakers to 5 minutes be enforced; request that the proposal to use a portion of the RSF for a Housing Rehabilitation Fund be acted upon by the Council. (Council as a Whole) (Mayor Roth requested that a copy of this letter be given to Councilman Ricks.)

2. Kathryn T. Simpson, Chairman, CIB, Takoma Park. Letter commending the Council action in rejecting the proposal to allow parking on both sides of Maple; suggested severely lowering the speed limits on City streets. (LEC) (Copy to all members of the Council)

3. Councilman Clayton D. Forshee, 722 Kennebec Ave. Suggestion that Maple Ave. be made one-way during certain hours of the day; request for a study of the whole traffic pattern; stated that he hopes a solution other than parking on both sides of Maple can be found. (Copy to all members of the Council)

4. Ann B. Vogel, 7117 Garland Ave. Letter regarding the condition of the property at 7813 Carroll Ave. (H & CE) (Mayor Roth stated that the problem has been corrected.)

5. Phil Vogel, 7117 Garland Ave. Letter commending Cpl. Winkler, Police Chief Porter and Councilman Nishimoto for their prompt response to the complaint about an abandoned car at the corner of Central and Jackson; request that copies of this letter be placed in the personnel files of Cpl. Winkler and Chief Porter. (Personnel files) (Mayor Roth thanked Cpl. Winkler for carrying out his duty in such a responsive manner.)

6. Mrs. Hildur C. Midgette, 1311 Erskine St. Letter regarding increased traffic on Erskine; suggestion that 4-way stop signs, radar, "no thru trucks" signs be used to help control the traffic; requested that the City and PG Co. cooperate in alleviating this problem. (LEC) (Mayor Roth requested that a letter be written to Mrs. Midgette expressing his concern.)

FINANCIAL STATEMENT AS OF 8/31/73Suburban Trust Company - General Funds

Balance, July 31, 1973	\$263,840.26	
August receipts	<u>323,520.16</u>	\$587,360.42
August disbursements		<u>340,030.67</u>
Balance, August 31, 1973		<u><u>247,329.75</u></u>

Suburban Trust Company - Payroll Account

Balance, July 31, 1973	16,512.25	
Aug. transfers from Gen. Funds	<u>94,218.47</u>	110,730.72
August disbursements		<u>94,537.64</u>
Balance, August 31, 1973		<u><u>16,193.08</u></u>

Citizens Bank of Md. - General Funds

Balance, July 31, 1973	866.67	
August receipts	<u>6,844.25</u>	
Balance, August 31, 1973		<u><u>7,710.92</u></u>

Citizens Bank of Md. - Spec. Asst. Fd.

Balance, July 31, 1973	5,250.60	
No transactions during August	<u>- 0 -</u>	
Balance, August 31, 1973		<u><u>5,250.60</u></u>

Citizens Bank of Md. - Pub. Imp. Fd.

Balance, July 31, 1973	3,966.82	
No transactions during August	<u>- 0 -</u>	
Balance, August 31, 1973		<u><u>3,966.82</u></u>

Citizens Bank of Md. - Savings A/C TP63

Balance, July 31, 1973	167.11	
No transactions during August	<u>- 0 -</u>	
Balance, August 31, 1973		<u><u>167.11</u></u>

American National Bank - General Funds

Balance, July 31, 1973	2,508.96	
August receipts	<u>531.03</u>	
Balance, August 31, 1973		<u><u>3,039.99</u></u>

Petty Cash

200.00

Treasury Bond \$200,000: matures 1/31/74, purchased 8/3/73

Cost:

191,500.44MAYOR ROTH'S COMMENTS

The Mayor announced that legislation has been introduced to the County Delegation that will amend the Maryland law to permit the issuance of liquor licenses in the Montgomery County portion of Takoma Park. He noted that liquor licenses have always been opposed in the City, and stated that he will speak against this amendment at the hearing on Oct. 25; Mayor Roth said he hopes other members of the community will appear and support him on this issue. This year is the 51st national observance of "Fire Prevention Week"; the Mayor presented a Proclamation to Chief LaScola naming the week of Oct. 7 - 13 as "Fire Prevention Week" in Takoma Park. Noted that the TPFD received a commendation from Gov. Mandel, and of the 350 fire companies in the state, TP is one of the 6 that is rated "Class B". Mayor Roth reported that the parking problem at the Sligo Seventh-day Adventist Church has been raised, and the ordinance pertaining to that will be amended; Councilman Nishimoto will report further on this during his report. The Mayor requested Councilman Faulkner to propose that the Council take an official position to oppose the proposed liquor license amendment during his report.

9/24/73

Councilman Nishimoto remarked that the County Council has passed a bill establishing a new County program to provide grants in lieu of tax credits for tenants with modest incomes who are over 65 or disabled; he requested that this be studied by the Corp. Counsel to see if it is applicable to the City. Mayor Roth stated that this will be looked into and a report will be made to the Finance Committee.

Councilman Burgess stated that he wished to apologize to Mrs. Myers for the manner in which he objected to her statements at the last Council meeting; he emphasized that he is apologizing for the manner in which he objected, and not for the substance of his objection. Mayor Roth thanked him for his gracious apology.

PUBLIC PARTICIPATION

1. Allen Marsh, 7405 Maple Ave. Stated that there will be a citizens meeting in the PBMS at 8 PM, Oct. 3, to discuss the proposed changes in the liquor law; invited members of the Council and citizens to attend the meeting and express their opinions. Mr. Marsh stated that he wished to give thanks to Mayor Roth for coming to Maple Ave. to talk with some of the residents; to Councilman Nishimoto for his "tireless efforts" on behalf of the citizens on Maple; to those members of the Council who supported the proposed ordinance. He also thanked the members of the Police Dept. for their increased surveillance and the manner in which they conducted themselves, and Chief Porter for all his efforts. Stated that, for the sake of the 119 people who signed the petition, he hopes this issue is not dead. Regarding the letter from Mrs. Simpson (corres. rec'd.), Mr. Marsh stated that it disturbed him that the letter was signed by Mrs. Simpson as Chairman of the CIB. (Mayor Roth noted that Councilman Nishimoto will have a further report on Maple Ave. during his committee report.)

2. Ann Vogel, 7117 Garland Ave. Stated that her husband requested to be notified when the committee to review the proposed Historic Districts met to discuss the proposal; asked if there have been any meetings of that committee. Mayor Roth replied that the committee has met twice, and notice was not sent out because this is the way Mr. Marschalk wished to conduct the meetings. In reply to her question regarding the repair of curbs and gutters, Councilman Burgess told Mrs. Vogel that the work is almost completed; he noted that the Dir. of P.W., with the approval of the P.W. Committee, determines the priority of the streets to be repaired.

3. Dan Dick, 7402 Maple Ave. Spoke regarding the proposed ordinance to allow parking on both sides of Maple; stated that he feels that the members of the Council who opposed the ordinance were not fully informed, so he and his wife took a traffic survey of some area streets - Willow, Cedar, Old Philadelphia, Kennebec, and Maple - during the hours of 4 to 6 PM. He noted that 43 commuters used Kennebec as a through street and 78 turned off at intersections or driveways, 46 cars traveled down Willow, and 128 used Cedar. During the same period of time, 1,203 cars and 42 trucks traveled down Maple Ave.; he noted that the Police officers were patrolling Maple during this time and commended them for their hard work and polite attitude. He thanked Mayor Roth, members of the Council, Chief Porter, and the patrolmen for their interest. Urged the members of the Council to take another look at the situation and stated that he doesn't mind the volume of traffic as much as he minds the speeders. Councilman Nishimoto stated that Mr. Dick presented a good case; requested that the facts Mr. Dick compiled be made available to him and other members of the Council for reference in further discussions. Stated that the efforts of Mr. Dick and other citizens are very commendable. Mayor Roth thanked Mr. Dick for his presentation; requested Dep. City Clerk Pusti to summarize the statistics and forward them to all members of the Council. Councilman Nishimoto commented on a recent newspaper article about the Mayor of Alexandria and the problems that city is having with traffic; Mayor Roth

stated that he, also, is very concerned with the traffic problems his City is experiencing, and stated that he understands how the residents feel and wants to see the problem corrected.

4. Catherine Wakelyn, 7419 Maple Ave. Stated that a resident of Takoma Towers asked her to notify the Council that the pedestrian crossing sign at the corner of Carroll and Tulip is obscured by some shrubs. She thanked the Council for the "No Thru Trucks" signs on Maple; noted that she had seen two children playing in the street, and stated that this is a big part of the problem. She stated that if a child or anyone else is hurt as a result of the failure of the Council to pass effective legislation to control the traffic, she will hold each Councilman who voted against such legislation personally responsible. Mayor Roth stated that the sign by Takoma Towers will be checked, and if the shrubs that are obscuring it are on private property, the CE officers will have the owner trim the branches.

5. Ellen Marsh, 7405 Maple Ave. Commented on an article she read about the Maryland Dept. of State Planning, and noted that the Dept. is taking an inventory of "little nature spots" that should be preserved, and said that the article mentioned a spot in Takoma Park. She stated that the article reminded her of how beautiful Takoma Park is, and how fragile these spots are and that the effort to preserve them must be constant. She mentioned the COG Conference on Growth; Mayor Roth noted that he had attended the conference on Friday and Saturday. Mrs. Marsh stated that one of the problems in Takoma Park is that more than half the residents are renters; she stated that Takoma Park needs more young homeowners. She asked the Mayor if the Council is in favor of the concept of an Historic District in Takoma Park; the Mayor replied that he did not see how anyone could oppose the concept. In response to a question from Mrs. Marsh, the Mayor stated that he is in favor of a meeting between citizens and the Takoma Park Historic Society to discuss the final proposal of the committee regarding the proposed Historic Districts in Takoma Park. Mrs. Marsh thanked Mayor Roth for coming to Maple Ave. and for writing to WMATA to request that a fence be erected around the Metro construction.

6. Eugene Herman, 511 New York Ave. Stated that the Committee to Save SSI will hold a "Fall Festival Benefit" to raise funds to help in the fight to save SSI. The festival will be held in Jeque Park on Oct. 13 (rain date, Oct. 14), from 1 PM until dark; donations are \$1.50 for adults and 75¢ for children. He noted that anyone wishing to contribute to the bake sale or auction can contact him at 585-5832.

7. Joe Cangialosi, 7001 Poplar Ave. Spoke in opposition to the proposed amendment to allow the sale of liquor in Takoma Park. Noted that both the second and fourth Mondays in October are holidays, and asked if there will be a meeting in Oct. He mentioned the problem of drainage from the air conditioner at Takoma Towers; Mayor Roth said that this will be put on either the H & CE or the PW Comm. agenda. (During the Council as a Whole report, it was decided that there will be a meeting on Oct. 8; at that time, it will be decided whether to have one on the 22.)

8. Mrs. Pennifield, Takoma Ave. Asked whose authority Metro operated under. Mayor Roth stated that Metro is a corporation which operates with funds from Congress, the States of Maryland and Virginia, the District, several of the larger counties and cities. He noted that citizens voted on whether they wanted a portion of the tax revenues to support Metro. Mrs. Pennifield asked where she could register a complaint regarding the fact that there has been no impact study. Councilman Nishimoto suggested that she contact Idamae Garrott, and Mrs. Marsh mentioned the WMATA meeting which will be in the Municipal Bldg. at 8 PM, Sept. 26.

COMMITTEE REPORTS

FIRE PROTECTION COMMITTEE: Councilman Sidell reporting.

Administrative Action: leave of absence for fireman. Reported that, on the advice of his doctor, Pvt. E.W. Adams has requested a 6 month leave of absence. In response to a question from Councilman Nishimoto, Councilman Sidell stated that a replacement for Pvt. Adams will be hired; he stated that this will present no problem in the event that Pvt. Adams returns to work. Councilman Sidell moved that the recommendation of the FPC to grant a leave of absence be approved. The motion was seconded by Councilman Burgess and unanimously approved.

Filling of vacant Volunteer officer ranks. Reported that the following recommendations were made at the recent Fire Officers meeting: (1) that Vol. Sgt. J. Cina be promoted to Vol. Lt.; (2) that the Vol. ranks of Rescue Sgt. and Rescue Lt. be abolished; (3) that Vol. Rescue Sgt. P. Menedis be changed to Fire Fighting Sgt. He noted that this leaves one Vol. Sgt. rank open. The motion by Councilman Sidell to approve these recommendations was seconded by Councilman Burgess and unanimously approved.

PLANNING & ZONING COMMITTEE: Councilman Faulkner reporting.

150. Req. to move bus stop from 7331 Carroll to Manor Cir & Carroll. Reported that this item will be acted on at the next meeting.

Councilman Faulkner reported that the Mont. Co. Council will hold a work session at 10 AM, Oct. 1, regarding proposed amendment #73019 - the proposed drug and alcohol rehabilitation residence zoning changes. Noted that the meeting will be open to the public, and stated that citizens, particularly those in the North Takoma area, may wish to attend this meeting. He restated the basis for the City's opposition to the proposal, and proposed that a letter be sent to Mr. Sher and the members of the Mont. Co. Council. Councilman Nishimoto suggested that the letter might carry more weight if it is sent under the signature of the Mayor; he also suggested that the citizens in the North Takoma area send a letter. Councilman Nishimoto said that this zoning amendment was presented as an "all encompassing" amendment, but if it is passed he is certain that RAP will be among the first to apply for a special exception. Mayor Roth stated that the two steps of action to follow are: (1) to either get the County amendment changed or defeated; (2) if the ordinance passes, to have as much influence as possible on the special exception applications that will affect the City. Councilman Faulkner noted that there is similar legislation pending in PG County but the plan seems to be a bit broader than the one proposed for Mont. Co. He stated that the objections to the Mont. Co. bill apply to the PG bill also. In response to a question from Mayor Roth, Mrs. Pusti stated that a copy of the proposed legislation has been requested. Councilman Nishimoto suggested that a solution might be reached by working directly with PG Co. or through efforts with the MML representatives in PG Co. Mayor Roth noted that Councilman Faulkner attended a meeting of the PG Co. Municipal Assn. at which this was discussed and is well informed on the situation.

Amendment to allow liquor licenses. Councilman Faulkner recommended that the Mayor and Council oppose the proposed amendment to grant liquor licenses in the Mont. Co. portion of the City. Councilman Burgess noted that the world does not need any more gas stations or liquor stores. Mayor Roth stated that Takoma Park has a long-standing tradition regarding the sale of alcohol, and it is up to the businessmen who move into the City to accept our traditions. Councilman Nishimoto stated that this should be beaten while it is still at the proposal stage; if the proposal passes, it will be much harder to prevent liquor from being sold in the City. Councilman Faulkner noted that the hearing on this will be held on Oct. 25, at 8 PM, and suggested that anyone who wishes to testify should contact the delegation office in Rockville at 279-1224.

FINANCE COMMITTEE: Councilman Webb reporting.

Councilman Webb stated that there is no report at this time; he noted that a \$100,000 Treasury Bill has been purchased, and another \$100,000 bill will be purchased tomorrow.

PARKS AND RECREATION COMMITTEE: Councilman Webb reporting.

152. Req. for review of Mun. Bldg. fee schedule. Reported that this needs to be discussed further by the Council, so there will be no report at this time.

Recreation Dept. Activities. Councilman Webb gave the following report on Recreation activities. The Arts and Crafts Show (sponsored by the TP Art Assn.) will be held Sunday, Oct. 7, 11 AM to 4 PM on the Library grounds; there will be a Recreation Council meeting on Sept. 25 at 8 PM in the Municipal Bldg.; reminder that fall recreation classes start next week - for further information contact the Rec. Dept.

LAW ENFORCEMENT COMMITTEE: Councilman Nishimoto reporting.

153. Illegal parking on Kass Lot. Reported that only one vehicle remains on the lot and that this can be handled through administrative channels; requested that this item be removed from the agenda. Mayor Roth noted that the City rents the lot; it is zoned for commercial use, and Mr. Kass is trying to sell it.

163. Petitions for traffic control: (a) Maple Ave. Councilman Nishimoto reported that it was decided at the LEC meeting to reintroduce the ordinance (defeated at the meeting of Sept. 10) with the stipulation that it remain in effect for a specified period of time; this will give the members of the Council and the citizens a chance to see the effects of the ordinance, and a better background on which to base a final decision. During the pre-Council meeting, it was decided that since two of the Council members who opposed the ordinance are not present, the amended ordinance will be presented as a first reading; the Council will vote on it at the meeting of Oct. 8. After further discussion, Councilman Nishimoto moved that the proposed ordinance be adopted; the motion failed for lack of a second. Councilman Nishimoto reintroduced the ordinance as a first reading. Mayor Roth stated that the ordinance will be discussed during the Oct. 8 meeting.

PROPOSED ORDINANCE

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

SECTION 1. THAT all parking restrictions on the West side of Maple Avenue between Valley View Avenue and Tulip Avenue be hereby repealed; AND

SECTION 2. THAT the Director of Public Works is authorized to remove all signs contrary to the provisions of Section 1; AND

SECTION 3. FURTHER THAT Section 1 of this ordinance shall become effective immediately upon completion of the work as directed in Section 2 and shall remain in effect for a period of six weeks after the date of adoption.

Code Amendment: Parking Meters. Councilman Nishimoto presented the first reading of the following ordinance.

PROPOSED ORDINANCE

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

SECTION 1. THAT Secs. 13-31, 13-32, and 13-35, Article 4, "Parking Meters," Chapter 13, of the Code of Takoma Park, Maryland, 1972, be amended as follows:

9/24/73

Sec. 13-31. Parking meter zones; one hour limit.

One (1) hour limit meters, one (1) nickel (\$.05) per half (1/2) hour, two (2) nickels (\$.10) or one (1) dime (\$.10) for one (1) hour, from 7:00 AM to 7:00 PM except Sundays and holidays at the following locations /:/except that locations

(3) Carroll Ave., West curb, Laurel Ave. to driveway entrance 3 meters and

(4) Carroll Ave., West curb, Willow Ave. to D.C. Line 3 meters shall be exempted from enforcement on Saturdays in addition to Sundays and holidays.

Sec. 13-32. Parking meter zones; two hour limit.

Two (2) hour limit meters, one (1) nickel (\$.05) for one (1) hour, two (2) nickels (\$.10) or one (1) dime (\$.10) for two hours, from 7:00 AM to 7:00 PM, except Sundays and holidays at the following locations /:/except that locations

(1) Carroll Ave., East curb, Laurel Ave. to Eastern Ave. 8 meters and

(2) Laurel Ave., West curb, Carroll Ave. to Eastern Ave. 3 meters and

(3) Willow Ave., East curb, Carroll Ave. to driveway entrance 4 meter shall be exempted from enforcement on Saturdays in addition to Sundays and holidays.

Sec. 13-35. Parking meters; hours of operations; limitations

(a) The parking meters shall plainly indicate by appropriate language thereon the hours of the day during which the parking meters shall be operative to vehicles using the parking meter zones. The parking meters shall be operative during the hours /so-indicated-on-every-day-of-the-year-except-Sundays-and-holidays-/ and days indicated in Secs. 13-30, 13-31, and 13-32; AND

SECTION 2. THAT the Director of Public Works be hereby authorized to change plates and/or markings on parking meters in accordance with Section 1; AND

SECTION 3. THAT this Ordinance shall become effective upon completion of the work authorized in Section 2.

Ordinance 2276. Councilman Nishimoto moved that Ordinance 2282, repealing Ordinance 2276, be adopted. The motion was seconded by Councilman Burgess and adopted by a roll call vote as follows. Aye: Councilmen Burgess, Faulkner, Nishimoto, Sidell, Webb. Nay: none. Excused: Councilmen Forshee, Ricks. (See Ordinance on last page.)

Shed for storage of oil and anti-freeze. Councilman Nishimoto moved that a transfer of \$114.00 from the Reserve Fund be approved to purchase a 10' x 10' storage shed for the Police Dept. The motion was duly seconded and unanimously approved.

HOUSING AND CODE ENFORCEMENT COMMITTEE: Councilman Sidell reporting.

165. Zoning violation - 7209 Cedar Ave. Reported that this was turned over to the Mont. Co. zoning dept. and the problem has been corrected. Requested that this item be removed from the agenda.

166. Complaint of litter, etc. on portions of 410. Reported that much of this debris is on the public space and is not under the jurisdiction of the H & CE; requested that the Police Dept. look into this.

Winchester-Takoma. Reported that the CE officers have appointments to inspect the interior and exterior of 7620 Maple Avenue on Oct. 3, 4, and 5; noted that this is the first of the three-month inspections required by the Court and the owner of the building will be in contempt of court if the building is not in good order.

9/24/73

Councilman Sidell read a letter from a resident at 701 Ethan Allen Ave. thanking C.E. Officer Olson for help in getting his apartment fixed up. Mayor Roth commented that he has received many letters of commendation regarding the summer NYC program.

PUBLIC WORKS COMMITTEE: Councilman Burgess reporting.

Councilman Burgess stated that although there are 3 items on his working agenda, there will be no report at this time.

COUNCIL AS A WHOLE: Mayor Roth reporting.

Mayor Roth reported that the litter at 7813 Carroll has been removed; he stated that the debris in front of 7127 Carroll is the result of an eviction, and there are some legal restrictions that must be met before the litter can be removed. He noted that the Corp. Counsel has presented a memo regarding absentee voting; this will be studied by the Council as a Whole Comm. and discussed during a future meeting. Mayor Roth requested all members of the Council, if possible, to go to Maple Ave. during the evening rush hour and take a look at the traffic there. He noted that he realizes members of the audience are disappointed because no action was taken on the proposed Maple Ave. ordinance, but it is a matter of balancing the various equities; the problem must be corrected as soon as possible, but the Councilmen present want to be fair to those who are not here. Mayor Roth stated that the ordinance will be acted upon during the meeting of Oct. 8.

There being no further business to come before the Council, the meeting was adjourned at 10:15 PM, to reconvene at 8:00 PM, on Monday, Oct. 8, 1973.

ATTEST Haynes M. Pridgen
City Administrator

APPROVED James P. Roth
Mayor

ORDINANCE NO. 2282

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

SECTION 1. THAT Ordinance No. 2276, adopted August 13, 1973, be repealed; AND

SECTION 2. THAT the section of Maple Avenue lying between Philadelphia Avenue and the District of Columbia line shall be closed to through truck traffic, with the restriction to apply to trucks traveling in either a northerly or southerly direction; AND

SECTION 3. THAT this ordinance shall exempt light trucks up to and including those with a chassis weight of one ton, not displaying any commercial markings or advertisements, when being used noncommercially as a passenger or recreational vehicle; AND

SECTION 4. THAT the Director of Public Works is hereby directed to erect signs designating this prohibition in appropriate positions on both sides of Maple Avenue; AND

SECTION 5. THAT this ordinance shall become effective immediately upon completion of the work directed in Section 4; AND

SECTION 6. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Chapter 1, Section 1-17 of the City of Takoma Park Code, 1972.

APPROVED: _____
Mayor

ATTEST: _____
City Administrator

[Handwritten Signature]

[Faint mirrored text from reverse side of page, including financial statements and dates like August 31, 1973 and September 30, 1973]