

Regular Council Meeting
Monday, February 11, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Personnel Officer Hobbs
Councilmember Leary	DHCD Director Grimmer
Councilmember Moore	Comm. Devel. Coor. VinCola
Councilmember Porter	
Councilmember Prensky	

The City Council convened at 8:02 p.m. on Monday, February 1, 1991, in the Council Chamber at 7500 Maple Avenue in Takoma Park, Maryland.

COUNCIL COMMENTS:

Councilmember Prensky announced that on Tuesday, February 19, 1991 there would be a Nuclear Free Zone meeting at 7:30 p.m. in City Hall.

Councilmember Douglas announced that the Administration and Finance Committee would be meeting on Tuesday, February 12, 1991 at 7:30 p.m. in City Hall.

Councilmember Leary announced that on February 21, 1991, the Planning, Transportation and Zoning Committee would be meeting at 7:30 p.m. in City Hall.

ADOPTION OF MINUTES (from 9/10/90 and 9/24/90)

Moved by Councilmember Hamilton and duly seconded by Councilmember Moore, the minutes were adopted by unanimous vote.

MAYOR'S PRESENTATION:Presentation of Resolution of Appreciation to Delta Sigma Tau Fraternity

Mayor Sharp noted that the Resolution expressed the Council's appreciation and thanks to the Brothers of the Delta Sigma Tau Fraternity for the volunteer service they provided to the City and the Community by posting notification of "No Parking" signs on Laurel Avenue during the Farmers Market; and recommended that the Campus Life Committee at Columbia Union College, in consideration of Delta Sigma Tau's request for formal recognition as a fraternity and the privileges inherent to such standing, recognize the important volunteer community service provided to the Takoma Park Community by the Brothers of Delta Sigma Tau Fraternity during the 1990 Takoma Park Farmers Market season.

Councilmember Prensky thanked the members of Delta Sigma Tau Fraternity for their good work and said he hoped they would donate their services to the good of the citizens of Takoma Park in the coming years.

AGENDA1. First Reading of An Ordinance Adopting an Alcohol and Drug Policy

Moved by Councilmember Hamilton and seconded by Councilmember Prensky. Personnel Officer Hobbs said there were three parts to the Ordinance and said it had been reviewed by AFSCME who concurred. Mr. Hobbs explained the Ordinance: 1) established the drug and alcohol policy as it applied to the employees and substance abuse in the workplace; 2) established an employee assistance program to help the substance abusers employed by the City to get the treatment which they required; and 3) provided for

drug and alcohol testing when there is a suspicion that the employee is under the influence of alcohol or drugs while on the job.

Mr. Douglas said it was important to emphasize the point that while we may think that to abuse alcohol and drugs is wrong, we are not imposing this judgement on other people, except when the abuse is job related.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading.

ORDINANCE NO. 1991-2
(Attached)

2. Resolution Authorizing City Funds for Tenant Awareness Program
Mayor Sharp removed himself from the Chair because of the nature of the Ordinance which had the potential benefit for the Mutual Housing Association, an organization where he served on the Board of Directors. The Resolution pertained to putting money into the TAP program for the benefit of the Edinburgh House. The Mayor said if there would be a collateral discussion regarding the TAP program, he would like to participate in it and could do so without any conflict. Mr. Sharp turned over the chair to Mr. Douglas.

Mr. Elrich also recused himself from the discussion for the same reasons as Mr. Sharp.

DHCD Director Nancy Grimmer explained the Resolution authorized the transfer of \$7,538.66 of CDBG funds to provide funds to the Edinburgh House Tenants Association for a TAP loan for cooperative conversion soft costs.

Mayor Pro Tem Douglas said the TAP program had made a commitment to the Edinburgh in the amount of \$10,000 and the commitment had lapsed.

COUNCIL ACTION: The Resolution passed unanimously. (RECUSED: Elrich). Mayor Pro Tem Douglas announced that the matter regarding 7611 Maple Avenue would be discussed at the next February 19, 1991 Worksession.

RESOLUTION NO. 1991-14
(Attached)

3. Second Reading Ordinance Repealing No Parking Signs/Taxi Zone Signs on Maple Avenue
Adoption was moved by Councilmember Hamilton and seconded by Councilmember Leary.

Mr. Hamilton explained that this Ordinance repealed outdated ordinances that established certain parking and taxi stand zones years ago but were no longer needed.

COUNCIL ACTION: The Ordinance was adopted by unanimous Roll Call Vote.

ORDINANCE NO. 1991-1
(Attached)

4. Resolution Appointing Councilmember Porter to the Takoma Park Volunteer Fire Board
Adoption moved by Councilmember Hamilton and seconded by Councilmember Prensky. Mr. Prensky noted that by appointing Councilmember Porter to the Fire Board there would be Councilmember representatives who lived in each County; Prince George's and Montgomery, and this would provide an accurate and broad representation of how the Fire Department served the City of Takoma

Park. Councilmember Porter commented that she was pleased to be a board member.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-15
(Attached)

5. Resolution Making Appointments to Council Standing Committees
Adoption moved by Councilmember Douglas and seconded by Councilmember Hamilton.

Mayor Sharp said the purpose of the Resolution was to add his name to the Administration and Finance Committee and to add Councilmember Porter's name to the Planning, Transportation and Zoning Committee. Mr. Douglas moved a friendly amendment to add a "whereas clause" indicating his resignation from the Planning, Transportation, and Zoning Committee.

COUNCIL ACTION: The Resolution, as amended, passed by unanimous vote.

RESOLUTION #1991-16
(Attached)

6. Resolution of Council Position Regarding Petition for Accessory Apartment at 6741 Eastern Avenue
Moved by Councilmember Prensky and seconded by Councilmember Hamilton.

Ms. Grimmer reported the property was found to be in good condition and had last been inspected during an annual licensing in 1971 and at that time, it was a phase-back property.

Mr. Prensky said the matter had been brought before the Westmoreland Area Community Organization (WACO) at their monthly meeting last week and he had a report from the Chair that they supported the application but had raised two concerns. One was that the property be maintained in the Owner-Occupied status; WACO was also concerned about what would happen in the event the property was sold. Ms. Grimmer replied that the address was listed on a periodic check-back, and DHCD staff would monitor the property for possible transfer, and if needed, follow-up action would be taken with any new property owners.

City Clerk Jewell noted for the record, that in response to about 15 letters that were delivered to adjoining and surrounding property owners, she had received two phone calls. Andrea Di Lorenzo at 6733 Eastern Avenue said she did not have a problem with the accessory apartment. Patricia Sanchez at 6745 Eastern Avenue said she was in favor of the accessory apartment but expressed concern regarding parking availability in front of her house.

Mr. Leary asked why the accessory apartment matter was brought to the Council so late. Ms. Grimmer responded the notice had come into the City in December, and she was not sure what happened that DHCD only became aware of it a week ago. Mr. Prensky said the Council received the notice over 6 weeks ago in their packets and he had brought it to the attention of WACO, who also had received the same notice the Council received, and was therefore able to discuss it and take a position on the matter.

COUNCIL ACTION: The Resolution in favor of the application passed unanimously.

RESOLUTION NO. 1991-17
(Attached)

Upon motion duly made and seconded, the meeting adjourned at 8:38 p.m. to reconvene in Regular Session on February 25, 1991. The Council then convened into Worksession.

Introduced by: Councilmember Hamilton
(Drafted by T. Wayne Hobbs)

1st Reading: 2/11/91
2nd Reading:
Effective:

ORDINANCE NO. 1991-2

(Alcohol And Drug Policy And Employee Assistance Program)

- WHEREAS, Takoma Park has a continuing commitment to its employees and to the public to provide a safe work environment and to insure that all employees fulfill their obligations to the City and to the public; AND
- WHEREAS, Takoma Park employees, equipment and operating practices must be consistent with the highest standards of health and safety; AND
- WHEREAS, Substance abuse is a serious national problem which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative effect on the operations of business and government; AND
- WHEREAS, It is estimated that as much as 15% of the American workforce arrives for work each day under the influence of drugs or alcohol; AND
- WHEREAS, Every employer, including Takoma Park, experiences a loss in productivity due to drug related absenteeism, injuries on the job, decreased work quality and wasted dollars; AND
- WHEREAS, Substance abusing employees function below established standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees; AND
- WHEREAS, The illegal use of the workplace as a market place for drugs endangers the health, safety and welfare of Takoma Park employees; AND
- WHEREAS, Takoma Park must maintain a work environment which eliminates this waste and supports the health, well-being and productivity of all its employees as they carry out their responsibilities to the citizens of Takoma Park; AND
- WHEREAS, The Federal Omnibus Drug Abuse Act of 1988 stipulates that any direct recipient of Federal dollars must establish a Drug-Free Workplace, including a policy on use of substances, a drug awareness program for employees and a procedure for self-reporting convictions; AND
- WHEREAS, A drug-free workplace is fundamental to efficient, effective and responsive government.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1: Chapter 8B of the Takoma Park Code entitled "Personnel Procedures" is amended to add Articles 3, 4 and 5 to read as follows:

CHAPTER 8B

ARTICLE 3. ALCOHOL AND DRUG POLICY

Sec. 8B-210. Purpose

The purpose of this article is to prescribe alcohol and drug policies relating to city employees and to authorize the establishment of an Employee Assistance Program (EAP).

Sec. 8B-211. Definitions

In this article, the following terms have the meanings indicated:

- (a) "Substance" means alcohol or drugs.
- (b) "Alcohol" means ethyl alcohol or ethanol.
- (c) "Drugs" mean any substance, including controlled dangerous substances, taken into the body, other than alcohol, which may impair one's mental faculties, changes one's mood and/or physical performance.
- (d) "Abuse" means:
 - (1) Any use of any illegal drug;
 - (2) Intentional misuse of any over-the counter drug, in cases where such misuse impairs job performance;
 - (3) Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted;
 - (4) Use of alcohol during the work day or where such use impairs job performance; and
 - (5) Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.
- (e) "Workplace" means a City owned or utilized premise for official City business.

(f) "Sensitive positions" are those in which the City Administrator has determined that any of the following conditions exist:

- (1) A substantially significant degree of responsibility for the safety of others;
- (2) A potential that impaired performance of the employee could result in death of or injury to the employee or others; and
- (3) Lack of close monitoring of the employee's behavior which reduces the possibility of intervention or assistance by another when necessary.

Sec. 8B-212. Substance Abuse Policy.

(a) Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the workplace.

(b) Where justified by reliable information and/or observation, criminal violations shall be referred to the appropriate law enforcement authority for further investigation and prosecution.

(c) The City will not hire anyone who is known to currently abuse drugs or alcohol.

(d) All employees must report to work in a fit condition to perform their duties. Reporting to work under the influence of drugs or alcohol is a violation of this policy and shall subject the employee to disciplinary action.

(e) All employees on official business, on or off the workplace, are prohibited from purchasing, transferring, using, or possessing illegal drugs. Violations of this policy is proper cause for administrative or disciplinary action up to and including termination of employment.

(f) Employees who are under the influence of alcohol, have alcohol in their possession or consume alcohol during the working day are in violation of this policy and may be subject to administrative or disciplinary action up to and including termination of employment.

(g) Employees undergoing medical treatment involving prescribed medications which could adversely affect performance, such as drugs which should not be used when operating machinery, motor vehicles, etc., must report this treatment to their supervisor or department head. Even though the use of such drugs as prescribed by a physician is legal, it may be necessary to modify an employee's duties which might be adversely affected by the use of such drugs.

(h) All employees must report any drug or alcohol conviction to their supervisor within five (5) days of that conviction.

(i) Employees convicted of an off-the-job drug or alcohol offense will be in violation of this policy if the violation interferes with the regular performance of their job.

(j) All employees must cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use in the workplace.

(k) Employees will not be terminated for voluntarily seeking assistance for a substance abuse problem. However, continued unacceptable job performance, attendance and/or behavior problems shall result in disciplinary action up to and including termination.

(l) Employees who are assigned to or designated sensitive classes will be terminated if they are in violation of this policy.

(m) Any employee found to be in violation of any of the provisions of this policy shall be subject to disciplinary action contained in Sec. 8B-163 of this Code (as modified by any applicable collective bargaining contract), which includes penalties up to and including termination.

(n) All department heads and supervisors are responsible for adherence, implementation and monitoring of this policy.

(o) All employees will be provided a copy of this policy and are required to acknowledge receipt by returning a signed copy of the following affirmation to their supervisors for insertion in their personnel files.

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CITY OF TAKOMA PARK
SUBSTANCE ABUSE POLICY ACKNOWLEDGEMENT OF RECEIPT

As an employee of the City Of Takoma park, I, _____, hereby certify that I have received a copy of the City's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the City's owned or utilized premises and violation of this policy can subject me to discipline up to and including termination. As a condition of employment, I must abide by the terms of this policy and will notify my supervisor of any criminal drug conviction no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

Employee's Signature

Date

Supervisor's Signature

Date

ARTICLE 4. EMPLOYEE ASSISTANCE PROGRAM

Sec. 8B-213. Employee Assistance Program.

(a) Recognizing that declining job performance and behavioral problems may be caused by factors not directly associated with one's job function, it is the City's policy to make help available rather than to merely discipline employees when these problems affect performance. Accordingly the City will establish an "Employee Assistance Program" which has as its goal, restoring employees to optimal job performance by using a positive approach to reduce losses of productivity, as well as offering assistance and encouraging employees to help themselves through self referral.

(b) The "Employee Assistance Program" will include the following principles:

(1) Behavioral disorders, emotional problems, alcoholism, and other substance abuse are illnesses which can be successfully treated and employees experiencing these problems will receive the same careful consideration and offer of assistance that is extended to employees having other illnesses.

(2) The program will be conducted to insure the same respect and confidentiality accorded employees suffering from any health condition.

(3) Employees will be encouraged to contact a designated counselor or program coordinator for confidential assistance if needed.

(4) The decision to seek evaluation of problems and accept suggested treatment is the employees responsibility. However, if a supervisor alerts an employee to a performance problem, it is the employee's responsibility along with the supervisors to take whatever steps are necessary to resolve the problem.

(5) No employee will have his/her job security or promotion opportunities jeopardized by seeking counseling or assistance.

(6) Nothing in the "Employee Assistance Program" will prohibit formal disciplinary or adverse action, including termination of employment where performance is deficient. However, appropriate consideration will be given to employees in treatment programs before disciplining them.

(c) The "Employee Assistance Program" will include provisions to educate and inform employees about:

(1) The dangers of drug and alcohol abuse in the workplace and the community at large;

(2) The City's policy of maintaining a drug-free workplace;

(3) A thorough explanation of the purpose and workings of the "Employee Assistance Program".

(4) The penalties that may be imposed for drug and alcohol abuse violations.

(d) The "Employee Assistance Program" shall provide a supervisor's training program to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors to recognize the conduct and behavior giving rise to a reasonable suspicion of drug or alcohol use, to identify employees who need drug counseling and employee assistance programs, and to be aware of those employees who pose an immediate safety threat.

ARTICLE 5. SCREENING FOR DRUGS/ALCOHOL

Sec. 8B-214. Screening for Drugs and/or Alcohol.

(a) The City may require a current employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs and alcohol during work hours. Testing of police officers must conform to the provisions of the State of Maryland "Law Enforcement Officer's Bill of Rights.

(b) "Reasonable suspicion" means an articulable belief based on specific objective facts and reasonable inference drawn from those facts. Reasonable suspicion may include, but is not limited to:

(1) a pattern of abnormal or erratic behavior;

(2) information of recent drug or alcohol use provided by a reliable and credible source;

(3) direct observation of drug or alcohol use; or

(4) presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

(c) Consent: Before a drug and alcohol test is administered, employees will be asked to sign a consent form authorizing the testing and permitting release of test results to City Officials with a need to know. The consent form shall provide space for employees to acknowledge that they have been notified of the City's drug testing policy. Employees and applicants may at this time provide a list of medications that he/she has recently used. The list of medications, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a confirmed positive test result, the list of medications shall only be disclosed to the medical officer who will determine whether the positive result was due to lawful use of any of the listed

medications. Employees may choose to provide such a list after being notified of a confirmed positive result. The consent form shall also include:

- (1) the procedure for confirming an initial positive test result;
- (2) the consequences of a confirmed positive test result;
- (3) the right to explain a confirmed positive test result and the appeal process available; and
- (4) the consequences of refusing to undergo a drug and alcohol test.

(d) Procedure: When in the supervisor's judgement, there is reasonable suspicion to believe that an employee is under the influence of drugs or alcohol, the supervisor will immediately contact the department head, deputy, acting department head, Personnel Officer, or Assistant City Administrator who will evaluate the supervisor's recommendation and if appropriate, authorize the supervisor to request the employee to consent to testing. The employee and a representative of the employee's union will be notified that the City representatives suspect the employee is under the influence of drugs or alcohol, and will list the reasons which document their suspicion. The employee, in the presence of their union representative, will be questioned about his/her behavior or other reasons that have caused the supervisor and City officer to suspect that the employee is under the influence of drugs or alcohol. If after the employee's explanation the supervisor and City officer still suspect that the employee is under the influence of drugs or alcohol, the City officer may request that the employee submit to a drug/alcohol detection test. Provided the employee consents, the supervisor will escort the individual to the designated testing facility.

(e) Documentation of Reasonable Suspicion: Supervisors and City officers shall detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee and a copy shall be furnished to the employee. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand is made.

(f) Drugs to be Tested For: When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drugs:

- (1) Alcohol (ethyl)
- (2) Amphetamines (e.g., speed)
- (3) Barbituates (Amobarbital, Butabarbital, Phenobarbital, Secobarbital)

- (4) Cocaine
- (5) Methaqualone (e.g., Quaalude)
- (6) Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- (7) Phencyclidine (PCP)
- (8) THC (Marijuana)
- (9) Drugs specified in the State of Maryland Schedule of Controlled Dangerous Substances.

(g) Refusal to Consent: An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination.

(h) Laboratory Testing Requirements: All drug and alcohol testing of employees shall be conducted at medical facilities or laboratories selected by the City. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedure that will be used to maintain test samples. The City shall not select a test facility that does not employ:

- (1) testing procedures that ensure privacy to employees consistent with the prevention of tampering;
- (2) methods of analysis that ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results.
- (3) chain of custody procedures that ensure proper identification, labeling, and handling of test samples; and
- (4) retention and storage procedures that ensure reliable results on confirmatory tests of original samples.
- (5) All drug and alcohol testing will be performed by a laboratory which meets the standards recommended by the National Institute on Drug Abuse (NIDA).

(i) Confidentiality of Test Results: All information from an employee's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee. The results of a positive test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

(j) Privacy in Drug Testing: Urine samples shall be provided in a private restroom stall or similar enclosure so that employees may not be viewed while providing the sample. Employees will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the

test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

(k) Mandatory Employee Assistance Program Referral: Upon the first confirmed determination that an employee has been under the influence of drugs or alcohol, the City shall refer the employee to the Employee Assistance Program for assessment, counseling and rehabilitation unless the employee's drug or alcohol use has resulted in an accident serious enough to warrant dismissal. Participation in the Employee Assistance Program is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete an Employee Assistance Program. Disciplinary action based on a violation of the City's Drug and Alcohol Policy is not automatically suspended by an employee's participation in an Employee Assistance Program and may be imposed when warranted.

Voluntary participation in an Employee Assistance Program prior to a confirmed positive test result is encouraged. No disciplinary action will be brought as a result of volunteering to participate in such a program. Employees who, prior to a positive test result, voluntarily identify themselves as drug or alcohol users and obtain counseling and rehabilitation through the City's Employee Assistance Program shall not be disciplined for their drug and/or alcohol use if they thereafter refrain from violating the City's Drug and Alcohol Policy. All employees, however, can be disciplined for any incidents resulting from their violation of the City's Alcohol and Drug Policy.

(l) Grievances and Appeals: All appeals and grievances for actions under this policy will be in accord with the grievance procedures in the City Code, City Regulations or an applicable collective bargaining contract.

SECTION 2: That this ordinance becomes effective upon enactment.

ADOPTED BY ROLL CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAINED:

ABSENT:

Drafted by: V. VinCola

Adopted: 2/11/91

RESOLUTION #1991-14

A RESOLUTION TO ALLOCATE ADDITIONAL FUNDS FOR USE IN THE TENANT AWARENESS PROGRAM TO HONOR A PREVIOUS LOAN COMMITMENT

WHEREAS, pursuant to Resolution 1988-25, the Tenant Awareness Program (TAP) was established by the Mayor and Council with Program Year 12 Community Development Block Grant (CDBG) funds received through Montgomery County; and,

WHEREAS, the tenants of The Edinburgh House, incorporated under the name of "The Maple Cooperative" applied for \$10,000 in TAP funds in October 1989; and,

WHEREAS, "The Maple Cooperative" was approved for a \$10,000 TAP loan and loan documents were executed in June 1990; and,

WHEREAS, the Program Year (PY) 12 CDBG contract between the City of Takoma Park and Montgomery County expired on September 30, 1990, thereby reducing the Tenant Awareness Program balance to \$0.0; and

WHEREAS, by the PY 15 contract expiration date, "The Maple Cooperative" had only expended \$2,196 of the loan; and,

WHEREAS, the City Council supports the efforts of Takoma Park tenants who are organizing to acquire their buildings, and the Council would like to honor the previous TAP loan commitment made to "The Maple Cooperative" by the City; and,

WHEREAS, there is a balance of \$7,538.66 remaining in the PY 15 Rehabilitation Administration activity, which County staff has indicated may be used for eligible soft costs under TAP; and,

WHEREAS, due to the "hold" placed on incoming rehab applications, sufficient funds for any administrative expenses incurred by the rehab program will be available from the interest earned by the revolving loan fund.

NOW, THEREFORE BE IT RESOLVED THAT the City Council hereby authorizes the use of the \$7,538.66 balance of the PY 15 Rehabilitation Administration activity to be used in accordance with the TAP guidelines and the City's previous loan commitment to provide funds to the tenants association of The Edinburgh House, "The Maple Cooperative."

ADOPTED THIS 11th DAY OF February, 1991.

Introduced by: Councilmember Hamilton
(Drafted by P. Jewell)

1st Reading: 1/28/91
2nd Reading: 2/11/91
Effective: 2/11/91

ORDINANCE NO. 1991-1

REPEALING ORDINANCE NUMBERS 1812, 2002, 2260 AND 2424
(OUTDATED MAPLE AVENUE PARKING AND STANDING ZONES)

WHEREAS, Ordinance #1812, adopted on 10/26/64, prohibited parking in excess of one hour on the East side of Maple Avenue from its northeast intersection with Sherman Avenue to the driveway exit from the Maple Avenue Shopping Center; AND

WHEREAS, Ordinance #2002, adopted on 5/13/68, limited parking to one hour on the West side of Maple Avenue in direct alignment with the North curb line of Sherman Avenue, northerly to the intersection of Ritchie Avenue; AND

WHEREAS, Ordinance #2260, adopted on 4/9/73 authorized a taxi cab stand, approximately 50 feet east of 7611 Maple Avenue; AND

WHEREAS, Ordinance #2424, adopted on 6/27/77, established a 30 minute parking area in front of 7611 Maple Avenue; AND

WHEREAS, current practices have shown there is no longer any public need served by these parking areas designated over 20 years ago; AND

WHEREAS, since the Takoma Cab Company has moved its home base out of the City of Takoma Park, there is no longer a public need served by having a taxi cab stand on Maple Avenue.

NOW, THEREFORE, BE IT RESOLVED By the City Council of Takoma Park, Maryland:

SECTION 1: THAT Ordinance Numbers 1812, 2002, 2260, and 2424 are hereby repealed.

SECTION 2. THAT the City Administrator is hereby authorized to proceed with removal of all signage in the areas noted in this Ordinance.

SECTION 3. THAT this Ordinance shall become effective upon enactment.

Adopted by Roll Call Vote as Follows:

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Porter, Prenskey
NAY: None
ABSTAINED: None
ABSENT: None

Introduced by: Councilmember Hamilton
(Drafted by P. Jewell)

Dated: 2/11/91

RESOLUTION NO. 1991-15

**APPOINTING COUNCIL REPRESENTATIVE REPLACEMENT
ON THE TAKOMA PARK VOLUNTEER FIRE
DEPARTMENT BOARD OF DIRECTORS**

WHEREAS, as a matter of practice, two Takoma Park Councilmembers have been designated to serve on the Takoma Park Volunteer Fire Department Board of Directors; AND

WHEREAS, Councilmember Hank Prensky, who was appointed to the Board in December 1989, has resigned from the Fire Board; AND

WHEREAS, Councilmember Kathy Porter has expressed interest in serving on the Takoma Park Volunteer Fire Department (TPVFD) Board of Directors.

NOW THEREFORE BE IT RESOLVED, THAT Councilmember Kathy Porter is hereby appointed to serve on the Takoma Park Volunteer Fire Department Board as a Council representative until her term expires on November 5, 1991, the City's Election Day; AND

BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 11th day of February, 1991.

Introduced by: Councilmember Douglas
(Drafted by: P. Jewell)

Adopted: 2/11/91

RESOLUTION NO. 1991-16

**RESOLUTION MAKING APPOINTMENTS TO STANDING
COMMITTEES OF THE COUNCIL**

- WHEREAS,** Article III, Section 309 of the City Charter empowers the Council to appoint Standing Committees as the Council may determine; AND
- WHEREAS,** due to the resignation of former Mayor Del Giudice, there is a vacancy on the Administration and Finance Committee.
- WHEREAS,** Councilmember Douglas has resigned from his position on the Planning, Transportation and Zoning Committee, thereby creating a vacancy.

NOW THEREFORE BE IT RESOLVED THAT, the recent Council appointments of Ed Sharp to the Mayor's position and Kathy Porter to the Ward 7 Council position necessitate the need to make new assignments to the Standing Committees as follows:

- (1) Administration and Finance Committee
Chairperson: Jim Douglas
Members: Marc Elrich
Edward F. Sharp
- (2) Housing Committee
Chairperson: Ed Sharp
Members: Marc Elrich
Mike Moore
- (3) Planning, Transportation and Zoning Committee
Chairperson: Bill Leary
Members: Hank Prensky
Kathy Porter
- (4) Public Health and Safety
Chairperson: Gregory Hamilton
Members: Mike Moore
Bill Leary

Dated this 11th day of February, 1991.

Introduced By: Councilmember Prensky
Drafted By: Darlene Morning

ADOPTED:

Resolution No. 1991- 17

Resolution regarding SES application for 6741 Eastern Avenue

WHEREAS, The petitioner, Jonathan Gieseler has submitted an application to the Montgomery County Board of Appeals for a special exception for an existing accessory apartment at 6741 Eastern Avenue, Takoma Park, MD; AND

WHEREAS, this property is located in the City of Takoma Park and the application has been referred to the City for review; AND

WHEREAS, the application has been reviewed by City Staff, and Staff has recommended approval of the application on the basis of analysis contained in the pertinent staff report dated February 8, 1991; AND

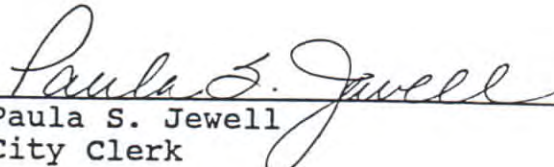
WHEREAS, the City Council have taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, The City Council hereby recommend Montgomery County Board of Appeals SUPPORT of the subject special exception and APPROVAL of the subject application.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 11th DAY OF February, 1991.

ATTEST:


Paula S. Jewell
City Clerk

City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR
TELEPHONE 270-1700



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

FAXED
2/13/91

February 12, 1991

Ms. Irene H. Gurman
Clerk to the Board
Board of Appeals for
Montgomery County
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

**Re: Case No. S-1841, Petition of Jonathan Gieseler, 6741
Eastern Avenue, Takoma Park**

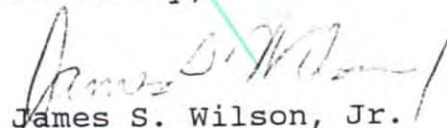
Dear Ms. Gurman:

Please find enclosed, a copy of Resolution #1991-17, unanimously passed by the City Council in Regular Session on February 11, 1991.

You will note that this Resolution recommends that the Board of Appeals support the above referenced accessory apartment application and recommends approval with the condition that the owner receives permission from the adjacent property owner to use the common driveway for the special exception use. I am also enclosing the Staff Review on this matter.

If you have any questions, please do not hesitate to contact the Code Enforcement Supervisor, Darlene Morning, at (301) 270-5900. Thank you for the opportunity to comment on this matter.

Sincerely,


James S. Wilson, Jr.
City Administrator

Enclosures

cc: Jonathan Gieseler, Petitioner
City Council
Darlene Morning, DHCD

CITY OF TAKOMA PARK
Regular Council Meeting
Monday, February 25, 1991

(Final 4/16/91)

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Personnel Officer Hobbs
Councilmember Leary	Dep. Pub. Works Dir. Laster
Councilmember Moore	Corp. Counsel Silber
Councilmember Porter	DHCD Director Grimmer
Councilmember Prensky	

The City Council convened at 8:03 p.m. on Monday, February 25, 1991, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance the Mayor made his remarks.

MAYOR'S COMMENTS:

Mayor Sharp announced the meeting of the Elections Task Force would be meeting at City Hall on February 28, 1991 at 8:00 p.m., and would be discussing issues regarding the City's elections laws, filling of Council vacancies between elections, what should happen with surplus campaign contributions, should there be provisions for write-in candidates; how election signs should be handled in the City; should there be a provision in the Charter regarding the recall of elected officials, and the possibility of individuals nominated for more than one office.

Mayor Sharp also announced that the Housing Committee meeting would be held on February 26, 1991.

ADOPTION OF MINUTES 10/8/90, 10/22/90, and 11/13/90

Councilmember Hamilton moved adoption and Councilmember Moore seconded; the Minutes were adopted by unanimous vote.

CITIZEN'S COMMENTS (those directed at items not on Council Agenda)

Karen Mitchell, President Local #3399, said that AFSCME Council 67 who represented over 14,000 public employees in the State Of Maryland, were supporting House Bill 67 regarding Unification of Takoma Park.

AGENDA

1. Second Reading Ordinance Adopting Alcohol and Drug Policy

Moved by Councilmember Hamilton and duly seconded by Councilmember Douglas.

Mr. Douglas moved and explained the amendments before the Council at second reading, noting that the underlined language in this Ordinance at second reading was to be inserted and the bracketed language deleted. He said that in Section 8B-211 on pages 2 and 3, the subsections were to be re-numbered and re-lettered as (d), (e), (f), (g), (h) and (i)", and the new subsection (d) in the last line, that followed "crossing guard", to take out the word "or" and at the end of the line, after "senior executive;" as a contract employer;" add "is a contract employee;" "or is a volunteer for the City". Mr. Douglas indicated that on Section 8B-212(f), at the bottom of page 3 of the document, regarding employees under the influence of alcohol, the wording should be defined.

Mr. Elrich asked whether or not an employee would be considered under the influence if tested positive, regardless of the level. Mr. Hobbs responded that the levels that were set down by the NIMLO would be used to determine that fact.

Mr. Douglas withdrew part of the motion of the definitions in Section 212(d), (which dealt with contract employees and

volunteers) and also 212(e) (full and part-time employees covered by the laws and regulations of the City).

Karen Mitchell said AFSCME Local #3399 and Council #67 did support the Ordinance, and that it was in the framework to what AFSCME recognized as what they were comfortable with in dealing with the employees that they represented. She went on to say that Local #3399 represented the majority of the rank and file employees in the City, and since the inception of the Ordinance, they had been included in discussions by management and by the City Council. Ms. Mitchell further stated that at a meeting where a team of employees discussed the entire Ordinance with Mr. Hobbs, he in turn made amendments, suggested by the Union and they felt very strongly about the Ordinance. She concluded by commending the Council and the City's management team for implementing the Ordinance.

Mr. Prenskey commented that the Ordinance did not cover the members of the City Council and suggested that it should be included in the Ordinance as well as including them in the Employee Assistance Program. The motion was seconded by Mr. Elrich.

Mr. Hamilton moved to delete the provision making the Employee Assistance Program available to the Council. Mr. Leary seconded the motion and the motion carried 5-2.

Mr. Elrich said that the Substance Abuse Policy was too extreme in including an employee's lunch hour, because Councilmembers had meetings and other City functions where alcohol was consumed. He said he did not feel it was fair to enforce the policy on other employees if it was not enforced on the Councilmembers.

Mayor Sharp said that he felt that such a policy would be illegal, because he did not feel the Council members could be removed from office by an ordinance which they themselves passed. He suggested that the Council could have a policy that dealt with how to handle such matters.

Mr. Douglas said he agreed with the Mayor. He asked what would be considered the "working day" of an elected official in the City.

Mr. Prenskey responded that it was 24 hours a day. Mr. Douglas replied that the policy did not work with elected officials because they had a different standard by which they were judged in the community; he therefore opposed the amendment.

Mr. Moore said he agreed with Mr. Douglas and said it was not a good suggestion.

Councilmember Porter said she sympathized with the idea the Councilmembers having to be under the same rules as the City employees. However she said, even if the Council were included, they would still not be under the same rules as City employees; since members of the Council did not have a supervisor, and could not be fired or disciplined. She opposed the amendment.

Mr. Prenskey said he did not believe that Councilmembers should be in possession of alcoholic beverages or illegal drugs. He said he believed the members of the City Council should not be doing the City's business when they were under the influence and he suggested including the Mayor and the Councilmembers under the Definitions that establish a policy and standards; with the intent to make clear that members of the City Council would not conduct City business if that were the case.

The Amendment to include the Mayor and Council in the Alcohol and Drug Policy failed.

Mr. Leary moved two related amendments which he said were both intended to achieve the same purpose in the Definitions section. He suggested an amendment to the 4th definition under abuse to

read: "use of alcohol while on duty as a City employee, or when such use impairs job performance." In section 8B-212, he suggested amending subparagraph (f) to read: "employees who are under the influence of alcohol and who have alcohol in their possession, or consumed alcohol while on duty as a City employee are in violation". The motion was duly seconded. Mr. Leary said the purpose of the Ordinance was to prohibit the use of alcohol by City employees when that use interfered with the performance of their duties. He said he suggested the change because he felt it was unreasonable and unrealistic to tell all City employees that they could not have a beer with lunch. Mr. Leary also said according to the current language, it would be a violation of City policy, as serious as reporting to work under the influence of alcohol or drugs or drinking on the job, and that the City had no business telling its employees that they could not, on their own time, do something that was neither illegal, immoral, uncommon, or necessarily disabling. However, if drinking at lunch did impair job performance, it would be the supervisor's right and duty to take disciplinary action. He continued by saying that the amendment would not in any way legitimize drinking at lunch and returning to work under the influence, and it would be just as difficult to prove, as the prohibition on reporting to work under the influence of alcohol. Mr. Leary said he would be willing to amend subparagraph (d) of the Section 8B-212 to revise the second sentence to read "reporting to work or returning to work under the influence of drugs or alcohol, is a violation of this policy". He concluded by saying that the clear intention of the ordinance as he would amend it, was to prohibit Takoma Park employees from being under the influence of alcohol while they were at work, no matter when or where they may have come under that influence.

Mr. Elrich said he would support Mr. Leary's proposed amendments. Mayor Sharp reminded the Council the Union said they were not leaving it up to management, and they indicated they will monitor how such things were handled and would not permit an arbitrary implementation of the policy. The Mayor said he would like to hear a proponent of the amendment explain why the policy should be changed in the way it was being proposed when the very people who are affected are saying they find the policy acceptable.

Mr. Hamilton said he did not support the amendment. He said the intent was to preserve the safety of all people and it had to be done during the entire workday. Mr. Hamilton further said he did not think that any level of alcohol or drug abuse was appropriate in the workplace.

Karen Mitchell said that Local #3399 was first concerned with the safety of its members, and that many of the members had access to City vehicles. She said regardless what the laws were, employees were still going to make their own decisions, and if the Union had to be called in because of potential abuse, it would be monitored and they would not expect to see supervisors abuse it. On the other hand, she said there was not going to be an alcohol patrol running around the City, standing and watching to see who drank alcohol. Ms. Mitchell said that employees can be evaluated on their job description; there was nowhere in the job description that talked about alcohol abuse, nor on the evaluation form. She said if the supervisor were to start documenting that type of behavior, it would end up in a grievance. She said they reached the decision by going to many employees in various departments and that the employees did not have a problem with it. She assured the Council there would be no abuse and no selective enforcement of the policy.

Mr. Prenskey said he would also vote against the amendment. He said that he had been in favor of it at first because it did not seem

that the intent was to control or prohibit normal behavior on the part of the City employees. However, he was affected by Ms. Mitchell's words and the feelings of the employees in the City.

Mr. Moore said he was bothered by the provision since it began, and initially felt that it was too extreme. He said since talking with Ms. Mitchell and City employees, he had come to the conclusion that it seemed to be an acceptable and desirable rule to have, and that was why he would support it. He said he would vote against Mr. Leary's amendment and he hoped it would not be used to abuse anyone's rights or as an excuse for disciplining anyone.

Ms. Porter said that she also was against the amendment. She said she was impressed with the fact that both City management and the Union supported the policy as it stood without the amendment.

The Question was called and the Amendment failed 5-2.

Mr. Prensky asked the Personnel Officer for confirmation that the City had reached out to include the thoughts and feelings of representatives of Local 400, which represented Takoma Park's sworn police officers.

Mr. Hobbs responded that in September 1991, when the Policy was first being formulated, the first draft went out to both AFSCME and Local 400; every change has also been provided to both Unions. He said that management has invited input from Local 400 and on a number of occasions and as recently as last week, he talked to Pfc. Richards, the Local 400 Union Steward. Mr. Hobbs said that Local 400 had also been invited to attend this evening's meeting. Mr. Hobbs also said that this is standard procedure used on all personnel regulations and policy.

Mr. Douglas commented that the Council has spent alot of time talking about narrow and specific issues. He reminded the Council and the listening audience that this is a very detailed ordinance that goes into many different aspects of the Drug and Alcohol Policy. He said the screening program, unmentioned tonight, is very helpful because the City was not proposing any kind of pre-screening programs, that the Federal Government thinks it needs to have. Mr. Douglas explained that this EAP program in its entirety, is noteworthy and the City staff, City Administrator, Personnel Officer and all who contributed should be very proud of their efforts. He said he hoped he doesn't have to be subject to comments from his colleagues in his other work that Takoma Park is going off on another tangent. Mr. Douglas said this is a comprehensive Alcohol and Drug Policy designed to deal with drug and alcohol issues on a broad scale and he hoped that Takoma Park citizens and citizens in the Washington Metropolitan area would get this message.

Mr. Hamilton agreed with Mr. Douglas' comments and said that if could rename the Ordinance, he would call it a safety and health benefits package. He said the real goal is to provide safety for Takoma Park residents and employees and also to provide a mechanism for employees that have alcohol and drug problems to seek help.

COUNCIL ACTION: The Question was called and the Ordinance was adopted unanimously by Roll Call Vote at second reading.

ORDINANCE NO. 1991-2
(Attached)

2. Resolution Requesting That Silver Spring Sector Plan be Re-Opened

Adoption was moved by Councilmember Elrich and seconded by Councilmember Leary. Mr. Elrich announced that the Park and Planning Commission would be holding a public discussion about the Silver Spring Sector Plan because a number of things had changed in Silver Spring, including a developer who had lost the option on

the shopping center; lost the option on the County Agency Agreement, which would have given them air rights over Georgia Avenue, and discuss the sale of a County building.

Mr. Leary suggested deputizing someone to testify at the March 7th Public Hearing at the Park and Planning Commission. Mr. Elrich announced that he would probably be attending.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-18
(Attached)

3. Resolution Appointing 3 Residents to City's Recycling Task Force
Adoption was moved by Councilmember Prensky and seconded by Councilmember Elrich. City Clerk Jewell gave the names that the Recycling Coordinator had given to her: David Lurie, 614 Elm; Leslie Meads, 111 Lee Avenue; Jillian Ament, 28 Lee Avenue, and Maggie Scheie, 614 Elm Avenue.

COUNCIL ACTION: Mr. Prensky moved for appointment, the names of Leslie Meads, Jillian Ament, Maggie Scheie, and since David Lurie was just appointed to COLTA, as alternate. This was seconded and the Resolution making these appointments passed unanimously.

RESOLUTION NO. 1991-19
(Attached)

4. Resolution Authorizing Loan to 7611 Maple Avenue

Moved by Councilmember Elrich and seconded by Councilmember Leary. Mr. Moore suggested a proposal to change the wording in the Resolution where it referred to tenants of "moderate means". He suggested the word "modest" instead of "moderate", and explained that some people would look at the Resolution and think that "moderate" would mean people with average income. Mayor Sharp moved that the wording should actually be "low and moderate income". Mr. Moore agreed and seconded the motion which was passed by the Council.

Mr. Elrich said that the Resolution mentioned \$40,000.00, and he was curious as to where the other \$15,000.00 went, and questioned was it part of the whole package.

Ms. Grimmer said that was to be structured and it did not need to be handled in this Resolution, it could be handled by the TAP Committee. DHCD was asked to look into this point.

Mr. Elrich commented that this is a very serious effort on the City's part to encourage tenant ownership and maintenance of affordable housing and it would be nice if this was more widely known.

Mr. Douglas said not only was it important to allow these particular tenants to own their own homes at affordable prices, but it was also important for the City to be able to get this property off of a non-tax roll and onto a tax roll. He also that he hoped that a more systematic way would be found to handle similar situations in the future.

Mr. Hamilton commented that the tenants had worked very hard over the last three years in trying to pool their assets together, and the purpose was to reassure tenants that the Council had put the tenant opportunity to purchase law on the books, and wanted to help them to achieve their goal of homeownership.

Mayor Sharp asked if there should be a date of expiration in the Resolution. Mr. Prensky proposed that the authorization expire at the end of the budget year and it could be re-authorized next year should the Council so choose.

Ms. Grimmer agreed that it was a good idea and she made a suggestion to add to item #3 to incorporate the \$15,000 issue to read: the City Administrator is also authorized to extend the existing TAP loan at \$15,000, otherwise due at settlement for an additional 5 years at 5% per annum. Ms. Grimmer confirmed that both authorizations would expire on 6/30/91.

COUNCIL ACTION: The Resolution, as amended, passed unanimously.

RESOLUTION NO. 1991-20
(Attached)

5. Resolution Opposing Takoma Park Road Expansion Plans Listed in Montgomery County Executive's Proposed CIP

Adoption was moved by Councilmember Elrich and duly seconded by Councilmember Leary.

Mr. Elrich said the road improvements were designed to accommodate a certain developer's project in Silver Spring, and the project would have an adverse effect on the community. He said there were a lot of things that the neighborhood association did not want to see happen.

Mr. Prensky suggested an amendment at the end of the first Resolved clause to add after the words "capital improvement program", and to delete the (period) so the clause read: thereby benefitting the residents of Montgomery County through the reduction of any future budget shortfall.

Mr. Douglas remarked that he had observed three intersections in residential neighborhoods in the City, and the expansions which would be included in the intersections would have disastrous effects, because they would go right through the middle of town.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-21
(Attached)

6. Resolution Removing COLTA Commissioner

Moved by Councilmember Hamilton and seconded by Councilmember Douglas. Mayor Sharp said he had received a memorandum from the Chairman of the Landlord and Tenant Commission which indicated that Gregory Payne had moved to Virginia, and they were unable to contact him to make a verification, therefore, they requested his removal from COLTA.

COUNCIL ACTION: The Resolution removing Gregory Payne from COLTA was passed unanimously.

RESOLUTION NO. 1991-22
(Attached)

7. First Reading Ordinance Removing Parking Meters From Old Post Office Location on Maple Avenue

Adoption was moved by Councilmember Douglas and seconded by Councilmember Hamilton.

Mr. Douglas noted that the Post Office had been moved from Maple Avenue to Laurel Avenue and there were 3 parking meters on Maple Avenue which were not being enforced. He said the Ordinance authorized the move of three parking meters over to the Laurel Avenue location in order to assure some turnover to parking meters in front of the Post Office, because there was already a problem with double parking and perhaps the meters would help. He further indicated there was a concern in the neighborhood as to where the parking meters were coming from, and it needed to be clear that the residential parking zone began at the District line on both sides of Maple Avenue; he suggested that at second reading the Ordinance could be amended to reflect this, if necessary. Mr. Douglas also

noted that the meters were twenty-five cents meters and therefore all of the meters would be the same in all parts of the City. He concluded by saying there were some short term meters in front of the Middle Eastern Market, and in others places which were twenty minute meters for twenty-five cents, but the ones that would be moved were thirty minute meters for twenty-five cents.

COUNCIL ACTION: The Ordinance was accepted at first reading by unanimous vote.

ORDINANCE 1991-3
(Attached)

8. Resolution Appointing Members to COLTA

Moved by Mayor Sharp and seconded by Councilmember Douglas.

Mayor Sharp announced that Elizabeth Bentley had been interviewed for membership on COLTA, and the Council agreed she should be appointed to a term which would expire on June 30, 1993.

COUNCIL ACTION: The Resolution to appoint Elizabeth Bentley to COLTA passed by unanimous vote.

RESOLUTION NO. 1991-23
(Attached)

ADDITIONAL AGENDA ITEMS

9. Resolution Supporting Proposed Montgomery County FY'92 Annual Growth Policy's Recommendation

Councilmember Elrich presented three Whereas clauses that he wanted to be added, including an additional Resolved clause; Councilmember Douglas seconded. Councilmember Leary proposed separating the questions regarding the Silver Spring CBD from the Resolution, and to bring the matter forth as a separate Resolution. He explained that the Resolution expresses the Council's support of the proposed Montgomery County FY'92 Annual Growth Policy's recommendation to review the Sector Plan to eliminate the TSM Zone, and requests that the necessary steps be taken to schedule such a review.

Mr. Prenskey said that in lieu of the additions which had been deleted, to specify that to down-zone the reevaluation on the Resolution, because it only asked for a reevaluation and it did not specify what was preferred as a result of the reevaluation.

COUNCIL ACTION: The Resolution, as amended, passed unanimously.

RESOLUTION NO. 1991-24
(Attached)

10. Resolution Proposed by Councilmember Elrich Re Opposing the AGP Recommendations That The Current Job Ceiling Be Maintained

Councilmember Elrich moved adoption of the Resolution and Councilmember Leary seconded.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-25

Upon motion duly made and seconded, the meeting adjourned at 10:12 p.m. to reconvene on March 11, 1991 in Regular Session.

Introduced by: Councilmember Hamilton
(Drafted by T. Wayne Hobbs)

1st Reading: 2/11/91
2nd Reading: 2/25/91
Effective:

ORDINANCE NO. 1991-2
(Alcohol And Drug Policy And Employee Assistance Program)

- WHEREAS, Takoma Park has a continuing commitment to its employees and to the public to provide a safe work environment and to insure that all employees fulfill their obligations to the City and to the public; AND
- WHEREAS, Takoma Park employees, equipment and operating practices must be consistent with the highest standards of health and safety; AND
- WHEREAS, Substance abuse is a serious national problem which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative effect on the operations of business and government; AND
- WHEREAS, It is estimated that as much as 15% of the American workforce arrives for work each day under the influence of drugs or alcohol; AND
- WHEREAS, Every employer, including Takoma Park, experiences a loss in productivity due to drug related absenteeism, injuries on the job, decreased work quality and wasted dollars; AND
- WHEREAS, Substance abusing employees function below established standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees; AND
- WHEREAS, The illegal use of the workplace as a market place for drugs endangers the health, safety and welfare of Takoma Park employees; AND
- WHEREAS, Takoma Park must maintain a work environment which eliminates this waste and supports the health, well-being and productivity of all its employees as they carry out their responsibilities to the citizens of Takoma Park; AND
- WHEREAS, The Federal Omnibus Drug Abuse Act of 1988 stipulates that any direct recipient of Federal dollars must establish a Drug-Free Workplace, including a policy on use of substances, a drug awareness program for employees and a procedure for self-reporting convictions; AND
- WHEREAS, A drug-free workplace is fundamental to efficient, effective and responsive government.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1: Chapter 8B of the Takoma Park Code entitled "Personnel Procedures" is amended to add Articles 3, 4 and 5 to read as follows:

CHAPTER 8B

ARTICLE 3. ALCOHOL AND DRUG POLICY

Sec. 8B-210. Purpose

The purpose of this article is to prescribe alcohol and drug policies relating to city employees as defined herein.

Sec. 8B-211. Definitions

In this article, the following terms have the meanings indicated:

(a) "Abuse" means:

- (1) Any use of any illegal drug;
- (2) Intentional misuse of any over-the counter drug, in cases where such misuse impairs job performance;
- (3) Use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted;
- (4) Use of alcohol during the work day or where such use impairs job performance; and
- (5) Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

(b) "Alcohol" means ethyl alcohol or ethanol.

(c) "Drugs" mean any substance, including controlled dangerous substances, taken into the body, other than alcohol, which may impair one's mental faculties, changes one's mood and/or physical performance.

(d) Employee means any person serving in a full-time or part-time position included in the City's classification system; is serving as a crossing guard; or is designated as a senior executive.

(e) "Senior Executive" is an employee who serves at the pleasure of the City Administrator or the Mayor and City Council and the immediate deputies of these employees.

(f) "Sensitive positions" are those in which the City Administrator has determined that any of the following conditions exist:

(1) A substantially significant degree of responsibility for the safety of others;

(2) A potential that impaired performance of the employee could result in death of or injury to the employee or others; and

(3) Lack of close monitoring of the employee's behavior which reduces the possibility of intervention or assistance by another when necessary.

(g) "Substance" means alcohol or drugs.

(h) "Under the influence" is drinking alcohol or using drugs to the extent of probably affecting one's judgment and discretion or probably affecting one's nervous system to the extent that there is a failure of normal coordination, although not amounting to intoxication.

(i) "Workplace" means a City owned or utilized premise for official City business.

Sec. 8B-212. Substance Abuse Policy.

(a) Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the workplace.

(b) Where justified by reliable information and/or observation, criminal violations shall be referred to the appropriate law enforcement authority for further investigation and prosecution.

(c) The City will not hire anyone who is known to currently abuse drugs or alcohol.

(d) All employees must report to work and return to work in a fit condition to perform their duties. Reporting to work under the influence of drugs or alcohol is a violation of this policy and shall subject the employee to disciplinary action.

(e) All employees on official business, on or off the workplace, are prohibited from purchasing, transferring, using, or possessing illegal drugs. Violations of this policy is proper cause for administrative or disciplinary action up to and including termination of employment.

(f) Employees who are under the influence of alcohol, have alcohol in their possession or consume alcohol during the working day are in violation of this policy and may be subject to administrative or disciplinary action up to and including termination of employment.

(g) Employees undergoing medical treatment involving prescribed medications which could adversely affect performance, such as drugs which should not be used when operating machinery, motor vehicles, etc., must report this treatment to their supervisor or department head. Even though the use of such drugs as prescribed by a physician is legal, it may be necessary to modify an employee's duties which might be adversely affected by the use of such drugs.

(h) All employees must report any drug or alcohol conviction to their supervisor within five (5) days of that conviction.

(i) Employees convicted of an off-the-job drug or alcohol offense will be in violation of this policy if the violation interferes with the regular performance of their job.

(j) All employees must cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use in the workplace.

(k) Employees will not be terminated for voluntarily seeking assistance for a substance abuse problem. However, continued unacceptable job performance, attendance and/or behavior problems shall result in disciplinary action up to and including termination.

(l) Employees who are assigned to or designated sensitive classes will be terminated if they are in violation of this policy.

(m) Any employee found to be in violation of any of the provisions of this policy shall be subject to disciplinary action contained in Sec. 8B-163 of this Code (as modified by any applicable collective bargaining contract), which includes penalties up to and including termination.

(n) All department heads and supervisors are responsible for adherence, implementation and monitoring of this policy.

(o) All employees will be provided a copy of this policy and are required to acknowledge receipt by returning a signed copy of the following affirmation to their supervisors for insertion in their personnel files.

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CITY OF TAKOMA PARK
SUBSTANCE ABUSE POLICY ACKNOWLEDGEMENT OF RECEIPT

As an employee of the City Of Takoma park, I, _____, hereby certify that I have received a copy of the City's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the City's owned or utilized premises and violation of this policy can subject me to discipline up to and including termination. As a condition of employment, I must abide by the terms of this policy and will notify my supervisor of any criminal drug conviction no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

Employee's Signature

Date

Supervisor's Signature

Date

=====

ARTICLE 4. EMPLOYEE ASSISTANCE PROGRAM

Sec. 8B-213. Purpose

The purpose of this article is to provide for an Employee Assistance Program which is a benefit for those full-time and part-time employees who receive regular benefits under applicable City Regulations and Ordinances.

Sec. 8B-214. Employee Assistance Program.

(a) Recognizing that declining job performance and behavioral problems may be caused by factors not directly associated with one's job function, it is the City's policy to make help available rather than to merely discipline employees when these problems affect performance. Accordingly the City will establish an "Employees Assistance Program" which has as its goal , restoring employees to optimal job performance by using a positive approach to reduce losses of productivity, as well as offering assistance and encouraging employees to help themselves through self referral.

(b) The "Employee Assistance Program" will include the following principles:

(1) Behavioral disorders, emotional problems, alcoholism, and other substance abuse are illnesses which can be successfully treated and employees experiencing these problems will receive the same careful consideration and offer of assistance that is extended to employees having other illnesses.

(2) The program will be conducted to insure the same respect and confidentiality accorded employees suffering from any health condition.

(3) Employees will be encouraged to contact a designated counselor or program coordinator for confidential assistance if needed.

(4) The decision to seek evaluation of problems and accept suggested treatment is the employees responsibility. However, if a supervisor alerts an employee to a performance problem, it is the employee's responsibility along with the supervisors to take whatever steps are necessary to resolve the problem.

(5) No employee will have his/her job security or promotion opportunities jeopardized by seeking counseling or assistance.

(6) Nothing in the "Employee Assistance Program" will prohibit formal disciplinary or adverse action, including termination of employment where performance is deficient. However, appropriate consideration will be given to employees in treatment programs before disciplining them.

(c) The "Employee Assistance Program" will include provisions to educate and inform employees about:

(1) The dangers of drug and alcohol abuse in the workplace and the community at large;

(2) The City's policy of maintaining a drug-free workplace;

(3) A thorough explanation of the purpose and workings of the "Employee Assistance Program".

(4) The penalties that may be imposed for drug and alcohol abuse violations.

(d) The "Employee Assistance Program" shall provide a supervisor's training program to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors to recognize the conduct and behavior giving rise to a reasonable suspicion of drug or alcohol use, to identify employees who need drug counseling and employee assistance programs, and to be aware of those employees who pose an immediate safety threat.

ARTICLE 5. SCREENING FOR DRUGS/ALCOHOL

Sec. 8B-215. Purpose.

The purpose of this article is to provide policy and procedures for conducting drug and alcohol screening when there is reasonable suspicion that an employee, as defined in Article 3, is under the influence or intoxicated during working hours.

Sec. 8B-216. Screening for Drugs and/or Alcohol.

(a) The City may require a current employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs and alcohol during work hours. Testing of police officers must conform to the provisions of the State of Maryland "Law Enforcement Officer's Bill of Rights.

(b) "Reasonable suspicion" means an articulable belief based on specific objective facts and reasonable inference drawn from those facts. Reasonable suspicion may include, but is not limited to:

- (1) a pattern of abnormal or erratic behavior;
- (2) information of recent drug or alcohol use provided by a reliable and credible source;
- (3) direct observation of drug or alcohol use; or
- (4) presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

(c) Consent: Before a drug and alcohol test is administered, employees will be asked to sign a consent form authorizing the testing and permitting release of test results to City Officials with a need to know. The consent form shall provide space for employees to acknowledge that they have been notified of the City's drug testing policy. Employees and applicants may at this time provide a list of medications that he/she has recently used. The list of medications, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a confirmed positive test result, the list of medications shall only be disclosed to the medical officer who will determine whether the positive result was due to lawful use of any of the listed medications. Employees may choose to provide such a list after being notified of a confirmed positive result. The consent form shall also include:

- (1) the procedure for confirming an initial positive test result;
- (2) the consequences of a confirmed positive test result;

(3) the right to explain a confirmed positive test result and the appeal process available; and

(4) the consequences of refusing to undergo a drug and alcohol test.

(d) Procedure: When in the supervisor's judgement, there is reasonable suspicion to believe that an employee is under the influence of drugs or alcohol, the supervisor will immediately contact the department head, deputy, acting department head, Personnel Officer, or Assistant City Administrator who will evaluate the supervisor's recommendation and if appropriate, authorize the supervisor to request the employee to consent to testing. The employee and a representative of the employee's union will be notified that the City representatives suspect the employee is under the influence of drugs or alcohol, and will list the reasons which document their suspicion. The employee, in the presence of their union representative, will be questioned about his/her behavior or other reasons that have caused the supervisor and City officer to suspect that the employee is under the influence of drugs or alcohol. If after the employee's explanation the supervisor and City officer still suspect that the employee is under the influence of drugs or alcohol, the City officer may request that the employee submit to a drug/alcohol detection test. Provided the employee consents, the supervisor will escort the individual to the designated testing facility.

(e) Documentation of Reasonable Suspicion: Supervisors and City officers shall detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee and a copy shall be furnished to the employee. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand is made.

(f) Drugs to be Tested For: When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drugs:

- (1) Alcohol (ethyl)
- (2) Amphetamines (e.g., speed)
- (3) Barbituates (Amobarbital, Butabarbital, Phenobarbital, Secobarbital)
- (4) Cocaine
- (5) Methaqualone (e.g., Quaalude)
- (6) Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- (7) Phencyclidine (PCP)
- (8) THC (Marijuana)
- (9) Drugs specified in the State of Maryland Schedule of Controlled Dangerous Substances.

(g) Refusal to Consent: An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination.

(h) Laboratory Testing Requirements: All drug and alcohol testing of employees shall be conducted at medical facilities or laboratories selected by the City. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedure that will be used to maintain test samples. The City shall not select a test facility that does not employ:

(1) testing procedures that ensure privacy to employees consistent with the prevention of tampering;

(2) methods of analysis that ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results.

(3) chain of custody procedures that ensure proper identification, labeling, and handling of test samples; and

(4) retention and storage procedures that ensure reliable results on confirmatory tests of original samples.

(5) All drug and alcohol testing will be performed by a laboratory which meets the standards recommended by the National Institute on Drug Abuse (NIDA).

(i) Confidentiality of Test Results: All information from an employee's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee. The results of a positive test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

(j) Privacy in Drug Testing: Urine samples shall be provided in a private restroom stall or similar enclosure so that employees may not be viewed while providing the sample. Employees will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

(k) Mandatory Employee Assistance Program Referral: Upon the first confirmed determination that an employee has been under the influence of drugs or alcohol, the City shall refer the employee to the Employee Assistance Program for assessment, counseling and rehabilitation unless the employee's drug or alcohol use has resulted in an accident serious enough to warrant dismissal. Participation in

the Employee Assistance Program is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete an Employee Assistance Program. Disciplinary action based on a violation of the City's Drug and Alcohol Policy is not automatically suspended by an employee's participation in an Employee Assistance Program and may be imposed when warranted.

Voluntary participation in an Employee Assistance Program prior to a confirmed positive test result is encouraged. No disciplinary action will be brought as a result of volunteering to participate in such a program. Employees who, prior to a positive test result, voluntarily identify themselves as drug or alcohol users and obtain counseling and rehabilitation through the City's Employee Assistance Program shall not be disciplined for their drug and/or alcohol use if they thereafter refrain from violating the City's Drug and Alcohol Policy. All employees, however, can be disciplined for any incidents resulting from their violation of the City's Alcohol and Drug Policy.

(1) Grievances and Appeals: All appeals and grievances for actions under this policy will be in accord with the grievance procedures in the City Code, City Regulations or an applicable collective bargaining contract.

SECTION 2: That this ordinance becomes effective upon enactment.

ADOPTED BY ROLL CALL VOTE AS FOLLOWS:

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Porter, Prensky.
NAY: None
ABSTAINED: None
ABSENT: None


Introduced by: Councilmember Elrich

RESOLUTION 1991-18

- WHEREAS,** the City of Takoma Park believes that the proposed level of development in Silver Spring is excessive and will overburden the infrastructure needed to support it; AND
- WHEREAS,** the City of Takoma Park borders on the Silver Spring CBD; AND
- WHEREAS,** a number of roads designed to serve the CBD go through the City of Takoma Park; AND
- WHEREAS,** the City of Takoma Park will be adversely impacted by the overcrowded roads that will result from such development; AND
- WHEREAS,** the proposed Regional Mall and office complex is designed to serve a regional market and not the needs of adjacent neighborhoods; AND
- WHEREAS,** the City Council of Takoma Park believes that the development of Silver Spring should be carefully planned so that remaining capacity for growth is utilized to achieve revitalization consistent with maintaining the quality of life in the surrounding communities.
- NOW, THEREFORE BE IT RESOLVED THAT** the City of Takoma Park urges the Planning Board to reopen the Sector Plan for the Silver Spring CBD; AND
- BE IT FURTHER RESOLVED THAT** the City Council of Takoma Park supports a reduction in the capacity for future development and asks the Planning Board to insure that future growth emphasizes the need for housing and local-serving retail.

Adopted this 25th day of February, 1991.

ATTEST:


Paula S. Jewell, CMC
City Clerk

Introduced by: Councilmember Prensky

RESOLUTION NO. 1991-19

APPOINTING MEMBERS TO THE RECYCLING TASK FORCE

WHEREAS, there are currently 6 vacancies on the City's 20 member Recycling Task Force; AND

WHEREAS, four Takoma Park residents have expressed an interest in serving on the Task Force.

NOW THEREFORE BE IT RESOLVED THAT the following persons are hereby appointed to the Takoma Park Recycling Task Force:

<u>Name</u>	<u>Address</u>
Leslie Meads	111 Lee Avenue #206 (Ward 4)
Gillian Ament	28 Lee Avenue (Ward 2)
Maggie Scheie	614 Elm Avenue (Ward 3)
David Lurie (Alternate)	614 Elm Avenue (Ward 3)

Dated this 25th day of February, 1991.

Introduced by: Councilmember Elrich

Drafted by: V. VinCola
and L. Perlman

Adopted: February 25, 1991

RESOLUTION NO. 1991-20

A RESOLUTION TO AUTHORIZE A LOAN OF \$40,000 IN UNAPPROPRIATED RESERVE FUNDS TO THE 7611 MAPLE AVENUE TENANTS ASSOCIATION, INC TO ASSIST WITH THE ACQUISITION EXPENSES ASSOCIATED WITH THE TENANT-SPONSORED PURCHASE OF 7611 MAPLE AVENUE

WHEREAS, a large segment of the population of the City of Takoma Park is tenants; AND

WHEREAS, there is a shortage of decent, sanitary, and safe housing available for purchase in the City which tenants of low and moderate income can afford; AND

WHEREAS, tenant-sponsored purchases of multi-family residential buildings provide tenants of low and moderate income with an opportunity to purchase decent and affordable housing, thus helping to maintain neighborhood stability and economic diversity in the City; AND

WHEREAS, converting multi-family residential buildings in the City to tenant ownership will result in better maintained buildings, less residential turnover, and will reduce the number of absentee landlords and owners; AND

WHEREAS, 7611 Maple Avenue is presently owned by the Housing Opportunities Commission which is exempt from property taxes, and acquisition of such a building by the tenant organization will return that building to the City tax rolls and increase City tax revenues; AND

WHEREAS, the 7611 Maple Avenue Tenants Association is unable to secure all of the necessary financing from private lenders for the acquisition of their building or can only obtain such financing at prohibitive interest rates and on unsatisfactory terms and conditions; AND

WHEREAS, many tenants of low and moderate income lack sufficient income or assets to enable them, without assistance, to purchase units in 7611 Maple Avenue; AND

WHEREAS, the Council supports the efforts of the tenants of 7611 Maple Avenue who have organized to acquire the property and the Council would like to be able to offer financial assistance to such tenants; AND

WHEREAS, the Council declares that making a loan to the 7611 Maple Avenue Tenants Association from Unappropriated Reserve funds serves a public purpose and promotes the peace, health and general welfare of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

1. The City Administrator or the City Administrator's designee is hereby authorized and empowered to make a loan in the principal sum of \$40,000 for a term of five years and at an interest rate of 8.25 percent per annum from the Unappropriated Reserve of the City of Takoma Park to the 7611 Maple Avenue Tenants Association, Inc ("Borrowers") to be used to acquire the real property known as 7611 Maple Avenue, Takoma Park, Maryland ("Property"). The loan its terms and conditions shall be evidenced by a loan agreement, promissory note, Deed of Trust on the property, and by such other documentation considered necessary by the City Administrator or the City Administrator's designee.

2. The making of this loan to Borrowers is subject to and conditioned upon the following:
 - a. Loyola Federal Savings and Loan Association making a first trust loan to the Borrowers in the amount of \$2.5 million for the Borrowers' acquisition of the property;

 - b. The Maryland Housing Fund insuring Loyola Federal Savings and Loan Association's \$2.5 million first trust loan on the property;

 - c. Receipt, review, and approval by the City Administrator or the City Administrator's designee, of the Borrowers' projected monthly cash flow statements for the property; and

 - d. Receipt, review and approval by the City Administrator or the City Administrator's designee of Borrowers' plans and specifications and the architect or engineer's inspection reports for rehabilitation of the property, and of the public offering related to the property for the conversion of the property to cooperative housing.

BE IT FURTHER RESOLVED THAT the Council hereby directs the City Administrator or the City Administrator's designee to amend the terms of the tenant association's outstanding Tenant Awareness Program (TAP) loan for \$15,000 to provide for an extended term of 5 years from the date of the acquisition settlement, an interest rate of 5 percent per annum with repayment to be made in monthly installments.

BE IT FURTHER RESOLVED THAT this authorization shall expire on June 30, 1991.

ADOPTED THIS 25th DAY OF February, 1991.

VV:GC3/TAPMUL-T.RES

Introduced By: Councilmember Elrich
Drafted By: T. Kowaluk

ADOPTED: February 25, 1991

Resolution 1991-21

A Resolution Concerning the Montgomery County FY 92-97
Capital Improvements Program

WHEREAS, the proposed Montgomery County Fiscal Years 92-97 Capital Improvements Program includes plans for widening three City intersections (Philadelphia Avenue and Piney Branch Road, Philadelphia Avenue and Maple Avenue, Philadelphia Avenue and Carroll Avenue); AND

WHEREAS, the proposed intersection improvements will increase the amount of through traffic in the City; AND

WHEREAS, the proposed intersection improvements will result in an increased safety hazard for pedestrians, as two are designated school crossings and the third is located in an active commercial district; AND

WHEREAS, the need for these proposed intersection improvements is highly questionable, given the success of transportation management measures in Silver Spring and the lack of progress of the Silver Triangle project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council strongly opposes the proposed intersection improvements for Philadelphia Avenue and Piney Branch Road, Philadelphia Avenue and Maple Avenue, and Philadelphia Avenue and Carroll Avenue as specified in the proposed Montgomery County Fiscal Years 92-97 Capital Improvements Program, and requests their removal from same thereby benefitting the residents of Montgomery County through the reduction of any future budget shortfall.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 25th DAY OF February, 1991.

Introduced by: Councilmember Hamilton

Drafted by: E. Tracey

RESOLUTION #1991 - 22

RESOLUTION TO REMOVE A COMMISSIONER FROM THE
COMMISSION ON LANDLORD-TENANT AFFAIRS (COLTA)

- WHEREAS, Commissioner Gregory Payne has moved from his last known address at 7667 Maple Avenue, has apparently relocated to Virginia, and has not informed the Commission of a forwarding address; AND
- WHEREAS, Commissioner Payne has not attended a COLTA function since November 29, 1990; AND
- WHEREAS, Commissioner Payne, in his failure to perform his duties as a Commissioner, has inconvenienced his fellow Commissioners and the community he was appointed to serve; AND
- WHEREAS, COLTA Chair William Ramsey has, on behalf of the entire Commission, requested that Commissioner Payne be removed from COLTA and replaced as soon as possible with a Commissioner who is able to fulfill the duties required of a COLTA Commissioner.

NOW IT THEREFORE BE RESOLVED, that the City Council of Takoma Park, Maryland has determined that Commissioner Payne has become incapacitated in his ability to carry out his duties on the Commission; AND

BE IT FURTHER RESOLVED, that, in accordance with Section 6-80.2(a) of the Takoma Park Code, Commissioner Payne is hereby removed from COLTA.

Dated: February 25, 1991

Introduced by:

1st Reading: 2/25/91

2nd Reading:

Effective:

ORDINANCE NO. 1991-3

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

- SECTION 1. THAT Ordinance #2000, adopted April 23, 1968, authorized the placement of two (2) thirty (30) minute parking meters in front of 7117 Maple Avenue, AND
- SECTION 2. THAT it has been determined that the 30 minute parking signs/meters are no longer needed in front of 7117 Maple Avenue and should be removed, AND
- SECTION 3. THAT these 30 minute parking signs/meters are to be relocated in front of the new Takoma Park Post Office located at 6909 Laurel Avenue, AND
- SECTION 4. THAT the City Administrator or his representative shall determine the placement for these spaces, AND
- SECTION 5. THAT the Director of Public Works is instructed to have the proper signs installed immediately upon adoption of this ordinance, AND
- SECTION 6. THAT this ordinance shall become effective upon adoption by the Council and completion of signing, AND
- SECTION 7. THAT the penalty for violation of this ordinance shall be as prescribed in Section 13-64(a) of the Code of Takoma Park, Maryland, 1972, as amended.

Adopted this _____ day of February 1991.

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Mayor Sharp

Adopted: 2/25/91

RESOLUTION NO. 1991-23

APPOINTING MEMBER TO A TERM ON COLTA

WHEREAS, there currently exists vacancies on the City's Commission on Landlord and Tenant Affairs; AND

WHEREAS, several citizens have made application to serve on the Commission.

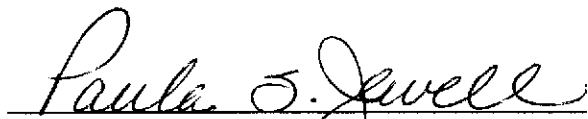
NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the vacant seat on the Takoma Park Commission on Landlord and Tenant Affairs:

Name	Address	Term Expires
Elizabeth M. Bentley	407 Tulip Avenue #101	6/30/93

BE IT FURTHER RESOLVED, THAT these appointments are effective immediately.

Adopted this 25th day of February, 1991.

ATTEST:


Paula S. Jewell, CMC
City Clerk

Introduced By: Councilmember Elrich

ADOPTED: February 25, 1991

RESOLUTION 1991-24

A Resolution Concerning the Montgomery County FY 92
Annual Growth Policy

WHEREAS, the Montgomery County Executive's Recommended Fiscal Year 92 Annual Growth Policy has been referred to the City for review and comment; AND

WHEREAS, the Montgomery County Council has scheduled a public hearing on the FY 92 Annual Growth Policy for Tuesday, February 26 at 7:30 PM; AND

WHEREAS, as part of the Annual Growth Policy, the Montgomery County Executive has recommended that the existing high density zoning in the Sector Plan for the Transit Impact Area in Takoma Park be reevaluated, and has proposed a review of the Sector Plan; AND

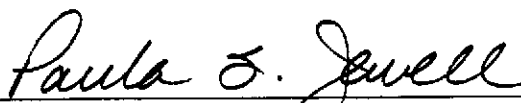
WHEREAS, the City Council is in agreement with this recommendation by the County Executive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the Council strongly supports the proposed Montgomery County FY 92 Annual Growth Policy's recommendation to review the Sector Plan to eliminate the TSM Zone, and requests that the necessary steps be taken to schedule such a review.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 25th DAY OF February, 1991.

ATTEST:



Paula S. Jewell, CMC
City Clerk

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Introduced By: Councilmember Elrich

ADOPTED: February 25, 1991

RESOLUTION 1991-25

A Resolution Concerning the Montgomery County FY 92
Annual Growth Policy

WHEREAS, the Montgomery County Executive's Recommended Fiscal Year 92 Annual Growth Policy has been referred to the City for review and comment; AND

WHEREAS, the Montgomery County Council has scheduled a public hearing on the FY 92 Annual Growth Policy for Tuesday, February 26 at 7:30 PM; AND

WHEREAS, the designation of the Silver Spring CBD as a Policy Area 6 along with the level of service associated with that designation will lead to the worst traffic conditions in the County; AND

WHEREAS, the City of Takoma Park will be adversely impacted by those traffic conditions; AND


WHEREAS, the job ceiling is derived from the County's determination of an area's transit capacity.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, believes the job ceiling for the Silver Spring CBD is excessive and, therefore, the City of Takoma Park opposes the AGP recommendations that the current ceiling be maintained; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 25th DAY OF February, 1991.

ATTEST:



Paula S. Jewell, CMC
City Clerk

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