



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held May 23, 2005.

Mayor Davis called the meeting to order at 8:05 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Rodney M. Roberts, Edward V.J. Putens, and Mayor Judith F. Davis.

ALSO PRESENT were Michael P. McLaughlin, City Manager; John F. Shay, Jr., City Solicitor; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of resident Ann Margaret Ladnier. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as presented. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, May 2, 2005
 - Work Session, May 4, 2005
 - Regular Meeting, May 9, 2005
 - Work Session, May 11, 2005
- Approved as presented.

COMMITTEE REPORTS

Recycling & Environment Advisory Committee (REAC), Communication, 5-19-05 (Report #04-02, Pesticide Task Force): Council approved the plan suggested by the City Manager that REAC undertake a further review and evaluation of the City's practices regarding pesticide use and return to Council with a report and, as appropriate, a recommendation in approximately a year's time.

CROSSWALK AT 5 COURT LAUREL HILL: Council approved the installation of a crosswalk to connect the inner walkway terminus to the sidewalk on the west side of Laurel Hill at 5 Court; Council further directed staff to consider the installation of the east side sidewalk as a future project.

ADOPTION OF BOARD OF APPEALS RESOLUTION FOR VARIANCE #05-001-V: Council approved adoption of Board of Appeals Resolution #05-001-V.

COUNCIL ATTENDANCE AT STEERING COMMITTEE MEETINGS – APPROVAL OF REIMBURSEMENT: Council authorized reimbursement of expenses of up to \$950 for: Mayor Davis's participation in a meeting of the Steering Committee of the Energy, Environment, and Natural Resources Committee of the National League of Cities from

June 15-19, 2005, in Anchorage; and for Mr. Putens' participation in a meeting of the Steering Committee of the National League of Cities Small Cities Council in Denver from June 15-18, 2005.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret Gil Weidenfeld's resignation from the Employee Relations Board.

REAPPOINTMENT TO ADVISORY GROUP: Council appointed Larry Hilliard to a new term on the Park & Recreation Advisory Board.

APPROVAL OF AGENDA: Mayor Davis first announced that the topic of the county law regulating additions to homes in the R-P-C zone, which is of particular concern to Greenbelt Homes, Inc., had not been placed on tonight's City Council agenda but would come up at the June 6 or June 20 regular meeting. It was then moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved. The motion carried 5-0.

PRESENTATIONS

Memorial Day Poppy Presentation – Post 136, American Legion Auxiliary: In honor of Memorial Day, Donna M. Dietrich, Rosita Dietrich, Rose Unruh, and Rusty Beeg, officers of the American Legion Auxiliary of Greenbelt Post 136, accompanied Little Misses Poppy Katie and Gracie Dillon in presenting poppies to Council. Donna Dietrich, president of the Auxiliary, explained the symbolism of flowers used to honor those who died in battle while serving in the armed forces and presented a letter on this topic to the Council. Mayor Davis thanked them for coming and reminded everyone that the Memorial Day ceremony at Roosevelt Center would begin at 10 a.m. on May 30.

Maryland Recreation & Parks Association Innovative Program Award – Brian Butler: Each year, the Recreation and Leisure Services branch of the Maryland Recreation and Parks Association recognizes one outstanding program in the state to receive its Innovative Program Award. This year, Brian Butler, recreation coordinator at the Springhill Lake Recreation Center, was honored with this award for the mentoring program he developed in the Springhill Lake Community, which is called B.U.I.L.D.I.N.G.-L.I.V.E.S. (Boys United in Learning, Developing and Igniting the Next Generation & Ladies Instilling Values Excellence Success). Julie McHale, Assistant Director, Recreation Department, explained that Mr. Butler had started the program for young men, and his wife, Camille, then volunteered to work with the young women. Mr. Butler said it was gratifying to receive an award for doing something one strongly believes is right. He thanked his wife for her help and thanked Council for the recognition. The Mayor announced that awards had also been received by Recreation Department staff Di Quynn-Reno and Karen Haseley.

Rachel Carson Day – Proclamation: Mayor Davis read a proclamation acknowledging May 27 as Rachel Carson Day. Ms. Carson's birthday is recognized each year as a time to act and reflect upon her concerns with the indiscriminate use of pesticides and other toxins that affect all levels of life on our planet. Neal Barnett, chair, and committee members Maggie Cahalan and Mary Crellin received the proclamation on behalf of the Recycling & Environment Advisory Committee. Mr. Barnett said the committee was about to undertake a review of City pest management practices, including presentations

from experts in the area. Mayor Davis encouraged them to give wide publicity to the speakers in order that the public could attend.

MML Awards: Mayor Davis presented certificates to Councilmember Putens and Mr. Moran for their participation this year, respectively, on the Convention Planning Committee and the Revenue Issues Subcommittee.

PUBLIC HEARING ON THE FISCAL YEAR 2006 BUDGET AND THE PROPOSED REAL PROPERTY TAX INCREASE (CONSTANT YIELD): Mayor Davis read the agenda comments and referenced a table provided by the City Manager enumerating the amendments Council had made to the proposed budget. She also thanked Mr. McLaughlin and the rest of the staff who worked on the budget preparation this year. She declared the public hearing to be open and asked for any comments.

Keith Chernikoff, 210 Lastner Lane, said he had no objections to the budget and that Greenbelt was the place it was because of the level of service it provided. He made two suggestions. One was to implement an incentive program for employees to receive a portion of the savings on suggestions that could be implemented to save money. He said he had found this to be successful in the private sphere. He also suggested looking at inspection fees to be sure costs were being fully covered. Mr. McLaughlin said the rewards program had been attempted previously but that it might be time to try it again. There was also discussion of the ongoing attention that is paid in Community Development to the fee structure. The Mayor added that there would be a review of the fees for permitting reviews prior to the increased activity to be generated by Greenbelt Station.

Clement Lau, 6 Greentree Place, spoke of the many concerns he has heard from his neighbors regarding the proposed six-cent tax increase, which he was pleased to hear might be lowered by a penny. He said people were really feeling the impact of the combination of increased property taxes and assessments. He said the taxes go up every year, which is a problem for people on fixed incomes. He said the City needed to analyze why its revenues are going down while its operating costs are increasing. He said the employee/resident ratio was higher than in other jurisdictions and that over the years residents had seen less productivity and questionable deployment of existing staff. He said he was concerned with the City's fiscal health long term and that new revenue sources must be sought. Council discussed a number of these points. Mr. Lau then presented a petition asking that the Aquatic & Fitness Center's hours not be reduced at night.

Frank Gervasi, 163 Research Road, said he was pleased to see that the tax increase had been slightly shaved down. He said he appreciated the level of services provided in the City and added that he, too, agreed this is one of the reasons people want to live here. He questioned the need to repave Crescent and Ridge Roads from 5 Court Crescent to Southway this year. He also questioned whether the City was being too conservative in its estimate of the revenues to come in for the next couple of years from increased real estate taxes. Mr. McLaughlin said he did not think so and that there were other impacts on revenues than property taxes (e.g., the loss of the movie theaters).

Julie Eichhorst, 3P Research Road, commended Council for its hard work on the budget. Mr. Herling commented that searching for additional revenue was critical and that a long-term plan was needed. The Mayor asked if anyone wished to add anything else regarding the proposed real property tax increase, since this was also the public hearing required by the state on the constant yield tax rate. There being no one else who wished to speak, she announced that the City's property tax rate would be set when the FY 2006 budget is adopted on June 6, 2005, at 8 p.m. in the Council Room of the Municipal Building. She then closed the public hearing.

PETITIONS AND REQUESTS: Mr. Chernikoff, chair of the Forest Preserve Task Force, announced that the task force would be sending Council a report soon indicating a need to clean up trash and debris in the preserve area. There was consensus that this work was necessary and not in conflict with potential maintenance policies for the area.

MINUTES OF COUNCIL MEETINGS: Mr. Roberts moved that the minutes of the executive session of the City Council held Monday, May 2, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 9:39 p.m. in the Council Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a) (8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff and legal counsel about pending or potential litigation with regard to the Greenbelt Station development and the Springhill Lake redevelopment. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced that schedules had been distributed for Greenbelt Day weekend, that the current MML magazine includes a write-up on the Assistance-in-Living Program, and that the county would be sponsoring a homeownership fair on June 4.

Mr. Putens said the State Highway Administration had given a presentation to the Greenbelt East Advisory Committee on HOV lanes.

Ms. Mach said she had participated in the Eleanor Roosevelt High School awards program. She also asked what the proper disposal of paint cans was. Mr. McLaughlin said they must be taken to the county land fill.

Mr. Herling announced the GATE film festival was moving forward. He also congratulated Mayor Davis on being reelected last week to the board of the Prince George's County Municipal Association.

Mayor Davis said on May 14 several Councilmembers had attended the dedication of a playing field in Takoma Park to Leonie Penney's son Walter. She said she had also attended the Green Man Festival, the high school's awards program, and the "12 and under" triathlon, in addition to serving as a docent for a Greenbelt Museum tour for the Washington Art Deco Society.

PROGRAM OPEN SPACE (POS) FY 2006 ANNUAL PROGRAM: Mayor Davis read the agenda comments and noted that the public should be aware that these funds do not provide general budget relief because they can be used only for limited purposes. Sylvia Lewis, 2C Gardenway, asked the location of the few remaining parcels of open space that had been mentioned as being in historic Greenbelt. It was explained that these were small, scattered lots, which staff considered appropriate for development. Mr. Roberts made a motion that the City Council approve the City's FY 2006 Program Open Space Annual Program and its submission to the M-NCPPC. Ms. Mach seconded the motion, which passed 5-0.

REQUEST FROM FOP FOR RIGHT OF COLLECTIVE BARGAINING: Mayor Davis read the agenda comments. Craig Rich, president of Greenbelt Fraternal Order of Police (FOP) Lodge #32, turned the presentation over to John Rogers, immediate past president and collective bargaining chairperson. Mr. Rogers said the FOP had notified Council at its budget work session of its intent to request that police officers at the rank of sergeant and below be given collective bargaining rights with binding arbitration. He said they had decided against their previous plan to bring to this meeting draft legislation to enable this change, primarily because they thought it was necessary to address the question raised at their budget work session with Council regarding City employees from departments other than the Police Department. In addition, it also remains to be determined how binding arbitration would be decided.

Mayor Davis said it was Council's intention to meet in executive session with the City Solicitor about this and then schedule a work session with the FOP. She said she found it interesting that the FOP was now talking in terms of all employees, not just police. Mr. Rogers said they had taken Council's point that all employees should have the opportunity to be considered, and they recognized that it would be easier for the City to undertake this process once, rather than two or three times. He said they hoped that the work session could be scheduled in July with a decision from Council no later than the end of August in order to meet the deadline of adopting a resolution to place the matter on the ballot as a referendum question by September 26.

Mr. Putens said he would prefer to go the route of having the matter placed on the ballot for the citizens to vote on, in order to be sure they understood the potential impact, rather than having the City Council make a determination.

Mr. Herling said he was supportive of the concept and applauded the broadening of the definition to include other employees, but he was concerned about the financial impact and wondered if it would be better to incorporate it into a longer-term economic plan. He asked why the schedule had to be so compressed. Mr. Rogers explained that collective bargaining had been on the FOP's agenda for years. He said that while they had raised the subject in meetings with the City Council previously, this was their first formal request.

Mr. Roberts said although collective bargaining had been brought up previously, he thought this was the first mention of binding arbitration. He said that would effectively mean giving a third party control over the City's budget, which he did not find appropriate, especially given the City's apparent structural problems with the budget. He said he had no problem with letting the citizens decide this question by referendum provided there was a fair education effort.

Mr. Rogers said the difference between the current "meet and confer" relationship and the one being requested was that at the end of the process, there would be a signed contract. He said the arbitration was more like having a referee.

Mayor Davis asked what would happen if there were binding arbitration and the FOP were asking for a big increase when the City could not even afford a COLA. Mr. Rogers said that was not the intention. Mr. Putens added that arbitration is never a final authority since it can be appealed to the National Labor Relations Board.

Ms. Mach asked how this year's budget would have been different if collective bargaining had been in place. Mr. Rogers said the difference would be that there would be a contract, with the result that the City would be committed to it for a time period.

Mr. Putens asked if the scope had been determined yet: that is, what components would be included? Mr. Rogers said they were not prepared to provide that information yet, since they needed to do some polling of their members, but would provide the information prior to the work session.

MARYLAND MUNICIPAL LEAGUE (MML) 2006 LEGISLATIVE INITIATIVES – ACTION

REQUESTS: The Mayor read the agenda comments. She added that the Prince George's County Municipal Association was going forward with a couple of items, including the need to reactivate the county landlord-tenant office and the issue of whether gas stations should be licensed to sell alcoholic beverages. Ms. Mach asked if electricity aggregation should be brought up again. Mr. Moran replied that the MML had fought hard on that issue last year but that historically it has not repeated legislative action requests in sequential years unless the circumstances change. Ms. Mach noted that this was a good example of the City's membership dues to MML and PGCMA being well worth the money, since these organizations provide lobbying efforts in a very cost-efficient fashion.

Mr. Roberts suggested strengthening the law on drunken driving by confiscating the vehicle after multiple offenses. Mr. Manzi commented that this might be effective, since jail was a problem with this population. Mr. Moran said he doubted MML would see this as a municipal issue. Mayor Davis suggested taking this item to the state delegation this year rather than to MML. There was consensus not to forward any recommendations to MML at this time.

MEETINGS: Council reviewed the schedule of upcoming meetings.

ADJOURNMENT: A motion to adjourn the meeting was then made by Ms. Mach and seconded by Mr. Herling. The motion carried 5-0. The Mayor adjourned the regular meeting of May 23, 2005, at 10:30 p.m.

Respectfully submitted,
Kathleen Gallagher
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held May 23, 2005.

Judith F. Davis
Mayor