



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held November 28, 2005.

Mayor Davis called the meeting to order at 8:00 p.m.

ROLL CALL was answered by Councilmembers Leta M. Mach, Rodney M. Roberts, and Mayor Judith F. Davis. Edward V.J. Putens had been out of town and arrived at 9:00 p.m. Konrad E. Herling could not attend because of illness.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert A. Manzi, City Solicitor; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked that everyone observe a moment of silence. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis asked to remove item #21 (Reappointment to Advisory Group). It was moved by Mr. Roberts and seconded by Ms. Mach that the consent agenda be approved with that change. The motion passed 3-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Interview, October 24, 2005
 - Regular Meeting, October 24, 2005
 - Work Session, November 14, 2005
 - Special Charter Meeting, November 14, 2005
 - Work Session, November 16, 2005
- Approved as presented.

COMMITTEE REPORTS

Advisory Committee on Education, Report #3-05 (Springhill Lake Redevelopment & School Needs): Council accepted this report and agreed to consider it at the time of the December 14 work session with the School Board.

Advisory Planning Board, Report #05-06 (Greenbelt Crossing – Detailed Site Plan): Council received the report and agreed to consider it with this topic on the agenda of the December regular meeting.

AWARD OF CONTRACT FOR FINANCIAL SERVICES: Council authorized the City Manager to contract with Samuel Ketterman and his firm, Davenport and Company, LLC, for financial advising services regarding possible public financial assistance to Greenbelt Station and AIMCO.

EMPLOYEE SPECIAL HOLIDAY: Council granted a floating holiday to employees for use in FY 2006.

APPROVAL OF AGENDA: Ms. Mach asked to add "Election Procedures" to the agenda as item #22. It was then moved by Mr. Roberts and seconded by Ms. Mach that the agenda be approved as amended. The motion passed 3-0. (Note: Agenda item #12-B, Resolution 992, was subsequently postponed to the next meeting.)

PRESENTATION - RECYCLE RIGHT AWARDS: As one of the activities held by the City to mark America Recycles Day on November 15, the Recycling & Environment Advisory Committee (REAC) and the Public Works Department again sponsored a ARecycle Right@ contest. Neal Barnett, chair of REAC, and Cindy Murray, staff liaison to REAC, were present to assist with the presentation of the awards. The winners were the following. Mr. Hoerr and Mr. Morata were present to receive their awards.

Jeffrey Owens 8107 Burkhart Court Monday route
Tom & Lynn Lubey 109 Greenhill Road Monday route
Irene Pavlish 231 Lastner Lane Tuesday route
Chris Hoerr & Cesar Morata 7942 Vanity Fair Drive Wednesday route
Anne & Fred Hutchinson 2-S Plateau Place Thursday route

PUBLIC HEARING ON PROPOSED ANNEXATION RESOLUTIONS: The Mayor read the agenda comments for this item. She added that although the resolution to annex the State of Maryland property would be considered tonight, action on the resolution to annex the South Core of Greenbelt Station would be postponed to the December 12 regular meeting. She asked Mr. McLaughlin to explain the reasons. He said a question had come up regarding the specifications for the metes and bounds for the South Core property, as a result of which staff was requesting that Council postpone acting on the resolution. He added that the developers has also raised an issue regarding the metes and bounds as presented in their annexation petition. He recommended that if residents were present tonight to address the South Core annexation resolution in public hearing, they could still proceed to do so.

The Mayor then recessed the regular meeting and announced that the public hearing was open on the two annexation resolutions and that comments could be made on both of them even though the introduction of Resolution 922 for second reading and adoption would be postponed. No one wished to comment.

Mr. McLaughlin then read into the record two letters from state agencies regarding Resolution 921 to annex the property owned by the State of Maryland. The first letter, dated November 28, 2005, was from Nelson Reichart, Assistant Secretary, Department of General Services. Mr. Reichart said his department was concerned that the City had in its documents implied a commitment on the part of the state to retain the parcel as protected land with no development. He said there was no such commitment, nor was there any agreement with the City regarding the future use of the property. He added that the state had not agreed to any terms that would impact the existing repurchase obligation of Greenbelt Metropark.

The second letter, dated November 16, 2005, from Patricia Goucher, Director, Local Planning Assistance, Maryland Department of Planning, recommended that "[i]f the

State of Maryland parcel is to remain protected, then a permanent protection instrument should be recorded, such as a conservation easement that runs with the land." The letter also noted that the state parcel is already located in a Priority Funding Area (PFA) and that this status would continue after annexation. Mr. McLaughlin noted that there were references in the letter to provision of utilities that would involve the WSSC, not the City, and would be relevant only if the property were developed.

Mr. Roberts indicated his intention to move that the City ask its state delegation to pursue legislation to achieve the protection for the state property as recommended by Ms. Goucher. The Mayor added that the subject might also be mentioned at the City's upcoming legislative dinner.

Mayor Davis announced that the public hearing on Resolution 921 on the State of Maryland property was now closed but that the public hearing on Resolution 922 on the South Core would be recessed and continued at the December 12 meeting.

PETITIONS AND REQUESTS: Bob Doyle, Vice President of the Eleanor and Franklin Roosevelt Democratic Club, together with Sylvia Lewis and Julie Eichhorst, presented the City with a check for \$135 for its Emergency Assistance Fund. Council thanked them for the contribution.

ADMINISTRATIVE REPORTS

Mr. McLaughlin reviewed the schedule for the Festival of Lights coming up on the weekend.

Ms. Mach commented on the dedication of the new traffic light at Lakecrest and Rt. 193. She suggested that the City now support the request for a traffic light at Frankfort and Rt. 193, which the high school has wanted for some time. Mayor Davis said there were concerns about stopping traffic on a hill in the event of icy road conditions. Sheldon Goldberg, 7848 Jacobs Drive, added that they had never been able to get the warrants for a light there. He confirmed that the incline was also a deterrent, but he thought people still wanted the light. Council agreed to write a letter to the State Highway Administration supporting pursuit of the light.

Mayor Davis listed a number of activities she had participated in, including: the Lions Club honoring of Emory Harmon; an elected officials' "judicial ride-along" to observe juvenile court in Upper Marlboro; the College Park rally for Route 1 funding; Fire Prevention Week Open House at the Fire Department; the Fall Fest at Schrom Hills Park; the City Council's appreciation dinner for its advisory groups, at which plaques were presented to Gil Weidenfeld and Helen Geller, and special recognition was given to Hugh Jascourt; the GATE film festival; the Veterans Day observance by American Legion Post No. 136; Magnolia Elementary School's induction of its student council; Parkdale High School's American Education Week Open House; the Washington Times Citizens Forum on the Inter-County Connector; a COG summit on day labor; and the Beltway Plaza toy parade.

LEGISLATION:

A Resolution of the City of Greenbelt, Maryland, to Amend Section 2 of the Charter of the City of Greenbelt, for the Purpose of Enlarging the Corporate Boundaries of the City of Greenbelt, Maryland, under the Provisions of Article 23A, Section 19, of the Annotated Code of the State of Maryland (1957 Edition and Amendments), by Annexing Thereto Certain Lands and Property Contiguous to and Adjoining the Existing Corporate Boundary of the City of Greenbelt, Prince George's County, Being the Lands of the State of Maryland, Located Within Berwyn District 21, Prince George's County, Maryland, and Consisting of Prince George's County Tax Map 26, Parcel 93 as Listed in the Assessment and Taxation Records of the State of Maryland, and as Recorded among the Land Records of Prince George's County, Maryland, in Liber 14327 Folio 351 and Containing 75.4634 Acres More or Less, as More Fully Described in the Metes and Bounds Description Prepared by Joyce Engineering, Inc; Establishing Certain Terms, Conditions, and Circumstances Applicable to Such Land and the Owners Thereof; and All Matters Relating to the Annexation of Such 75.4634 Acres of Land, More or Less, into the City of Greenbelt

Mayor Davis read the agenda comments. Mr. Roberts introduced the resolution for second reading and moved its adoption. Ms. Mach seconded the motion.

ROLL CALL: Ms. Mach - yes
Mr. Roberts - yes
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 991, Book 8).

Mr. Roberts then made a motion that the City request its delegation to introduce legislation to permanently preserve the approximately 75 acres of state land. Ms. Mach seconded the motion, which passed 3-0.

Ms. Mach made a motion to postpone the introduction of Resolution 922 for second reading and adoption until the December 12 agenda, because of the issues presented by Mr. McLaughlin prior to the opening of the public hearing. Mr. Roberts offered a second, and the motion carried 3-0.

A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (1957 Edition as Amended), Title, "Corporation-Municipal," Subtitle "Home Rule" to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Amending Section 3, Titled "General Powers" to Add a New Paragraph 22 to Empower the City to Provide a Labor Code to Recognize the Right of Certain City Employees to Organize and Bargain Collectively (Charter Amendment Resolution No. 2005-4)

Mayor Davis read the agenda comments. Mr. Roberts introduced the resolution for first reading.

AWARDS OF BID – DUMP TRUCK AND TRUCK CHASSIS: The Mayor read the agenda comments. It was moved by Ms. Mach and seconded by Mr. Roberts that the City

Council award Bid 2005-2 to Bob Bell Ford of Glen Burnie, Maryland, at a cost of \$46,699 for purchase of the dump truck. The motion passed 3-0. It was then moved by Mr. Roberts and seconded by Ms. Mach that Council award Bid 2005-3 to Kip Kilmon Tyson's Ford of Vienna, Virginia, for the truck chassis, at a cost of \$42,000. The motion passed 3-0. Mr. McLaughlin noted that this purchase would replace two vehicles in the Public Works fleet.

LIVABLE COMMUNITIES: Mayor Davis read the agenda comments. In response to a question from Ms. Mach about the proposal to purchase a new street-sweeper for the Four Cities, Mr. McLaughlin said Berwyn Heights had questioned the sharing of the purchase costs. He said the cost of the existing sweeper had been split four ways among the cities, with the operating expenses being pro-rated by use. Berwyn Heights may request to pro-rate the purchase cost of the new sweeper as well. Mr. McLaughlin said he thought that if the bulk of the cost were funded by a county grant, then the difference should be split four ways. Regarding other programs to be included in this grant proposal, Ms. Mach suggested highlighting the cooperation of the school with the City. Mayor Davis commented that seeking leverage funding from other sources might be viable for the call boxes since the Public Safety Advisory Committee had investigated funding for this purpose previously. Mr. Roberts made a motion to approve the submission of these projects as described for funding under the county's Livable Communities program. Ms. Mach seconded the motion, which passed 3-0.

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR PY 32:The Mayor read the agenda comments. Council approval of the submission of the PY 32 application was moved by Mr. Putens and seconded by Ms. Mach. The motion passed 4-0.

PROPOSED 2006 LEGISLATIVE PROGRAM: Mayor Davis read the agenda comments. Mr. Roberts said he thought it was premature to try to reprogram the state funding for the Springhill Lake Recreation Center. Mayor Davis explained that Delegate Gaines thought she had a plan for reprogramming the money so the City could use it toward the restoration of the Community Center windows. She said that since the City is in limbo indefinitely with the plans for the recreation center, it seemed to make more sense to use the money for an existing need. Mr. Roberts suggested holding on to the recreation center money and requesting additional funds for the windows. Mr. McLaughlin said there was a seven-year cap on the use of the money if progress was not demonstrated on the project but that this deadline was not imminent. Ms. Mach said she did not want to risk losing the money and was comfortable with the idea of using it for the Community Center. Mr. Putens moved that the legislative program as presented by staff be accepted. Ms. Mach seconded the motion, which passed 3-1 (Roberts). The legislative priorities included the following:

State priorities: the reallocation of the Springhill Lake Recreation Center Grant (\$300,000 bond bill); public safety funding, including amendment of the surcharge legislation approved last year to provide a 50% revenue share instead of 12% and extension of a signing bonus to municipal police departments if it is approved for the county police department; funding for the joint communications center; and prohibition of transfer of liquor licenses to gas stations.

County priorities: legislation to enable the new planning authority; an increase in the funding provided to Greenbelt by the Maryland-National Park and Planning Commission; the new fire station; and making county funding for the City's School Resource Officer

permanent.

A list of information items would also be included, as would a list of other potential legislative items and the Maryland Municipal League priorities.

APPOINTMENT OF COUNCILMEMBERS TO BOARDS AND COMMITTEES: Mayor Davis read the agenda comments. It was moved by Mr. Putens and seconded by Ms. Mach that appointments to the City Council advisory groups continue as for the prior two years, namely:

Advisory Planning Board - Mr. Putens
Arts Advisory Board - Mr. Roberts
Community Relations Advisory Board - Mr. Putens
Park and Recreation Advisory Board - Mr. Herling
Advisory Committee on Education - Ms. Mach
Public Safety Advisory Committee - Mr. Putens
Recycling & Environment Ad. Committee - Mr. Herling
Senior Citizens Advisory Committee - Ms. Mach
Youth Advisory Committee - Mr. Roberts

Friends of the Greenbelt Museum Board - Mayor Davis
Greenbelt Access Television Board - Mr. Herling

Mr. Putens moved that with the addition of Mr. Herling as alternate to Ms. Mach for the Air Quality Committee, appointments to COG's policy boards and sub-committees continue as for the last year, namely:

Board of Directors - Mayor Davis
Alternate - Mr. Roberts
Transportation Planning Board - Mr. Roberts
Alternate - Mr. Herling
Metropolitan Washington Air Quality Comm. - Ms. Mach
Alternate - Mr. Herling
Metropolitan Development Policy Committee - Mr. Herling
Alternate - Ms. Mach
Human Services Policy Committee - Mr. Putens
Public Safety Policy Committee - Mr. Putens
Chesapeake Bay Policy Committee - Mayor Davis
Alternate - Mr. Putens
Committee on Noise Abatement and Aviation
at National and Dulles Airports - Mr. Moran

Ms. Mach seconded the motion, which passed 4-0.

REAPPOINTMENT TO ADVISORY GROUP: Mayor Davis said she had removed this item from the consent agenda because she thought the reappointment required further discussion by Council. She asked to postpone the action until the next meeting. It was agreed to discuss it in executive session following the work session on November 30. Mayor Davis so moved, Ms. Mach seconded, and the motion carried 3-1 (Roberts).

ELECTION PROCEDURES: Ms. Mach raised a concern that she asked to refer to the Board of Elections. One was that the City Charter would apparently require a run-off election if there were only five candidates for election to City Council and if a resulting tendency to target-vote caused one or more candidates not to receive 40% of the vote. Mr. Putens raised a second issue, which was whether the expense of conducting an election was justified in the event that there were only five candidates. Mayor Davis raised a third issue, which was whether the City should require interim and final reports of contributions and expenditures by organizations or groups of individuals who work for or against a ballot question. She said she thought the Board of Elections should look into developing a procedure for financial reporting in this instance so the public could know where the funding was coming from and how it was being spent. It was moved by Ms. Mach and seconded by Mr. Putens that these three questions be referred to the board. The motion carried 4-0.

MEETINGS: Council reviewed the meeting schedule. Mayor Davis asked to add the State Highway Administration to the list of meetings to be scheduled, and she suggested scheduling the Roosevelt Center merchants for January 25.

ADJOURNMENT: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Putens. The motion carried 4-0. The Mayor adjourned the regular meeting of November 28, 2005, at 9:30 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 November 28, 2005.

Judith F. Davis
Mayor