



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held September 12, 2005.

Mayor Davis called the meeting to order at 8:02 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Edward V.J. Putens, Rodney M. Roberts, 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 residents Norma Mousley, Louise S. Wilding, Dorothy A. Jewell, and Teresa B. Scullen; and former residents Harry A. Falls, Ruth Hilda Osborn, William F. Donahue, Jr., Samuel W. Ewing, and Elizabeth Brandes Goldfaden (wife of former City Councilmember Benjamin P. Goldfaden). The Mayor also asked to remember the victims of hurricane Katrina and of the attacks of September 11, 2001. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis asked to remove from the consent agenda the minutes of the meeting of August 8, 2005. It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Interview, August 15, 2005
 - Interview, September 7, 2005
- Approved as presented.

ADVISORY COMMITTEE ON EDUCATION (ACE), REPORT #2-05 (SCHOOL CAPACITY - GREENBELT WEST): Council accepted this report and directed that letters be sent to the County School Board and to AIMCO conveying the board's questions.

ADVISORY BOARD APPOINTMENTS: Council appointed Kevin Murphy to the Employee Relations Board and Tony Fleming to the Park & Recreation Advisory Board. Council also appointed Joseph Griffith acting chairperson of the Employee Relations Advisory Board.

APPROVAL OF AGENDA: Mr. McLaughlin asked to add to "Presentations" a report from some of the Greenbelt police officers who had traveled to Louisiana to assist following the hurricane. It was moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved with that change. The motion passed 5-0.

PRESENTATIONS

SRO School Year Report: MPOs Marty Parker and John Rogers presented the School Resource Officers = report for the 2004-2005 school year. Generally, the statistics had remained about the same for the schools. There was discussion of many successful special programs. Mr. Parker said he wanted to take the gang-resistance program down to Grade 6 next year. Councilmembers asked a number of questions and praised the work of the SRO program and of the officers. Ms. Mach noted that the Advisory Committee on Education had received criticism of the new crosswalk at the Middle School, which is not sufficiently visible when approached from Breezewood. She asked if a bollard could be considered for that location. Council thanked the officers for the presentation.

Officers Returning from Louisiana: Chief James Craze introduced MPO Barry Byers, who described the experience of the seven Greenbelt police officers who volunteered in response to the Maryland Emergency Management Agency's request for assistance following Hurricane Katrina. He also introduced two of the other officers who were present, Ronald Walter and John Dewey. They were applauded and thanked by Council for their efforts and for their report.

PUBLIC HEARING – FY 2006 CAPITAL PROJECTS BUDGET: The Mayor read the agenda comments and announced the public hearing was open. There being no one who wished to speak, Mayor Davis declared the public hearing to be closed.

PETITIONS AND REQUESTS: None.

MINUTES OF COUNCIL MEETINGS

Regular Meeting, August 8, 2005: Mayor Davis said she had removed this set of minutes from the consent agenda because the vote had not been included for the item to raise the fee for the program for placing campaign signs on City property. These minutes will be placed on the next agenda.

Executive Session, August 15, 2005: Mr. Roberts moved that the minutes of the executive session of the City Council held Monday, August 15, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:12 p.m. in the Council Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(7) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to consult with counsel for advice on a legal matter regarding a request from the FOP to establish a right of collective bargaining with binding interest arbitration. Mr. Putens seconded the motion.

ROLL CALL: Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes

Mr. Roberts - yes
Mayor Davis - yes

Executive Session, August 17, 2005: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, August 17, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:03 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(1) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to discuss personnel matters affecting one or more specific individuals, related to a request from the FOP to establish a right of collective bargaining with binding interest arbitration. Mr. Putens seconded the motion.

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

Executive Session, August 31, 2005: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, August 31, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 7:10 p.m. in the Council Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(7) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to consult with counsel for advice on a legal matter regarding a request from the FOP to establish a right of collective bargaining with binding interest arbitration. Mr. Herling seconded the motion.

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

ADMINISTRATIVE REPORTS

Mr. McLaughlin said that Animal Control Officer Susie Hall had been asked to assist the Washington Humane Society and was at the ready to do so when needed.

Mayor Davis asked that an effort be made to deal with the trash problem created near the ice cream truck that appears at a crosswalk near the high school when school is out. Sheldon Goldberg, 7848 Jacobs Drive, said Windsor Green has the same problem near its club house after school.

Ms. Mach reported she and Mr. Roberts had attended the annual GIVES meeting, and she and others attended the Senior Citizens Open Forum on Saturday. She also attended a presentation on "Cooperative Solutions for Seniors" at the National Press Club last Thursday.

The Mayor thanked everyone who contributed to the Beauties and the Beasts softball game and the Labor Day Festival. She also commented on the SIDS walk that took place on September 10 and the event sponsored in Roosevelt Center by GILA and Pleasant Touch in remembrance of the events of 9-11.

LEGISLATION

An Ordinance to Amend the Capital Projects Budget for Fiscal Year 2006

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

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

The ordinance was declared adopted (Ordinance No. 1262, Book 12).

PROPOSED LIGHTING AT MCDONALD FIELD: Mayor Davis read the agenda comments. Mr. Roberts said he could not see why the issue was being broadened to include lighting at Schrom Hills when the only request had been for lighting at McDonald Field. He said he thought Council should restrict its response to the request that had been put before it. Mayor Davis said the Park & Recreation Advisory Board (PRAB) had made this recommendation. She asked PRAB member Kelly Ivy, who was present in the audience, if he could explain it. Mr. Ivy, 43 Lakeside Drive, said PRAB thought that instead of examining only the narrower issue of lighting McDonald Field for Little League games, the City place the question in the broader context of serving more people at the Schrom Hills facilities. He said PRAB was not opposed to lighting McDonald Field but was encouraging the City to look at what would most broadly serve the community before deciding. Mr. Putens said he was inclined to agree with Mr. Roberts that Council should deal with the request that had been made. Ms. Mach and Mr. Herling said they had no objection to looking at the specific request within the broader context recommended by PRAB. It was agreed the work session would be added to the list of meetings to be scheduled later on the agenda.

FOP REQUEST FOR COLLECTIVE BARGAINING WITH BINDING INTEREST ARBITRATION: Mayor Davis read the agenda comments and said a new proposal had been received from the Fraternal Order of Police (FOP) today. Craig Rich, president of the FOP, introduced John Rogers as chair of the collective bargaining committee. Mr. Rogers said that subsequent to the work session with Council on August 31, they were presenting a "counter-proposal" of advisory (non-binding) fact-finding in lieu of binding interest arbitration. He said although they still wanted binding arbitration, this was an effort toward compromise on their part and had the support of their membership. Mayor Davis clarified that Council was unanimously opposed to binding interest arbitration. She said Council had not had any opportunity yet to discuss the new proposal with legal counsel and thus would take comments tonight but would make no decision. Mr. Rogers said their immediate concern was having it dealt with in a timely enough fashion to assure having it be placed on the ballot of the November election, if that was what needed to occur.

Mr. Roberts asked Mr. Rogers to elaborate on how the advisory fact-finding would work. Mr. Rogers spoke to this briefly but said how it would work would be one of the things negotiated as part of the enabling legislation. Mr. Roberts asked if they had discussed the possibility of having Meet & Confer with a contract. Mr. Rogers said that would be collective bargaining. Mr. Roberts said he thought it would involve fewer lawyers.

Mr. Rogers said he wanted to state again that this effort was not being driven by any specific complaints or issues but rather by a desire for a greater role in the decision-making process and the guaranty provided by a contract.

Mr. Roberts said he would support the new proposal if he could understand the advisory fact-finding. Mayor Davis told him that this was not the time to open negotiations.

Mr. Herling asked if there were other municipalities operating under this system. Mr. Rogers said not to his knowledge.

One resident spoke to say the binding interest arbitration should be included. Another resident, Virginia Jones, 15-D Ridge Road, said she had been a teacher in a union with an agreement that included binding arbitration. She said she was "appalled" that Greenbelt had public employees without contracts.

Sylvia Lewis, 2-Gardenway, said she supported Council's position and that Meet & Confer over the years had resulted in a long list of different forms of pay and benefits for police officers. She said she thought it was important to look at the full pay and benefits package and not focus only on salary levels. She said the fact that Greenbelt has an excellent force and is also being well-compensated attests to the success of the existing process of Meet & Confer.

Gordon Pracht, 4-C Ridge Road, a member of the FOP, said they were simply trying to protect their membership. He said there are issues not taken into account by the list of benefits noted by Ms. Lewis, such as "forced overtime." He said the hazards of police officers' jobs are not comparable to those of other employees and need to be taken into account when benefits are discussed. He said, for example, he was not aware that any other groups of City employees having been called upon to assist in New Orleans. Mayor Davis asked that additional information be prepared for Council on the "forced overtime" cited by Mr. Pracht.

Kelly Ivy, 43 Lakeside Drive, said he had been a member of a union with collective bargaining rights for 30 years and that, although it could work against both sides, it could also work well if undertaken honestly. He said he strongly supported the FOP proposal.

Sue Krofchik, 6 Fayette Place, said she had contacted most of Council over the previous weekend to say that she thought all City employees should be treated the same. She said the police were represented by the FOP but that other employees had no advocate.

Noting that Mr. Rogers had said that the FOP still wanted binding arbitration, Ms. Mach asked him how long the compromise they were proposing tonight would be good for. That is, how long would it be before they no longer considered the compromise to be

acceptable and reverted to asking for binding arbitration? Mr. Rogers said he could not make any promises on that and that all he could say is that this is where they are right now.

Mayor Davis said Council would respond after it had the opportunity to discuss the matter. She added that Council had expressed its willingness to work with the FOP on the salary-midpoint calculations, starting salaries, and retiree health insurance. She said she would also like to discuss the forced-overtime complaint raised by Mr. Pracht. Mr. Rogers said they were seeking some guaranty on their pay and benefits and on their future. Mr. Herling asked him whether his position was that Meet & Confer does not work or that collective bargaining would work better. Mr. Rogers said it was the latter because greater security was provided. He encouraged Council to put the matter on the ballot and let the citizens decide so that Council would not have to. He promised the FOP would not put any misstatements forward to the citizens on the matter.

GREENBELT STATION SOUTH CORE ANNEXATION ISSUES: The Mayor read the agenda comments. She added that she had spoken with Mayors Calvo and Brayman today and that, while College Park had no concerns with Greenbelt's annexation plans, Berwyn Heights did. Since Berwyn Heights is under the mistaken impression that it owns Branchville Road, there is concern regarding controlling access to it, and the Berwyn Heights Council has voted to oppose Greenbelt's inclusion of three of the four smaller parcels it has discussed annexing. They are not opposed to annexation by Greenbelt of the P.G. Scrap property. Mr. McLaughlin said that if all four were not annexed, then excluding the two properties on the corner, Pepco and Hercules Fence, would produce the least peculiar boundary line. The Mayor said they want to put a fire station on the Hercules Fences property and that she would be willing to exclude these two properties because they are of greater significance to Berwyn Heights than to Greenbelt. Mr. Putens said he thought it was important that Greenbelt have control of these properties along the edge in order to be able to protect the appearance of the Greenbelt Station south core development. Mr. McLaughlin said Berwyn Heights is motivated to get its fire station out of the middle of a residential area but that a fire station could possibly be a detriment to the Greenbelt Station south core as well. Mr. Roberts said he was still concerned about adequate public facilities. Why, he asked, should he vote to annex an area that will not support its own services?

Mayor Davis moved that the area to be contained in the Greenbelt Station annexation include the south core of Greenbelt Station, the State of Maryland open space, the National Aggregate Association, and FDR, LLC (PG Scrap). Ms. Mach seconded the motion. Mr. Putens made a motion to include the Branchville Road LLC (Hercules Fence) property, which died for lack of a second. The original motion carried on a 4-1 vote (Putens).

AWARD OF PURCHASE – PICK-UP TRUCK FOR POLICE MECHANIC: Mayor Davis read the agenda comments. Mr. Putens moved that Council approve the purchase of a Chevy Silverado ¾-ton 4x4 pick-up from Criswell Chevrolet at a cost of \$18,314, using State of Maryland Purchase Order #001B5900425. Ms. Mach seconded the motion, which passed 5-0.

DONATION OF SICK LEAVE FOR HURRICANE RELIEF: The Mayor read the agenda comments. Mr. McLaughlin thanked Council for its support for this program. It was

moved by Mr. Roberts and seconded by Ms. Mach that the Council approve this expansion of the sick leave pool program to include donation of employee sick leave to be converted to a cash donation from the City to the Red Cross for hurricane victims. The motion passed 5-0.

There was further discussion of the fact that it is the county that is taking the lead in coordinating support for evacuees from the hurricane areas who have come here. Mayor Davis announced that Rena Hull had gone to the hurricane area as a volunteer, and resident Mike Cooney spoke to say that his mother, Cass Cooney, had traveled with her on the same plane. Both are registered nurses.

MEETINGS: Council reviewed the meeting schedule. It was agreed to schedule an executive session on September 14; to continue holding September 19 for a possible briefing on Greenbelt Station's request for a City TIF; to schedule the City Manager's Quarterly Report for October 5; and to add to the list of meetings to be scheduled a work session on ball field lighting.

ADJOURNMENT: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Putens. The motion carried 5-0. The Mayor adjourned the regular meeting of September 12, 2005, at 10:50 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 September 12, 2005. "

Judith F. Davis
Mayor