



**REGULAR MEETING OF GREENBELT CITY COUNCIL held Monday, March 12, 2001.**

Mayor Davis called the meeting to order at 8:08 p.m.

ROLL CALL was answered by Council members Edward V.J. Putens, Rodney M. Roberts, Alan Turnbull, and Judith F. Davis, Mayor. Mr. Thomas X. White had indicated he would be away.

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

Mayor Davis observed a moment of silence for former Greenbelt resident Jack Edwin Lewis. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Putens moved approval of the consent agenda, and Mr. Turnbull seconded. The motion passed 4-0.

Council thereby took the following actions:

**MINUTES**

- Work Session, February 21, 2001
- Interview, February 26, 2001
- Regular Meeting, February 26, 2001
- Interview, March 5, 2001

Approved as presented.

**COMMITTEE REPORTS**

Arts Advisory Board, Report #01-002 (Contribution Group Funding Process): Council accepted this report and referred it to staff for review and development of options and cost implications prior to FY 2003 budget considerations.

RESIGNATION FROM ADVISORY GROUP: Council accept with regret Nancy DePlatchett's decision not to request reappointment to the Arts Advisory Board and directed staff to prepare the appropriate letter of appreciation for the Mayor's signature.

REAPPOINTMENT TO ADVISORY GROUP: Council appointed Dennis Jelalian to a new term on the Arts Advisory Board and directed staff to prepare the appropriate letter.

APPROVAL OF AGENDA AND ADDITIONS: Mr. McLaughlin requested removal from the agenda and postponement until the next meeting of items #11 (A Resolution for Negotiated Purchase with Tate Engineering of Baltimore, Maryland, for a Petro-Vend K-800 Fuel Management System, in the Sum of \$12,530) and #13 (Award of Purchase - Purchase of Passenger Van). Mr. Putens moved approval of the agenda, so amended. Mr. Turnbull seconded. The motion passed 4-0.

#### PRESENTATIONS:

ACE Educators Award Ceremony: Mayor Davis opened the award ceremony by saying how proud Greenbelt is of its teachers and added that this ACE-sponsored event is a good opportunity for the members of the City Council to meet the teachers who are being honored. She introduced Leta Mach, chair of the Advisory Committee on Education, who gave an overview of the programs sponsored by ACE and introduced committee members Jackie Magness, Kim Callinan, and Mary Alice Carroll, and staff liaison Wendy Wexler. Audrey Scott, Prince George's County Councilmember, read a proclamation from the County Council to be presented to the award winners, and Mr. Roberts read the citation sent from the State Senate by Senator Leo Green. Ms. Mach then introduced the 2001 ACE Educators:

Mary ("Micki") Johnson Health Aide Greenbelt Elementary School

Sara Rosen ESOL Teacher Springhill Lake Elementary School

Theresa Dolan ESOL Teacher Magnolia Elementary School

Tina McGranaghan 5th Grade Teacher St. Hugh's School

Barbara Clements 8th Grade Science Teacher Greenbelt Middle School

Darnell Sarpy 8th Grade Language Arts Teacher Robert Goddard Middle School

Gary King Vice Principal Eleanor Roosevelt High School

Comcast - Upcoming Cable Rebuild: Mayor Davis read the agenda comments and introduced Beverly Palau, Communications and Public Information Coordinator, who presented Karmen Bailey, Director of Governmental Relations for Comcast, and Jeff Kelly, the project manager in charge of the rebuild. Mr. Kelly gave an overview of the upgrade. Mr. Putens asked what notification would be provided to homes. Mr. Kelly said they would use doorhangers to provide notice of work to be done within the next 48 hours. He said they will also provide an 800 number dedicated to calls regarding the upgrade. In response to several follow-up questions from Mr. Putens, he said the upgrade work itself would take about 10 weeks, Internet service would be available in about three months, and there would be no new charge except to subscribers who

choose to add some of the new services that eventually will be made available as a result of the new capacity.

Mayor Davis asked when Springhill Lake would receive service. Mr. Kelly responded that Springhill Lake is on the same time frame, even though there Comcast has to establish service, not just "upgrade" it. Council was pleased that this would happen so soon and asked that Comcast, the City, and the media do everything possible to disseminate the information that Springhill Lake would now be connected to City information.

The Mayor asked about the feasibility of providing interim levels of programming and prices, since the packaging is such that people have to pay for more than they want in order to get anything beyond the basic connection. Ms. Bailey said no change is anticipated in this area, but she noted a number of programs that could be purchased on an à la carte basis. She said she knew pricing was a sensitive subject but that Council and consumers needed to understand that Comcast's costs go up; for example, they experienced an 20% increase in their programming costs last year.

Mr. Putens asked about customer service. Ms. Bailey said Comcast is now providing telephone customer service 24 hours a day, rather than just during business hours or having an answering service at night. Sheldon Goldberg, 7848 Jacobs Drive, said that was good news and asked why Prince George's County did not get TCM, Encore, and other channels available elsewhere. Ms. Bailey said Comcast is fairly channel-locked right now but that more channels will be available when the service is fully digital, and customers should make their interests known.

Mr. Turnbull asked whether they were doing trenching. Mr. Kelly said they were starting to get the permits for some trenching, and Ms. Bailey said they would provide a list to the City daily of where they are working in case there are questions from residents. Mr. Putens suggested the City post this information on Channel B-10.

Council thanked the Comcast representatives for giving the briefing.

**PETITIONS AND REQUESTS:** Mr. Goldberg commented on the article in the Washington Post about the freeze the U.S. Postal Service is putting on new facilities, including many in Maryland. Mr. McLaughlin responded that the City's contact person at the Post Office had called him in advance to let City know that the new postal facility in Greenbelt East would not be affected.

**MINUTES OF MEETINGS:** Mr. Roberts moved that the minutes of the Executive Session of the City Council held Tuesday, February 13, 2001, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 7:35 p.m. in the Municipal Building Council Room and that Council held this closed meeting in accordance with Sections 10-508 (a) (3) and (7) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consider the acquisition of real property for a public purpose and matters directly related thereto, and to consult with counsel to obtain legal advice on a legal matter. Mr. Putens seconded the motion.

**ROLL CALL:** Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mayor Davis - yes

## ADMINISTRATIVE REPORTS

Mr. McLaughlin said a copy had been distributed of the agreement between the State and the Metroland developer. He had also received the copy of the appraisal Council had requested. Since this lengthy document had just arrived, staff had not yet had the opportunity to review it but will do so shortly, as well as making it available to Citizens to Conserve and Restore Indian Creek (CCRIC) for photocopying.

Mayor Davis commented on the response on the Council Action Request indicating that virtually all household plastics can now be picked up for recycling in Greenbelt. Mr. McLaughlin said he was sure that both the Public Works Department and the Recycling and Environment Advisory Committee would be promoting the new information.

Mr. Roberts reported on having attended a gathering of the Disabled American Veterans to present a proclamation in celebration of the local Charles Seal Memorial Chapter's 50th anniversary. He said the event was very well attended.

Mr. Putens reported on his recent participation in the Small Cities Committee and the Public Safety Committee at the Washington, D.C., meeting of the National League of Cities. He had the opportunity to talk about Greenbelt's School Resource Officer program at the Public Safety meeting, which was well attended by students and others concerned with recent problems of violence in the schools.

Mayor Davis gave the welcome at the Police Chiefs' Association of Prince George's County when it was recently hosted by Chief Craze in Greenbelt. She represented the City on the proposal development group of the Community Development Block Grant program. She also attended the Advisory Committee on Education's event recognizing student participants in their Reading Program, and two programs at Springhill Lake. She also attended the National League of Cities meeting in Washington and noted that two primary action items of the Investing in Communities Program are to end racial profiling and to encourage a reversal of the Department of Commerce's stand on statistical adjustment of the decennial Census.

UPDATE ON USDA LAWSUIT: The Mayor read the agenda comments and introduced Larry Liebesman, the attorney who has handled this matter for the City. Mr. Liebesman said the filing of the motion represents a significant victory for the City, but there is still concern about the government's escaping accountability for the matter by calling the matter moot. He stressed the importance of establishing that the government must follow its own standards regarding the cumulative effects of impacts to environmental resources. The City will oppose the motion for voluntary remand and file its own motion for summary judgment. The City will file responsive papers later this month and press for a hearing. The City is also interested in getting its legal and

consulting fees covered. Mayor Davis thanked Mr. Liebesman and Mr. Manzi for their work on the case. Mr. Turnbull thanked Mr. Liebesman in particular for assisting the City to frame and articulate its case.

STATE LEGISLATION: The Mayor read the agenda comments for the following three bills pending in the General Assembly:

House Bill 1413 - SHA Funding for Sidewalks or Bicycle Paths near Schools: Mr. Putens moved support. Mr. Roberts seconded. The motion passed 4-0.

House Bill 1148/Senate Bill 292 - Motor Vehicle Surcharge Increase: Mr. Putens moved support. Mr. Turnbull seconded. In response to a query from Mr. Turnbull, Mr. Moran clarified that this funding is intended for such items as helicopter trauma services and the medical functions of the State police rather than specifically local needs. The motion passed 4-0.

Senate Bill 483 - Comparative Negligence: Mr. Moran reiterated the Maryland Municipal League's strong opposition to the bill because of the potential increase in costs of municipal liability. Mr. Turnbull said his inclination was that they City should not take a position on this. He said it was impossible to weigh the trade-off between the benefits to citizens and municipalities. In response to a question from Mr. Roberts, Mr. Manzi clarified that at this time, only a minority of states allow for comparative negligence. He said it does increase costs because it opens the possibility of new lawsuits, but that does not deny the possibility that an injured person should possibly have the right to sue.

Mr. Turnbull moved that the City take no position. Mr. Putens seconded. With a 2-2 vote, the motion did not carry (Davis and Roberts). Mr. Roberts then made a motion to oppose these two bills and convey the reason to the City's delegation. Mayor Davis seconded. The motion carried 3-1 (Turnbull).

MEETINGS: Mayor Davis reviewed the meetings calendar. It was proposed that since the April 5 meeting with GEAC will be on Thursday, either April 2 or April 4 could be dropped from the schedule. It was agreed to drop May 16 from the calendar because of the conflict with the GHI Annual Meeting. The Mayor asked that staff move forward with scheduling the meeting with County Executive. She also asked for clarification regarding Council's need to meet with Bertram Donn and the Community Relations Advisory Board.

ADJOURNMENT: Mr. Putens moved the meeting be adjourned. Mr. Turnbull seconded the motion, which carried 4-0. Mayor Davis adjourned the regular meeting of March 12, 2001, at 10:15 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 March 12, 2001."

Judith F. Davis

Mayor