

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, April 26, 2010.

Mayor Davis called the meeting to order at 8:10 p.m.

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

ALSO PRESENT were Michael McLaughlin, City Manager; David E. Moran, Assistant City Manager; James Craze, Police Chief; Carl Schinner, Police Lieutenant; Mary Johnson, Director of Human Resources; Joe McNeal, Co-Acting Director of Recreation; Robert Manzi, City Solicitor; Stephen Silvestri, Outside Counsel; Cindy Murray, City Clerk; and Michael Apgar, Young Hur, Gordon Pracht, and Michael Lanier, members of Greenbelt Fraternal Order of Police Lodge No. 32.

Mayor Davis asked for a moment of silence in memory of Greenbelt resident Jeanne H. Calhoun and former residents Joseph Thomas Cawley and Robert Leech. 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. The motion passed 7-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

Work Session, March 17, 2010  
Interviews, April 12, 2010  
Regular Meeting, April 12, 2010  
Work Session, April 14, 2010  
Interviews, April 19, 2010  
Approved as presented.

PRINCE GEORGE'S COUNTY REVISED STORMWATER MANAGEMENT

ORDINANCE: Council approved sending a letter to the County Executive and County Council requesting that the County's stormwater management (SWM) ordinance honor the 2009 Model Standard SWM Plan/2007 SWM Act, and further stating the City's opposition to any effort to revise the County's draft ordinance to incorporate the weaker provisions contained in the State's recently adopted emergency SWM regulations.

ROOSEVELT CENTER MERCHANTS REVOLVING LOAN FUND: Council approved granting \$8,000 in Roosevelt Center Merchants Revolving Loan funds to Gwen Vaccaro of Pleasant Touch with the condition that the loan funds will not be disbursed until Pleasant Touch receives an approved credit application from the Greenbelt Federal Credit Union and enters into an indemnity agreement with the City.

APPOINTMENTS TO ADVISORY GROUPS: Council appointed Urja Shaw to the Youth Advisory Committee and Timothy Overby to the Public Safety Advisory Committee.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Kathleen Bucco from the Forest Preserve Advisory Board.

APPROVAL OF AGENDA: It was moved by Mr. Putens and seconded by Mr. Jordan that the agenda be approved. The motion passed 7-0.

PRESENTATIONS:

Magnolia Elementary School Science Bowl Champions: Mayor Davis recognized the Magnolia Elementary School team who recently won the Prince George's County Public Schools Annual Science Bowl championship. Council presented certificates to the team coach, Robert Allen, and team members Madison Maragliano, Kortez Logan, Kristen Beauchamp, Assiatu Bantama, Kevin Hedgeman and Jordan Love.

National Board Certified Teachers: Mayor Davis recognized teachers in Greenbelt schools who obtained National Board Certification from the National Board for Professional Teaching Standards this year. Council presented certificates to Shana Sterkin and Joy Sleeth of Springhill Lake Elementary School, Beth Novick and Lisa Mackey-Hazel of Greenbelt Elementary School, and Tricia Blackman and Amy Young-Buckler of Greenbelt Middle School.

Kenneth Bernstein – Agnes Meyer Outstanding Teacher Award: Mayor Davis recognized Kenneth Bernstein, a Local, State and National Government and Advanced Placement U.S. Government teacher at Eleanor Roosevelt High School, who was selected to receive *The Washington Post's* 2010 Agnes Meyer Outstanding Teacher Award for Prince George's County. Council presented a certificate to Mr. Bernstein.

PUBLIC HEARING ON THE PROPOSED FY 2011 BUDGET: Mayor Davis read the agenda comments and announced that the regular meeting was recessed and the public hearing was open. Since no one asked to speak, the Mayor declared the public hearing to be over.

PETITIONS AND REQUESTS: None

MINUTES OF COUNCIL MEETINGS:

Executive Session #1 of March 31, 2010: Mr. Jordan moved that the minutes of the executive session of the City Council held Wednesday, March 31, 2010, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 7:34 p.m. in the Council Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(7) and (9) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to consider matters that relate to the collective bargaining negotiations and consult with legal counsel. Mr. Putens seconded the motion.

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

Ms. Mach noted that she was not present at the meeting on March 31.

Executive Session #2 of March 31, 2010: Mr. Jordan moved that the minutes of the executive session of the City Council held Wednesday, March 31, 2010, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:05 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 legal counsel regarding TGI Friday's. Mr. Putens seconded the motion.

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

Ms. Mach noted that she was not present at the meeting on March 31.

Executive Session of April 7, 2010: Mr. Jordan moved that the minutes of the executive session of the City Council held Wednesday, April 7, 2010, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 7:30 p.m. in the Council Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(7) and (9) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to consider matters that relate to the collective bargaining negotiations and consult with legal counsel. Mr. Putens seconded the motion.

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

ADMINISTRATIVE REPORTS: None

COUNCIL REPORTS:

Council commented on the Golden Age Club luncheon, the Kojo in Your Community show, and the Celebration of Spring, Earth Day, Arbor Day and Public Works events. They thanked the Public Works and Recreation Departments for their efforts in organizing the City events.

Mr. Jordan reported he had attended the Student Recognition Program at Magnolia Elementary School.

Mayor Davis noted her attendance at the Everybody Wins! DC event at Gladys Noon Spellman Elementary School, the Anacostia Watershed Restoration Plan presentation at the Bladensburg Waterfront, the 26<sup>th</sup> Annual Research Practicum Symposium at Eleanor Roosevelt High School, and the Friends of the Greenbelt Museum event.

Mayor Davis congratulated the following retired and current staff members of the Recreation Department who received awards at the Maryland Recreation and Parks Association annual

conference: Hank Irving, Retired Life Award; Stephen Parks, Member of the Year; Di Quynn-Reno, Committee of the Year; and Karen Haseley, Therapeutic Recreation Branch – Outstanding Recognition Award.

COMMITTEE REPORTS: None

LEGISLATION:

A Resolution to Negotiate the Purchase of Home Modification and Assessment Services from Strategies for Independent Living, LLC of Takoma Park, Maryland at a Cost of \$50,000

Mayor Davis read the agenda comments. Mr. Herling introduced the resolution for second reading and moved that it be adopted. Ms. Pope seconded the motion.

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

The resolution was declared adopted (Resolution No. 1063, Book 8).

ADVISORY COMMITTEE ON EDUCATION REPORT 2-10 (GRANTS TO EDUCATORS PROGRAM): Mayor Davis read the agenda comments.

Jon Gardner, ACE Chair, described the proposals supported by ACE. He explained ACE was recommending funding of nine proposals using the remaining \$4,500 in funds from the Grants to Educators Program and was requesting an additional six proposals be funded using \$2,250 in funds from the Reading and Science Club Program. Mr. Gardner noted there would be \$3,000 in Reading and Science Club Program funds that would not be used this fiscal year due to the Club newsletters being mailed electronically instead of using standard mail.

Ms. Mach moved that Council approve funding the nine proposals recommended by the Advisory Committee on Education (ACE) using funds available in the Grants to Educators Program. Mr. Jordan seconded. The motion passed 7-0.

Ms. Mach moved that Council approve funding the additional six proposals recommended by ACE using funds remaining in the Science and Reading Club Program. Mr. Herling seconded. The motion passed 7-0.

Mayor Davis questioned whether there was any follow up to verify that funding awarded through the Grants to Educators Program was actually used for the specific program or project. Mr. McLaughlin said he would check with Wendy Wexler, ACE liaison, and Jeff Williams, City Treasurer. Mr. Gardner said ACE requires final reports on each program or project when completed.

APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND FRATERNAL ORDER OF POLICE LODGE NO. 32 TO TAKE EFFECT JULY 1, 2010: Mayor Davis read the agenda comments.

Mr. Silvestri recognized all members of the City and Fraternal Order of Police Lodge No. 32 (FOP) bargaining teams and thanked them for their efforts on the Collective Bargaining Agreement (CBA). He then reviewed the terms of the new agreement. Mr. Silvestri noted that two issues, the use of Auto Vehicle Locator Devices and the assignment of K9 officers to patrol shifts, were addressed separately by letters but are considered part of the CBA agreement.

Mayor Davis thanked everyone involved in the CBA negotiation process. She commented on the fiscal challenges facing the City and the desire of Council to treat all employees as fairly as possible.

Patrick McAndrew, legal counsel for the FOP, also thanked the members of the bargaining teams. He said that the FOP was mindful of the City's fiscal situation throughout the bargaining process.

Mr. Putens moved to approve the Collective Bargaining Agreement between the City and Fraternal Order of Police Lodge No. 32 to take effect July 1, 2010. Mr. Jordan seconded. The motion passed 7-0.

AWARD OF CONTRACT – STREET RESURFACING AND CONCRETE WORK: Mayor Davis read the agenda comments.

Mr. Herling moved that Council approve contracting with NZI Construction for street resurfacing and concrete work as outlined in the April 20, 2010 memo from Ken Hall, Director of Public Works. Mr. Putens seconded. The motion passed 7-0.

Mr. Orleans asked and was provided answers to questions regarding curb and gutter work on Westway.

AWARD OF BID – BRADEN FIELD LIGHTS AND RESURFACING PROJECT: Mayor Davis read the agenda comments.

Joe McNeal, Co-Acting Director of Recreation, explained that the Braden Field Tennis Courts (BFTC) #1 thru #4 are in need of both resurfacing and lighting. He also described the poor condition of the existing lighting on BFTC #5 thru #8, which is approximately 38 years old. Mr. McNeal reviewed the bids received for resurfacing and lighting BFTC #1 thru #4, as well as an alternative bid for lighting BFTC #5 thru #8.

There was discussion regarding the energy costs savings of the proposed new lights compared to the existing lights. Mr. McNeal said exact cost savings could not be determined since the tennis court lights are not on their own electric meter, but share a meter with other lighting fixtures in the area. Mr. Putens suggested the tennis court lights be rewired to their own meter in the future so accurate costs for the BFTC lights could be determined. Mr. Roberts agreed, noting this information would assist in determining the costs charged to users of the court lighting, who should only pay for the actual cost of the electricity used for the court lighting.

Members of the Greenbelt Tennis Association including Ellen Jent Carter, Bill Wilkerson, Richard Godfrey, Frank Gervasi and Paul Cocchiaro, spoke in support of resurfacing the four tennis courts as proposed, and installing new lighting on all eight courts. The members commented on the poor

condition of the existing lights and the benefits new lighting would provide. Mr. Wilkerson noted the high usage of the courts, estimating 3,000 to 5,000 tennis players use the courts each year.

Mr. Herling moved that Council award the contract to resurface BFTC #1 thru #4 and relight BFTC #1 thru #8 to Bishop's Tennis Inc. in accordance with its bid in the amount of \$366,848, using approximately \$275,100 from Program Open Space funds and \$91,748 from City funds. Mr. Putens seconded. The motion passed 7-0.

FEDERAL LEGISLATION – HR 3852/S 1816: Mayor Davis read the agenda comments.

Terry Cummings, Manager of Advocacy of the Chesapeake Bay Foundation, briefed Council on HR 3852/S 1816, the Chesapeake Clean Water and Ecosystem Restoration Act, which amends the federal Clean Water Act to ensure that the six states of the Chesapeake Bay watershed and the District of Columbia develop and implement detailed plans to reduce pollution sufficiently to achieve the Bay-wide pollution reduction targets for nitrogen, phosphorus, and sediment by 2025. He requested Council's support of the legislation, but noted the legislation is still being revised.

After discussion, Mayor Davis said that Council needs to review the final bill with revisions before indicating their support.

Mayor Davis moved that Council defer decision on HR 3852/S 1816 until the final bill can be reviewed. Ms. Mach seconded. The motion passed 7-0.

Ms. Mach requested the bill be included as an agenda item for a future meeting before the end of May.

TGI FRIDAY'S LIQUOR LICENSE: Mayor Davis read the agenda comments.

Mayor Davis and Mr. Jordan commented that TGI Friday's has been responsive to the City's concerns, by participating in the work session with Council and meeting with Chief Craze and Lt. Schinner to review the steps they are taking to address the City's concerns. Chief Craze noted there had been no recent police incidents at the establishment. Ms. Mach said she would like a good cooperative relationship established between the City and Friday's, but needs to be assured the establishment is safe for all patrons.

Mr. Manzi said the City's letter of protest and concern about events over the past year submitted to the Board of License Commissioners (Liquor Board) has received the attention of TGI Friday's. He said it was very unlikely that the Liquor Board would revoke Friday's license based on the City's letter since this was the first complaint filed against the establishment. Mr. Manzi added that, even if the City withdraws its request for a hearing on the license renewal, the City's letter will remain in the files of the Liquor Board and he expects the establishment will be closely monitored by representatives of the Liquor Board in the future.

Mr. Roberts said he was opposed to withdrawing the request for a Liquor Board hearing. He expressed concern regarding how the establishment is being run in general, and said Friday's management should explain how they are addressing the City's concerns before the Liquor Board.

Mr. Putens agreed with Mr. Roberts, and added that proceeding with the hearing would indicate the seriousness of the City's concerns with the establishment. He also requested the Fire Department

check on the capacity limits of the restaurant, Friday's corporate office be informed, and that Council be sent monthly reports on incidents at the establishment.

Mr. Manzi said the hearing was scheduled for Wednesday, May 5<sup>th</sup>, in Hyattsville, at 7 p.m. Mr. Roberts and Mr. Putens said they would attend the hearing.

Mr. Roberts moved that Council proceed with their request for a Liquor Board hearing on Friday's license. Mr. Putens seconded. The motion failed 3-4. (Davis, Herling, Jordan, Mach)

Douglas Meister, legal counsel for TGI Friday's, emphasized Friday's desire to establish a good working relationship with the City. He questioned why the City would continue their protest of the license renewal when Friday's had been responsive towards addressing the City's concerns and there had been no new incidents of concern at the establishment.

Ms. Mach moved that Council withdraw their request for a Liquor Board hearing on Friday's license, but send a strong letter emphasizing the City's concerns about events over the past year. Mr. Herling seconded. The motion passed 4-3. (Pope, Putens, Roberts)

OTHER REPORTS: Council provided information from the following meetings and conferences they had recently attended.

Mr. Roberts – Council of Governments (COG) Transportation Planning Board meeting

Mayor Davis – COG Board of Directors meeting  
Maryland Municipal League Board of Directors meeting

MEETINGS: Council reviewed the meeting schedule.

ADJOURNMENT: A motion to adjourn the regular meeting was made by Ms. Mach and seconded by Mr. Putens. The motion passed 7-0.

Mayor Davis adjourned the regular meeting of Monday, April 26, 2010, at 11:47 p.m.

Respectfully submitted,

Cindy Murray  
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 April 26, 2010."

Judith F. Davis  
Mayor