



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held September 29, 2003.

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

ROLL CALL was answered by Council members Edward V. J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White, and Mayor Judith F. Davis.

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

Mayor Davis asked for a moment of silence in memory of resident AnneMarie Crossed and former residents Albert A. Ellerin, David Clinton Young, Joseph R. Brubaker, and Emeline Hawksworth. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mr. White asked to remove the minutes of the regular meeting of September 8, 2003, from the consent agenda. It was moved by Mr. Turnbull and seconded by Mr. Putens that the consent agenda be approved with that amendment. The motion passed 5-0.

Council thereby took the following actions:

COMMITTEE REPORTS

Arts Advisory Board, Report #04-001 (Greenbelt Arts Policy/Mission Statement): Council accepted this report.

Park & Recreation Advisory Board, Report #03-6 (Basketball Court at Windsor Green Ballfields): Council accepted this report and will consider it at the next regular meeting.

Park & Recreation Advisory Board, Report #03-7 (Greenlands Ordinance). Council received this report, referred it to Planning and Community Development staff, and will consider it with the revised ordinance on the agenda of the next meeting.

RESIGNATION FROM ADVISORY BOARD: Council accepted with regret the resignation of Marianne Olah from the Senior Citizens Advisory Committee.

APPOINTMENT TO ADVISORY BOARD: Council appointed James A. Bowles to the Senior Citizens Advisory Committee.

APPROVAL OF AGENDA: It was moved by Mr. Turnbull and seconded by Mr. White that the agenda be approved as presented. The motion carried 5-0.

PRESENTATIONS

Peace Month - Proclamation: Mayor Davis read a proclamation declaring October to be Apace Month@ in the City of Greenbelt. Mr. Moran accepted the proclamation on behalf of the Community Relations Advisory Board and commented on several activities upcoming during the month.

Eleanor Roosevelt Week - Proclamation: Eleanor Roosevelt High School has declared the week of October 4-11 to be Eleanor Roosevelt Week. The school's Character Education Program is modeled on the character traits of the school=s namesake. Three Greenbelt students from the high school-Sametta Bangura, Brogan Marshall and Nathaniel Carrera-attended the meeting with faculty member Barbara Luther and Sandra Lyles, an administrator representing Principal Sylvester Conyers, to receive the proclamation. They presented comments on Eleanor Roosevelt, Greenbelt, and the Character Education Program, and they previewed the activities planned for Eleanor Roosevelt Week. Council thanked them for coming, and the Mayor also congratulated Ms. Luther on having received a National Leadership Award from the Community of Caring.

PETITIONS AND REQUESTS

Edward Kapplinger, 104 Julian Court, presented information to Council reflecting his analysis of the factors that resulted in loss of electrical power in central Greenbelt following tropical storm Isabel. Council directed the City Manager to request a meeting with Pepco to talk about this topic and issues regarding communication with Pepco.

Sheldon Goldberg, 7848 Jacobs Drive, reminded everyone of the Candidates Forum to be sponsored by the Greenbelt East Advisory Committee in the Greenbriar Community Center at 7:30 p.m. on Thursday, October 2.

Sylvia Lewis, 2C Gardenway, announced that the Greenbelt Pink Ribbon Ride would take place on Saturday, October 4. She named and thanked the many businesses that had provided sponsorship.

MINUTES OF COUNCIL MEETINGS

Regular Meeting, September 8, 2003: Under the discussion of the Friends Community School Preliminary Plan of Subdivision, Mr. White asked that it be clarified that Mr. Roberts had said he would not support the motion to take no position in the absence of consideration of a two-story building and an increase to the conservation agreement. Mayor Davis also requested correction of a typographical error and a correction to indicate that the school does not anticipate much use of public transportation by students. Mr. White moved approval of the minutes with these corrections. Mr. Turnbull seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Executive Session of August 27, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, August 27, 2003, be approved as amended. He further requested that the minutes of this meeting reflect that Council met in executive session at 8:12 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(3) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consider the acquisition of real property for public use and related matters. Mr. Turnbull seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mr. McLaughlin and Mayor Davis both thanked Public Works, Code Enforcement, and the Police, as well as the Fire Department and postal workers for their excellent performance during tropical storm Isabel.

Mr. McLaughlin noted that he and Mr. Moran had both attended the ICMA conference last week.

Mr. White asked the status of the Hunting Ridge roundabout. Mr. McLaughlin said work would begin very soon but not by tomorrow's deadline of September 30. Mr. White asked that the Hunting Ridge board be so notified. He also asked the status of setting up a meeting with County Councilmember Dernoga. Mr. McLaughlin said the contact had been made and the City was awaiting a response.

Mr. Turnbull asked the status of the City's pending land acquisition project. Mr. Manzi said the surveys were received just before the storm; although there are title clearances pending, everything is moving as quickly as possible. Mr. Turnbull also requested that in the process of work on Ivy Lane, the bike lanes be made compliant with current standards. He said Ivy Lane's bike lanes were the first in the City and predated current standards. He added that he believed it to be just an issue of markings.

Mayor Davis thanked the Senior Citizens Advisory Committee for sponsoring their Open Forum. She said she, Mr. Roberts, and Mr. White had all attended the Bowie celebration for Joan Pitkin and had presented the letter from Council. She complimented Cindy Murray, Bill Phelan, and the Recycling & Environment Advisory Committee for their work on the Lake Park clean-up on September 20. She also reported on a meeting she attended about the Purple Line and a reception for schools CEO André Hornsby.

LEGISLATION

A Resolution to Repeal Resolution Number 862 and to Provide for the Number of Judges and Clerks of Election, Their Rate of Compensation, and the Rate of Compensation to Be Paid to the Chairman and Members of the Board of Elections for the 2003 Regular Election

Mayor Davis read the agenda comments. Mr. White introduced the resolution for second reading and adoption. The motion was seconded by Mr. Turnbull.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 965, Book No. 8).

BRIEFING ON ASSISTANCE-IN-LIVING PROGRAM: Mayor Davis read the agenda comments. Christal Batey, Community Resource Advocate, briefed Council on the status of the City's Assistance-in-Living Program. She reviewed achievements during the six months she has been working with the program, and she outlined goals for the future. She announced a meeting of the Friends of the Resource Advocate to be held October 1 to solicit additional volunteers for the program, and she noted the Senior Health and Wellness Fair upcoming on October 23.

EMPLOYEE HEALTH INSURANCE BENEFIT POLICY - REVIEW: The Mayor read the agenda comments. Mr. McLaughlin said an update to that information was that some jurisdictions have limited domestic partner coverage to same-gender couples, so that the universe of coverage would presumably not have to include male-female unmarried couples.

Mr. Turnbull said he asked to have this request for domestic partner coverage placed on Council's agenda because it seemed to be meeting resistance at the staff level, and he considered it to be an issue of basic fairness. He said the City prides itself on being a good place to work, but this is a weak link in the compensation package. He said if Greenbelt wishes to compete with Montgomery County for employees, it needs to place itself in Montgomery County's league.

Referencing Consuella Harris's memo of August 27, 2003, Mayor Davis corrected a mistake in the listing of the City's contribution for PPO domestic partner coverage (from \$697.66 to \$232.55). Of the reasons provided for why the City had chosen to provide access to domestic partner coverage on the group policy without providing the same contribution that it would toward "employee plus spouse" coverage, she questioned the language that stated that neither the state nor the county had "officially sanctioned domestic partners." She also commented on the statement that the City had been the first jurisdiction in Prince George's County even to make the insurance available, saying that this was not a justification for refusing to pay for it and that being progressive and being first to do things has always been a Greenbelt hallmark. In response to her question, there was also clarification of who could be covered currently under "family."

Mr. Putens asked whether two adult siblings living together could qualify as "domestic partners." Mr. McLaughlin said that would depend upon how the term was defined. Mr. Putens said he was concerned that to be truly equitable, the City may need to consider many more situations and relationships than just this one. Mr. White agreed, saying a close study of the possible definitions would be required and that a "reciprocal beneficiaries relationship" could include siblings where "domestic partners" would not. He said another complication would be how the definitions are handled for tax purposes by the federal government, since in some circumstances the benefit would be after-tax rather than before and would require different treatment by the employer. He said he would like staff to undertake some further research on this and lay out all the possibilities, including reciprocal beneficiary relationships. He added that health insurance is the biggest benefit issue, since many employers have tended to grant the "non-consequential" benefits to domestic partners but not the more costly health insurance. Mr. Putens agreed, saying he would like to see consideration of a definition that is equitable to all relationships rather than limited to a narrow definition of "domestic partners." Mayor Davis said she too would prefer to see the City be more inclusive and not limit domestic-partner benefits on the basis of gender.

Mr. Turnbull said that although he would usually wish to take the most comprehensive and inclusive approach, in this instance doing so in a thorough fashion would be a huge undertaking. He said the City had been asked to consider only the case of individuals who would marry if they could, and he thought the question should be limited to that in order to expedite the response. He made a motion that health insurance coverage be offered to domestic partners on the same basis as to married spouses, with minimal criteria to be developed to define eligibility. Mayor Davis asked if any unmarried couples would qualify. Mr. Turnbull said not under his motion, because including unmarried heterosexual couples would have potential budget impacts that needed further study. He said the coverage could always be broadened later. Mayor Davis seconded this motion.

Mr. Putens said he preferred to wait to act on this until all the options had been presented.

Mr. Roberts said it was a cause of concern to Council that an employee had spent a couple of years seeking a resolution to this request. On the other hand, he thought the question needed more public debate than it could receive in one night, and he was also concerned about considering an issue with budgetary implications outside the budget review process, particularly since the potential scope and impact of the action were not certain.

Mr. Turnbull replied that his motion was limited to domestic partners, solely the request that was presented to Council, and he thought the City should be in forefront rather than the rear guard on this issue. Mr. Roberts asked why opposite-sex partners should not be eligible. Mr. Turnbull said because they have the option to marry and qualify as spouses, whereas gay and lesbian partners do not. Mr. Roberts said he found it disturbing that there was such a large discrepancy in cost between married and domestic partners but that now that the matter was before Council, he wished to give a fair hearing to the whole issue. He said he would prefer not to address it piecemeal.

Elizabeth Gaines, 13 Lakeside Drive, said she was proud of Greenbelt's diversity and thought gays and lesbians should be included as domestic partners for health benefits. She presented copies of a document defining "life partners" in terms of those who are unable to marry according to the laws of the state in which they live.

Bertram Donn, 19 Woodland Way, said he and his wife, Marjorie, thought Eleanor Roosevelt Week was an appropriate time to consider this issue and that they supported equitable treatment for domestic partners.

Sylvia Lewis, 2C Gardenway, urged Council not to delay in acting on this straightforward request. She said, "Let's live our words. It doesn't need a lot of study." She added that Council could broaden the eligibility later if it chose.

John Mason, 13 Lakeside Drive, spoke in favor of equal benefits for domestic partners, saying "Greenbelt should not be a party to such discrimination."

Mayor Davis also noted receipt of a letter from Bob Garber and Susan Taylor, 22H Hillside Road, asking that gay and lesbian domestic partners be treated the same as married spouses.

Mr. Roberts asked Mr. Turnbull what criteria he would use to define domestic partners. Mr. Turnbull said he thought the criteria should be minimal. He asked what proof was required from married couples of their status and suggested that any proof of relationship should be implemented for married couples as well. He said the definitions needed to be worked out and that what Council needed to do tonight was to make a policy decision, with the definitions and implementation to follow.

Mr. White said there could be agreement tonight if the criteria were broader. He said he wanted to see fairness to other relationships. Mayor Davis said she agreed with that in principle but did not want to hold the one up for the other.

Mr. White then moved an amendment to Mr. Turnbull's motion expanding the scope to include relationships other than same-gender domestic partners. Mr. Roberts seconded this motion. Mr. White said he did not think it needed to take much time to prepare the additional background and that he thought it would assist Council to see the broader scope. He said he also thought Council should act on the basis of defined criteria, not develop the criteria later.

Jeff Morissette, 6J Ridge Road, pointed out that if CareFirst and the City are already making coverage available to domestic partners, someone must have a definition or criteria for determining who is eligible now for coverage. He asked who is eligible under the current policy.

Mr. Turnbull said his criterion would simply be that the partners in question could in the eyes of the law be married except that they are the "wrong sex." He said this would exclude blood relatives who could not marry legally.

Mr. McLaughlin said staff could respond to the broader issue quickly.

Keith Jahoda, 45C Ridge Road, said if Mr. Turnbull's motion were to be passed tonight, Council could go home knowing the matter could be acted upon quickly. He pointed out that under Mr. Turnbull's motion, the only issue was "who pays," since domestic partners are already eligible for coverage under the City's policy. Although Mr. Turnbull's motion would have no impact on current eligibility for the benefit, the more complicated questions on the floor would, and resolving them could take much more time. He asked Council not to "hold hostage" an action that could be taken relatively quickly.

Mr. White objected to any implications that it was Council that was delaying this issue, since it had just been placed before Council tonight.

Ed Martini, 24H Ridge Road, asked if anyone had actually asked for the extended coverage Mr. White was proposing in his amendment. He added that he thought that it made no sense that the City had gone with this carrier two years ago in part because it offered domestic partner coverage but then decided not to pay for it.

Mayor Davis asked Mr. White whether, if his amendment passed and staff found that adding reciprocal beneficiary relationships to the equation would greatly increase the time for consideration, he would be open to having the first part come back with the second to follow later. Mr. White responded that the City Manager had already said that would not be a problem. Mr. McLaughlin added the caveat that if staff determined that the current carrier would not provide the expanded coverage, it would take longer to research the possibilities.

Mr. Turnbull said he did not believe the bigger fiscal impact could be evaluated quickly. He said he supported looking at Mr. White's issues but only as a second step. He suggested that if Mr. White withdrew his amendment, he would support a motion from Mr. White to that effect following action on the original motion. At this point, Mr. Roberts withdrew his second to Mr. White's amendment, saying that in fairness to the employee who has been waiting two years, he thought the specific request should be responded to first. He said, however, that he still preferred to have the issue return to another meeting so that more of the community could speak. He asked Mr. Turnbull if his motion was simply to direct staff to return with a policy that provides domestic partner coverage on the same contribution basis as for married couples. Mr. Turnbull said he would frame it that way.

Ray Stevens, 46A Ridge Road, urged approval of the motion currently on the table.

The motion made by Mr. Turnbull and seconded by Mayor Davis passed 5-0.

Mr. White then made the same motion for a program to include either "reciprocal beneficiary relationships" or an expanded definition of domestic partners to include "self plus one other." Mr. Roberts seconded. Mr. Turnbull asked for clarification on whether these categories were of equal priority with homosexual domestic partners. Mayor Davis said her understanding was that they were but that the two matters did not have to return to Council at the same time. The motion passed 5-0.

PROPERTY ASSESSMENT CAP - PROPOSED CHANGE: Mayor Davis read the agenda comments and asked if there was time to hold a public hearing. Mr. McLaughlin said he

thought not, since a decision to raise the cap would need to be conveyed by the end of October. Mayor Davis asked if this could be done next year instead of this year, and Mr. McLaughlin said it could. Mr. Turnbull said he viewed lifting the assessment cap as giving Council maximum latitude and that Council should focus its attention on the tax rate to yield the revenue needed to provide City services. In response to Mr. Roberts' question as to whether the assessment cap could be considered at the time the tax rate is set, Mr. McLaughlin said the two could not be considered at the same time to affect the same fiscal year.

Mr. Putens said he thought Council should raise it. Mayor Davis commented that she thought there was a high probability that the county would be raising its cap. Mr. White said if he were going to be on the next Council, he would want the flexibility the raised cap could provide. Specifying that the "tax cap" referred to in the staff recommendation should be "assessment cap," Mr. Turnbull moved that the City assessment cap be increased from its current level of 5% to the state limit of 10%. Mr. White seconded the motion. Mr. Roberts said he disagreed with the position that an assessment cap artificially limits the taxable assessed value; rather, he said, the cap provides stability in an environment in which real estate prices are being artificially driven up. He said he also would prefer not to have to reply upon the fiscal restraint of future Councils and staffs. Mayor Davis suggested it would be interesting to know what caps other cities have. When the vote was taken, the motion passed 4-1 (Roberts).

TAKE-HOME CRUISER POLICY - PROPOSED CHANGE: Mayor Davis read the agenda comments. Chief James Craze spoke briefly to emphasize the substantial cost-savings to the City in hiring already-certified officers transferring from other jurisdictions. Extending the take-home car benefit to them requires no increase to the fleet, he said, but provides an attractive recruitment tool. Mr. Turnbull said that although he continued to be of the opinion that this benefit is already unduly generous in terms of the residence distance it permits from Greenbelt, he did think the benefit should be allowed for the situation proposed tonight. He made a motion, which was seconded by Mr. Putens, that the following language be added to Section VI (A) (1) of Chapter 11 of COPAR: "Officers who are already certified by an appropriate law enforcement agency and have completed field training by the City may be granted a take-home cruiser, if approved by the Chief of Police and the City Manager." The motion passed 5-0.

MEETINGS: Council reviewed the schedule of meetings. It was moved by Mr. Putens and seconded by Mr. Turnbull that the December meeting be held on December 15 rather than December 8. Mayor Davis said this change would permit both old and new members of the next Council to attend the National League of Cities meeting if they wished. The motion passed 5-0. Mayor Davis suggested adding the arts policy/mission statement to the work session scheduled for October 20 to review the contribution group application process and application form.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. Turnbull. The motion carried 5-0. The Mayor adjourned the regular meeting of September 29, 2003, at 11:35 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 29, 2003.@"

Judith F. Davis
Mayor