



REGULAR MEETING OF GREENBELT CITY COUNCIL held Monday, February 25, 2002.

Mayor Davis called the meeting to order at 8:07 p.m.

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

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 that everyone observe a moment of silence for residents Earl Carlton Tatum, Jessica Keane, and Srcan Osmanajic and for former resident Mellvene Riley. She also acknowledged the deaths of Isaac Gourdine, County Councilmember, and the father of staff member Karen Haseley. Mayor Davis then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: A motion to approve the consent agenda was made by Mr. Putens and seconded by Mr. Turnbull. The motion passed 4-0.

Council thereby took the following actions:

MINUTES

- Regular Meeting, January 28, 2002
- Work Session, January 30, 2002

Approved as presented.

COMMITTEE REPORT - Public Safety Advisory Committee, 2/18/02 (Emergency Preparedness Plan): Council received this report, which will be discussed on the agenda of a future meeting.

REAPPOINTMENT TO ADVISORY GROUP: Council reappointed Mary Alice Carroll to an additional three-year term on the Advisory Committee on Education.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Fred Gasper from the Recycling and Environment Advisory Committee and directed staff to prepare the appropriate letter for the Mayor's signature.

APPROVAL OF AGENDA: Mr. Putens asked that two items be added to the agenda: allocation of funding for Greenbelt schools; and a request from the Greenbelt American

Legion to be presented under "Petitions and Requests," but for which he also would like Council action tonight. Mr. Turnbull moved approval of the agenda as amended. Mr. Putens seconded the motion, which passed 4-0.

PRESENTATIONS: There were none.

PETITIONS AND REQUESTS:

American Legion U.S.O. Event: Carl Dettinger of Howard County, past Commander of the American Legion, appeared with other members of the Legion to ask Council to co-sponsor a benefit to be held on June 14 in the Marriott Ballroom in support of the U.S.O. He also asked for the Mayor to sign a joint letter about the event on stationery that would combine the letterheads of the City and the Legion. Council members expressed their support for the effort, and Mr. Roberts commented that because the letter would be signed by the Mayor, this would not rise to the level of authorizing another organization to use the City logo.

Comcast Programming: Sheldon Goldberg, 7848 Jacobs Drive, commented that, despite having completed the cable upgrades, Comcast had not expanded its programming to include offerings such as Encore and Turner Classic Movies, which have long been available in Montgomery County. Mr. McLaughlin said staff would ask Comcast about this again.

Electricity Aggregation: Mr. Goldberg commented that someone had been soliciting door-to-door for Pepco last weekend, and he asked what the status of the state bill is. Mr. McLaughlin said staff would check and noted that this is the second year of frozen rates. Mr. Putens added that the solicitation was from Pepco Energy Services, which is a subsidiary of Pepco.

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced that two Zipcars had been delivered. Individuals wishing to apply can do so from the Zipcar.com Web site, or they may call the City Office for more information.

Mr. Roberts asked that the City send thanks to Senators Mikulski and Sarbanes and Congressman Hoyer for their assistance with the issue of disposal of Beltsville Agricultural Research Center property.

Mayor Davis said she had attended meetings in Annapolis regarding the issue of planning and zoning authority for municipalities, together with Mr. Moran and Terri Hruby, City Planner. She thanked both of them for keeping the City informed on this issue. She said there was a meeting of the Four Cities on February 14. On February 20, together with Mr. McLaughlin and Chief James Craze, she attended a signing ceremony in Hyattsville for the police mutual aid agreement. She also announced that the Metropolitan Washington Council of Governments had declared a drought watch for the area.

LEGISLATION

Revision of the Procedures for Appeals and Grievances by City Employees: Mayor Davis read the agenda comments for the following ordinance and two charter amendment resolutions.

A. An Ordinance to Repeal and Re-enact with Amendments Article VI, "Employee Appeals," of Chapter 13, "Personnel," of the Greenbelt City Code for the Purpose of Revising the Requirements and Procedures for Employee Appeals and Grievances: Council agreed to defer action on this ordinance until the April 22 regular meeting.

B. 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, (2001 Replacement Volume as Amended), Title, "Corporations-Municipal," Subtitle "Charter Amendments," 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 Repealing and Re-Enacting with Amendments Employee Relations Board Section 12(d), Titled "Powers": Mr. Roberts introduced the resolution for second reading and adoption. Mr. Turnbull seconded. Mr. Putens stated that he would not vote for either of the two resolutions because he believed that appeals and grievances should be handled the same way in terms of whether the appellant and the grievant have recourse to Council for decision. Mayor Davis asked Mr. Manzi if he would like to comment. Mr. Manzi said there has always been a dichotomy in how these processes have been treated and that the legislation clearly intended a role for the Employee Relations Board in resolving appeals that it has never had for grievances. He said the charge to the Employee Relations Board had been to clarify the distinction between appeals and grievances, not to redefine the process. He suggested that the proposed amendment would accomplish that goal and that further revisions could be undertaken later, if Council so desired.

Mr. Roberts said he disagreed with Mr. Putens and that he saw a big difference between the two issues. He said because appeals deal with issues of hiring and firing, Council should not be involved with the resolution of appeals. Grievances, on the other hand, he said could involve a very wide range of issues and problems that Council could appropriately choose to address. Mr. Putens added that an additional concern should be that, just as with a grievance, the result of an appeal could be very expensive and potentially damaging to the City and that Council should be able to intervene.

ROLL CALL

Mr. Putens - no

Mr. Roberts - yes

Mr. Turnbull - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 945, Book 8).

C. 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, (2001 Replacement Volume as Amended), Title, "Corporations-Municipal," Subtitle "Charter Amendments," 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 Repealing and Re-Enacting with Amendments Section 36, Related to the City Manager, Titled "Same-Powers": Mr. Turnbull introduced the resolution for second reading and adoption. It was noted that Mr. Putens' objection to the previous resolution applied to this resolution as well. Mr. Roberts seconded the motion.

ROLL CALL

Mr. Putens - no

Mr. Roberts - yes

Mr. Turnbull - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 946, Book 8).

An Ordinance to Amend Chapter 2, "Administration," Article II, "Financial Affairs," of the Greenbelt City Code for the Purpose of Updating the Balance to Be Maintained in the Temporary Disability Reserve Fund: Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for first reading.

An Ordinance to Amend Chapter 10, "Licenses, Permits and Miscellaneous Business Regulations," of the Greenbelt City Code for the Purpose of Revising Requirements for the Installation, Operation and Permitting of Burglar and Hold-up Alarm Systems, and to Add Requirements for the Regulation and Licensing of Burglar Alarm Companies Transacting Business in the City: Mayor Davis read the agenda comments. Mr. Turnbull introduced the ordinance for first reading. In response to the Mayor's questions, Mr. McLaughlin confirmed that the reason for proposing a \$50 fee to file an appeal on suspension or revocation of a license was to reduce frivolous appeals and that suspension of police service applies only to response to an alarm, not to a police response to a request for service from a person on the premises.

PETITION FOR PEDESTRIAN CROSSING AND EASTBOUND SIDEWALK AT GREENBELT ROAD & SOUTHWAY: The Mayor read the agenda comments. Mr. Putens moved the staff recommendation as follows. The petition will be forwarded to the SHA Neighborhood Conservation Program study group. Ms. Barber will be made aware of this program and be offered the opportunity to participate in the study group if she wishes. The petition will also be forwarded to Greenway Center property manager with regard to the request for safe pedestrian entry into Greenway Center at the main entrance on Greenbelt Road. Mr. Turnbull seconded the motion. In response to Mr. Roberts' comment that a sidewalk eastbound on Greenbelt Road would not be very

useful in the absence of a crosswalk at Southway, Mr. McLaughlin explained that several separate actions will be needed to connect all the dots of this project and that the City hopes they will eventually come together. The motion passed 4-0.

INJUNCTIONS/RESTRAINING ORDERS - REQUEST FOR CITY SOLICITOR'S

OPINION: Mayor Davis read the agenda comments. Mr. Manzi said it is unlikely that the City could meet the burden of showing "irreparable harm" would result from a failure to restrain. He added that before this pass would be reached, other methods such as jail and contempt proceedings would have solved the problem. In response to a question from Mr. Putens, Mr. Manzi added that the court is very reluctant to enjoin the breaking of a law before it has been broken, especially in situations involving public property. Private property is different. Mr. Roberts asked why Roosevelt Center is different from facilities like Buddy Attick Park and the Youth Center, where the City posts rules and asks people to leave who do not abide by them. Mr. Manzi said the distinction is that Roosevelt Center provides access to other destinations, namely, the businesses. In the case of Youth Center, it is also the case that an indoor setting is different. Mayor Davis commented that there may be a renewal of complaints about activity at the Center when spring arrives. She also stressed the importance of enforcing rules with adults if they are to be enforced with young people.

SALE OF ITEMS USED AS DRUG PARAPHERNALIA - REQUEST FOR CITY SOLICITOR'S

OPINION: Mayor Davis read the agenda comments. Mayor Davis noted the comment in Mr. Manzi's opinion that the City may wish to take up the question of updating the definitions of drug paraphernalia with its state legislators. She also suggested that Chief Craze raise the topic at a Chiefs of Police meeting. Council thanked Mr. Manzi for preparing both of these opinions.

PENDING STATE LEGISLATION:

House Bill 588 - Personal Property Tax Refund Claims: The Mayor read the agenda comments for this bill. She asked Mr. Moran what the primary purpose of this bill, which would reduce the time period during which property owners may appeal a personal property tax assessment, is. He responded that the main reason is provide fiscal stability and eliminate the need to refund tax money years after the fact. Mr. Roberts moved that Council support House Bill 588 and communicate that support to the City's delegation. Mr. Putens seconded. The motion passed 4-0.

Senate Bill 682 - Threats Against Appointed Officials: Mayor Davis read the agenda comments. Mr. Putens moved that Council support Senate Bill 682 and communicate that support to the City's delegation. Mr. Turnbull seconded. The motion passed 4-0.

ALLOCATION OF FUNDING FOR THE GREENBELT SCHOOLS: It was moved by Mr. Putens and seconded by Mr. Roberts that Council refer to the City Solicitor and to the Advisory Committee on Education the question of whether Council should consider allocating funds in the City's budget for use for educational purposes in the Greenbelt schools. The motion passed 4-0.

REQUEST FOR CITY TO CO-SPONSOR EVENT WITH THE AMERICAN LEGION: Mr. Roberts moved Council approval of the request from the Greenbelt American Legion that the City be an honorary co-sponsor of their fund-raising event for the U.S.O. and

that the Mayor sign a joint letter with the commander of the Greenbelt American Legion that would combine the letterheads of the two organizations. It was understood that the City was not granting any use of the City logo to the Legion apart from the letterhead for the joint letter to be reviewed and signed by the Mayor. The motion passed 4-0.

MEETINGS: Council reviewed the upcoming schedule of meetings and the draft schedule for budget work sessions. The Mayor suggested that stakeholder meetings be set up as early as possible after the fall elections with the School Board and the County Executive.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. Roberts. The motion carried 4-0. Mayor Davis adjourned the regular meeting of February 25, 2002, 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 February 25, 2002."

Judith F. Davis
Mayor