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**REGULAR MEETING OF GREENBELT CITY COUNCIL held Monday, May 13, 2002.**

Mayor Davis called the meeting to order at 8:02 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; David E. Moran, Assistant to the City Manager; John F. Shay, Jr., City Solicitor; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in memory of Greenbelt residents Joseph DeLeonibus, Ruth Dungan, David Grego, Sr., Margie Kidwell Jones, Joseph Remenick, Pearl Rebecca Sisler, Barbara Valentich, Sherry Wang, and Dora White; and former residents Patricia Cain, Lee Fink, Evelyn Kaplan, and Greenbelt Pioneer Cyril S. Turner, Jr. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mayor Davis requested that the minutes of the regular meeting of April 22 and item #24 (Resignation from Advisory Group) be removed from the consent agenda. A motion was made by Mr. Putens and seconded by Mr. Turnbull to approve the consent agenda thus amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES

- Work Session, April 3, 2002
- Work Session, April 10, 2002

Approved as presented.

COMMITTEE REPORTS

- Arts Advisory Board, Report #02-002 (Council Referral on Poet Laureate): Council accepted this report and agreed to consider it on the agenda of the next meeting.
- Park & Recreation Advisory Board, Report #02-2 (FY 03 Recreation Budget): Council accepted this report tonight and will consider it during its budget deliberations.

SELECTION OF AUDIT SERVICES FOR FY 2003: Council approved selection of Reznick Fedder & Silverman, the FY 2001 auditing firm, to conduct the FY 2002 audit and authorized the Mayor to sign the letter of engagement.

LOCAL GOVERNMENT INSURANCE TRUST (LGIT) BOARD OF TRUSTEES BALLOT: Council directed the City Clerk to return the ballot on Council's behalf with an "agree" vote for the candidates proposed by LGIT.

REQUEST FOR USE OF FACILITIES: Council waived the facility rental fees per the request of Eleanor Roosevelt High School for the night of May 29, 2002.

REAPPOINTMENTS TO ADVISORY GROUPS: Council reappointed the following individuals to the advisory groups on which they are currently serving:

Charles H. Jackman Advisory Committee on Trees

Mary A. Geiger Park & Recreation Advisory Board

Larry Hilliard Park & Recreation Advisory Board

Richard D. Ransom Park & Recreation Advisory Board

APPROVAL OF AGENDA: Mr. Turnbull moved approval of the agenda. Mr. Putens seconded the motion, which passed 5-0.

#### PRESENTATIONS

ACE Student Awards: Mayor Davis introduced Leta Mach, Chair of the Advisory Committee on Education (ACE). Ms. Mach provided introductory remarks to ACE's 8th Annual Student Awards Program. State Senator Leo Green, Delegates Jim Hubbard and Joan Pitkin, County Councilmember Audrey Scott, and School Board representative James Henderson joined the City Council in greeting the award recipients. Delegate Mary Conroy had sent her regrets. Each student received certificates from ACE, the City Council, the County Council, and the State Senate and House, as well as a small gift. Scholarships were announced for the high school students. Present to receive their awards were the following:

Mikhail Kamath and Shameika Willis Springhill Lake Elementary School

Subhasis Ghosh and Melanie Moomau Magnolia Elementary School

Michael Bistany and Emily Ivy St. Hugh's School

Antonio Hernandez and Amanda Thomas Greenbelt Middle School

Yared Tesfaye and Alima Kamara Robert Goddard Middle School

Chacorey Davis and Charlene Gerring Eleanor Roosevelt High School

It was announced that the award winners from Greenbelt Elementary School were Gregory Phillips and Madeline Henderson. Mayor Davis thanked the winners for their hard work and commitment. She also thanked Ms. Mach, who acknowledged the work of ACE and of staff liaison Wendy Wexler.

Greenbelt Elementary School - 2001 Maryland Plant Community Award: Mayor Davis announced that Greenbelt Elementary School is the recipient of a 2001 Maryland Plant Community Award, which she presented to Vice Principal Paulette Hawkins.

Legislative Wrap-Up - 23rd District Delegation: Delegates Pitkin and Hubbard and Senator Green provided a summary of the 2002 General Assembly Session. Senator Green said there are still two possible funding mechanisms for the Old Greenbelt Theatre that will be determined in June, and he announced the possibility of funding for Youth Services Bureaus (YSBs) to be shared among Greenbelt, Bowie, and College Park. In response to Mr. Putens' question regarding finding a way to fund YSBs other than at the eleventh hour, Delegate Pitkin said legislation is needed to regularize their funding. Mr. Turnbull thanked the delegates for voting against the revival of the Inter-County Connector Study. Council expressed its appreciation to the delegation for their work this year and for the good working relationship the City has had with them.

National Police Week and Police Memorial Day - Proclamation: May 15 is Police Memorial Day, and May 12-18 is National Police Week. Mayor Davis read a proclamation in honor of these occasions, which was accepted by Lt. Thomas Kemp on behalf of the Police Department. Lt. Kemp reported that a color guard was representing the City tonight in ceremonies honoring fallen officers.

Public Works Week - Proclamation: May 19-25 is Public Works Week. Mayor Davis read a proclamation to mark the occasion, and Kenny Hall, Director, Public Works, received the proclamation on behalf of the department.

Maryland Municipal League (MML) Certificate: Mayor Davis presented a certificate of appreciation to David Moran, Assistant to the City Manager, for his service on the 2002 MML Legislative Committee.

PETITIONS AND REQUESTS: There were none.

#### MINUTES OF MEETINGS

Executive Session, April 30, 2002: Mr. Roberts moved that the minutes of the executive session of the City Council held Tuesday, April 30, 2002, 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 Library 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 to obtain legal advice on a legal matter regarding the status of the acquisition of the property to serve as the new postal facility, as well as issues regarding the nearby Sunrise property. Mr. White seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Regular Meeting, April 22, 2002: Mayor Davis corrected a reference to the first public hearing on the budget. It was moved by Mr. Turnbull and seconded by Mr. Putens that the minutes of the April 22, 2002, regular meeting be accepted with this correction. The motion passed 5-0.

#### ADMINISTRATIVE REPORTS

Mr. Hall reported on the assistance the Public Works staff have been providing to LaPlata subsequent to the tornado.

Mr. McLaughlin commented on the success of the City's first Pet Expo and the annual sale of the Greenbelt House and Garden Club.

Mr. Putens reported on fund-raising efforts of the U.S.O., with which he has been assisting.

Mayor Davis reported on the ACE Reading Club reception and a homeowners' association meeting at Greenspring. She also noted the first Youth Speak-Out, organized by the Youth Advisory Committee, and thanked the committee and the Recreation Department for their work. She also attended a pancake breakfast in Berwyn Heights and an event in District Heights at which Greenbelt was thanked for its assistance last year in trading Program Open Space monies.

Mr. White said he would like Council to review the requests made by young people at the Speak-Out prior to the end of the budget work sessions and asked staff to provide that information.

#### LEGISLATION:

An Ordinance to Award the Issue of \$8,015,000 City of Greenbelt Public Improvement and Refunding Bonds of 2002, Authorized by Ordinance No. 1205 Passed on September 24, 2001 and Ordinance No. 1211 Passed on April 8, 2002; Prescribing the Form, Maturity, Interest Rate and Provisions for Payment and Redemption of Said Bonds; Confirming the Covenants of the City to Provide for the Levy and Collection of Taxes Sufficient for the Prompt Payment of the Maturing Principal of and Interest on Said Bonds; Further Providing for the Use of the Proceeds of the Bonds; and Providing for the Execution and Delivery, and All Other Details with Respect to the Sale and Delivery of Said Bonds

Mayor Davis read the agenda comments. Mr. White introduced the ordinance for first reading and moved that Council's Standing Rules be suspended. Mr. Turnbull seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. White introduced the ordinance for second reading and moved that it be adopted. Mr. Turnbull seconded the motion. There was brief discussion of the interest rate. Mr. McLaughlin introduced Richard Pylypko, representing SunTrust, and Francis X. Wright, the City's bond counsel.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1214, Book 11).

A Resolution to Amend Resolution 930 and to Establish Daily Admission Fees for the Greenbelt Aquatic and Fitness Center to Be Effective May 25, 2002

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for first reading and moved that Council's Standing Rules be suspended. Mr. White seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. Putens introduced the resolution for second reading and moved its adoption. Mr. White seconded.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 947, Book 8).

An Ordinance to Establish a New Fund to Be Known as the 2001 Bond Fund, to Provide for the Receipt by the Fund of the Proceeds of the Sale of Bonds Authorized by Ordinance Number 1205 And Such Other Revenues or Fund Transfers as May Be Authorized From Time to Time

Mayor Davis read the agenda comments. Mr. Turnbull introduced the ordinance for first reading. After some discussion, it was concluded that referring to the bonds by the year of the referendum rather than the year of issuance was consistent with the City's past practice.

**EXPANSION OF PUBLIC WORKS FACILITY - DESIGN CONTRACT:** Mayor Davis read the agenda comments. Mr. Putens moved that Council approve the addition to the contract with Scott Grice Architects, Inc., for work on the Public Works facility renovation and expansion project as outlined in Grice's ASA #2 dated March 22, 2002. Mr. Roberts seconded the motion. It was clarified that the design will continue to return to Council for what Mr. Grice described as a triage process of choices and decisions. Mr. Roberts asked for additional information on the proposed oil heating system. Council members praised the "green architecture" planning that had been incorporated and suggested that staff look into whether these components might be eligible for any grant funding. The motion passed 5-0.

**MEMORANDUM OF UNDERSTANDING - PURCHASE OF GREENBELT THEATER BUILDING:** The Mayor read the agenda comments. Mr. Putens moved that Council authorize the Mayor to sign the MOU for purchase of the Greenbelt Theater building on behalf of the City. Mr. Roberts seconded the motion. Mr. White asked what the next steps in the process would be. Mr. Shay said the title work would be done and the documents prepared to "condominiumize" the building; he expects this to take 45-60 days. Mr. McLaughlin summarized the possibilities the City can pursue for outside funding to assist with the work to be done on the theater building when the City has title. The motion passed 5-0.

**AWARD OF PURCHASE - POLICE DEPARTMENT CARPET:** Mayor Davis read the agenda comments. Mr. Roberts asked what the life of the existing carpet had been and said we should be able to get better value in flooring than \$30,000 for ten years. Carolyn Clemens, Superintendent of Operations, Public Works, commented that the existing carpet had not been padded and that the padding proposed for the new carpet would extend its life from 15 to 20 years. Lt. Kemp added the caveat that the guaranty is probably based on typical office use rather than a 24/7 facility like the Police Department. Mr. Roberts said he had asked before to see a comparison with other types of flooring and that staff had still not presented this information. Ms. Clemens said they had discussed vinyl tile but that, in addition to not absorbing sound as well, the vinyl is also much higher maintenance in terms of buffing and shining. She said

staff thought the carpet tiles would provide the advantages of carpet while allowing for replacement of worn places. Mayor Davis commented that carpet made a big difference in schools with noise absorption. Mr. Turnbull agreed that carpet tiles were appropriate. He asked if the City had considered leasing it, and Ms. Clemens said she believed that would be cost effective only for much larger facilities. Mr. Putens moved that Council approve the purchase of carpet tiles from CB Flooring of Columbia at cost of \$28,912 in accordance with Baltimore City Bid BP-01101. Mr. White seconded. The motion passed 4-1 (Roberts).

RESPONSE FROM STATE RE: GOLDEN TRIANGLE SURPLUS PROPERTY: Mayor Davis read the agenda comments. Mr. Roberts said he thought it was unrealistic to think the City would ever be able to acquire the property if Capitol Cadillac once has the use of it. He recommended the City ask its delegation to request that the state hold the property until the City can buy it. Other Council members agreed the state should continue to hold the property for public use but did not object to a lease to Capitol Cadillac if the City would have the ability to reconsider purchase at the end of the lease. Mr. White suggested that since this property had not previously been revenue-producing for the state, the City might ask the state to place a portion of the income into an escrow-type account to be used toward reimbursement of the state's purchase price, thereby reducing the cost to the City. It was discussed that it was unlikely that the City would realize any additional property taxes on the land, since the state would still own it. Mr. Turnbull suggested requesting a payment in lieu of taxes. Mr. Roberts emphasized that his preference continued to be that the land remain undeveloped. He said he thought any lease to Capitol Cadillac was likely to be a very long one.

Mr. Putens moved that the City's response to the state include the following: the property should remain in public ownership for possible future public use; if the state wishes to allow use of it by Capitol Cadillac, it should be for a limited time, such as 10 or 20 years; at the end of this time, or upon cease of use by Capitol Cadillac, whichever comes sooner, the City should have the ability to reconsider purchase of the property; a portion of the revenue collected by the state should be held in escrow against the cost of purchase for public use; and, as a profit-making enterprise, Capitol Cadillac should be required to make payments in lieu of taxes to the City. Mr. White seconded the motion, which passed 5-0.

Mr. Turnbull left the meeting at this point, approximately 11:10 p.m.

COOPERATION AGREEMENT WITH PRINCE GEORGE'S COUNTY FOR CDBG PROGRAMS: Mayor Davis read the agenda comments. There was discussion of whether it was possible for the City to sign the agreement for one year only and then subsequently continue it for the other two years. Mr. White asked if the City had any knowledge of the experience of other municipalities that had applied in their own right for these funds. Mr. Shay said his experience was that it was much more like applying for grant funding: that is, it was much less predictable and the cities oftentimes had to reapply multiple times before receiving funding. Mr. McLaughlin said his concern was that Greenbelt would not be competitive against the smaller communities with whom it would be applying. Mr. Moran added that the county had been clear at the public hearing on this matter that it was intentionally moving away from the relationship it previously had with municipalities in this program. Mr. Putens moved approval of extending the cooperation agreement with the county. The City will request a one-year

extension if there is an option to continue it again at the end of the year; otherwise, a three-year extension will be requested. Mr. Roberts seconded. The motion passed 4-0.

MML 2003 LEGISLATIVE INITIATIVES - ACTION REQUEST: At the Mayor's request, Mr. Moran gave an overview. Mayor Davis suggested that the car-sharing program be added to the list of items that were not within MML's guidelines but which could be discussed with the City's delegation. Mr. White asked if the zoning issue should be pursued again this year. Mayor Davis responded that the issue had been so misunderstood by other municipalities this year, in part because of the misinformation put out by the county, that more work needed to be done before putting it forward again. Mr. Moran noted that since it had been a priority for MML this year, it was likely to continue to receive attention and that it was still being considered for summer study. It was moved by Mr. Putens and seconded by Mr. White that the City suggest to MML that authority for speed cameras be continued as a legislative initiative for 2003. The motion passed 4-0.

RESIGNATION FROM YOUTH ADVISORY COMMITTEE: Jessica Mealey, chair of the Youth Advisory Committee (YAC), had indicated that she would not seek reappointment because she expected to have a summer job with the City, and Council's policy prohibits City employees from serving on advisory groups. Council discussed making an exception to the policy for the youth members of YAC, which would effectively grant them a leave of absence from the committee for the purpose of summer employment with the City. It was recognized that the existing policy has a disproportionate impact on young people because their employment opportunities are more restricted than those of adults. Mr. Roberts moved approval of this exception, and Mr. White seconded. The motion passed 4-0. Council agreed to defer to a future meeting the decision on acceptance of Ms. Mealey's resignation, following determination by the City Clerk of whether she would wish to be reappointed in light of the revision to the policy.

MEETINGS: Council reviewed the upcoming schedule of meetings. Since the Mayor has a conflict on May 21, it was agreed to continue the Final Budget Work Session on Wednesday, May 22, if it cannot be completed on May 20. Council decided to reschedule the work session with the Advisory Committee on Trees. It was agreed that all three County Council members, Chief Blackwell, Fred Thomas, and the County Executive should be invited to the May 29 meeting regarding Fire Department staffing. It was agreed that an Executive Session will be held on Wednesday, May 22 (either at 8 p.m. or following the conclusion of the Final Budget Work Session, if that work session must be continued). It was moved by Mr. Putens and seconded by Mr. Roberts that the second regular meeting in June, which conflicts with the Maryland Municipal League annual conference, not be rescheduled.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. White. The motion carried 4-0. Mayor Davis adjourned the regular meeting of May 13, 2002, at 12 a.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 May 13, 2002."

Judith F. Davis  
Mayor