



**REGULAR MEETING OF CITY COUNCIL HELD
MONDAY, NOVEMBER 23, 1998**

Mayor Davis called the meeting to order at 8:12 p.m.

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

ALSO PRESENT: were Michael P. McLaughlin, City Manager; Robert Manzi, City Solicitor; W. Bowman Ferguson, Management Analyst and David E. Moran, City Clerk.

Mayor Davis observed a moment of silence for Tim Brink, Public Works employee. Then, she led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. White requested the removal of the Work Session of November 4, 1998. With that change, Mr. Putens moved approval of the consent agenda. Mr. Turnbull seconded. The motion passed 5 to 0.

COUNCIL THEREBY TOOK THE FOLLOWING ACTIONS:

MINUTES:

- Regular Meeting, November 9, 1998

- Work Session, November 12, 1998

Approved as presented.

COMMITTEE REPORTS

Advisory Committee on Education Report #4-98: Council accepted this report and directed staff to prepare an appropriate follow-up letter to the Board of Education. Advisory Committee on Education Report #4-98: Council accepted this report and directed staff to prepare an appropriate follow-up letter to the Board of Education.

Senior Citizens Advisory Committee Annual Forum Report: Council accepted this report and referred it to staff for evaluation and comment. Following staff review the report would be placed on a Council agenda. Senior Citizens Advisory Committee Annual Forum Report: Council accepted this report and referred it to staff for evaluation and comment. Following staff review the report would be placed on a Council agenda.

Youth Advisory Committee Minutes: Council accepted this response to their referral and directed that it be held until all of the responses have been received from the various advisory groups. Youth Advisory Committee Minutes: Council accepted this response to their referral and directed that it be held until all of the responses have been received from the various advisory groups.

APPROVAL OF SPECIAL HOLIDAY: Council granted each classified employee a personal holiday which they can use through June 30, 1999. APPROVAL OF SPECIAL HOLIDAY: Council granted each classified employee a personal holiday which they can use through June 30, 1999.

AGREEMENT WITH P & G THEATERS: Council approved the agreement and authorized the Mayor to sign it on the City's behalf. AGREEMENT WITH P & G THEATERS: Council approved the agreement and authorized the Mayor to sign it on the City's behalf.

APPROVAL OF AGENDA: Mr. White moved that the agenda be approved. Mr. Putens seconded. The motion passed unanimously.

PRESENTATIONS:

Michael Rogers, Exec. Dir. - Metropolitan Washington Council of Governments: Mr. Rogers, the new Executive Director for the Council of Governments, made a brief presentation about COG and its issues and activities. Mayor Davis thanked the representatives of COG for attending.

Check Presentation from Eleanor & Franklin Roosevelt Democratic Club: Sylvia Lewis, Treasurer of the Eleanor and Franklin Roosevelt Democratic Club, presented a contribution towards the City's Emergency Assistance Fund.

Certificate of Achievement for Excellence in Financial Reporting: Mayor Davis announced that the City had received the "Certificate of Achievement for Excellence in Financial Reporting" from the Government Finance Officers Association (GFOA) for FY 1997. She noted that the award is the highest form of recognition in financial reporting and that Greenbelt has received this award 15 years in a row.

Jeffrey Williams, City Treasurer, accepted the award. He thanked the Finance department employees for their support and assistance.

Public Hearing on Memorandum of Understanding with Jones Communications: Mayor Davis read the agenda comments.

Tom Carter, of 14-D Laurel Hill Road, stated that he has had more problems with cable in his 5 years as a resident of Greenbelt than his previous 15 years as a resident of Bladensburg, particularly with customer service issues. Karmen Bailey, of Jones Communication indicated that they were hiring additional customer service staff and hoped to overcome these problems.

Gerald Madison, 438 Ridge Road, stated that he had waited for 4 hours to get through to a representative. He believed the customer service representatives lacked training and indicated that he often had difficulty getting the credit. Mr. Madison requested a more detailed explanation on the billing. Ms. Bailey stated that customer service reps receive a 3-week training program.

Mr. Roberts asked about fines and how significant they were. Ms. Palau responded that specific amounts would be included in the final franchise document. Mr. Putens stated that he appreciated working with Ms. Bailey. He asked her when customers would see improvements in the customer service response. Ms. Bailey responded that she didn't want to give a specific date. Mayor Davis asked about technical response. Ms. Bailey indicated that they were down on technicians, but didn't want to make excuses. She indicated that there were problems.

Mr. Roberts expressed concern about the constant turnover of the franchise and believed that they were not investing in infrastructure. Mayor Davis asked about the clarity of the bills. Ms. Bailey stated that the bills should be itemized. Mr. White asked what constitutes a senior citizen discount. Ms. Bailey indicated that seniors get a 10% discount. Mr. Madison indicated that the credit was not clearly identified as to which days the credit was for.

James Drake, 25 Lakeside Drive, asked if Jones was going to make cable Internet service available to everyone. He also asked why the city was negotiating with Jones when they had performed so poorly. Ms. Palau indicated that Jones would be offering cable modem service.

Lee Aflerbach, the County Cable Coalition's Engineering Consultant, stated that there were basic problems with the system that needed to be fixed. He stated that modem service is included in the memorandum of understanding.

Mr. Turnbull asked about why another company couldn't come in to the city. Ms. Palau responded that another company could come in, but that companies are reluctant to put in the capital investment required by a cable franchise.

Sheldon Goldberg of 7848 Jacobs Drive, stated that he had problems reaching Jones on the phone. He did not believe that Jones was interested in providing cable service. Mr. Aflerbach stated that in order to upgrade to modems there would be improvements in the video service.

Robert Lewis of 2-C Gardenway, stated that he had a cable box on the back of his house. He stated that the box was improperly secured and there had been many problems with the box. Ms. Bailey indicated she would get the problems with the box fixed.

Doug Love of 3-D Plateau Place, stated that you can trick Jones by calling for something else. Gil Weidenfeld, 110 Ridge Road stated that he had called Mr. Jones in Colorado. He asked about the institutional network, future state-of-the-art service, and Internet service. Ms. Palau noted that Internet service had to be provided within 2 years.

A resident of 9 Greentree Place, expressed concern about the dual cable system. Mr. Aflerbach explained the rationale for the dual cable system. Mr. Putens asked about the use of universal

remotes. Ms. Bailey responded that Jones sells universal remotes but other universal remotes work with the system as well.

Mayor Davis declared the public hearing to have been held.

PETITIONS AND REQUESTS: Steve Kane, 56-F Crescent Road, expressed concern about the year 2000 problem. He indicated that a new organization "The Greenbelt Y2K Computer Group" had formed. Mr. Kane requested a work session with the City Council. Mayor Davis noted that the City was working on this problem and expected a briefing in February. Mr. Putens expressed appreciation that the group had formed.

Barry Schlesinger, 155 Westway, noted that he had been working on year 2000 compliance efforts at Goddard. He encouraged the city to look at web sites on this topic.

MINUTES::

Work Session, November 4, 1998: Mr. White noted that the minutes reported him as being present and he wasn't. With this change, Mr. White moved approval. Mr. Turnbull seconded. The motion passed 5 to 0.

ADMINISTRATIVE REPORTS: Mayor Davis reported that she had represented the city at a reception welcoming the new President of the University Maryland. She also referenced two art shows at the Community Center. Mayor Davis also reported on the Lions Club toy drive. She also reported on the volunteer appreciation reception. She also noted that the Police Academy graduating class had sent a letter and she read the letter.

Mr. Putens expressed concern about the conditions of the dumpsters at Beltway Plaza.

A RESOLUTION TO ESTABLISH FEES RELATING TO THE EXERCISE OF POWERS OF THE DISTRICT COUNCIL IN REGARD TO DESIGN STANDARDS, LANDSCAPING REQUIREMENTS, PARKING AND LOADING STANDARDS, SIGN DESIGN STANDARDS, AND VARIANCES FOR LOT SIZE, SETBACK, AND OTHER SIMILAR REQUIREMENTS

Mayor Davis read the agenda comments. Mr. White introduced the above titled resolution for second reading and adoption. Mr. Putens seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Resolution was declared passed. (Resolution No.881 Book No. 11)

A RESOLUTION EXTENDING THE TERMS OF THE CABLE FRANCHISE GRANTED TO JONES COMMUNICATIONS OF MARYLAND INC. AUTHORIZING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A CABLE TELEVISION SYSTEM IN THE CITY OF GREENBELT

Mayor Davis read the agenda comments. Mr. White introduced the above titled resolution.

FY 1998 AUDIT & MANAGEMENT LETTER: Mayor Davis read the agenda comments. Mr. White asked if there was a significant number of notes in the Audit Report. Mr. Williams responded that they had combined several documents this year.

Mr. Putens moved that Council accept the reports. Mr. Roberts seconded. The motion passed 5 to 0.

APPROVAL OF PROFESSIONAL SERVICES FOR METRO DEVELOPMENT: Mayor Davis read the agenda comments.

Mr. White moved that Council authorize the use of the \$50,000 reserve and authorize staff to contract with Greenhorne & O'Mara and Environmental Systems Analysis to provide services as outlined, with initial not to exceed limits of \$10,000 established for each firm. Mr. Putens seconded.

Mr. Turnbull asked if Greenhorne & O'Mara was capable of playing the adversarial role that Greenbelt needed. Ms. Craze stated that she was confident that G & O could perform this role. She noted that G & O was trying to get into the public service business. Mr. Roberts expressed concern about using the litigation reserve and asked if other funds could be used.

Mr. McLaughlin hoped that this could avoid the need for litigation down the road. Mr. White believed this advocacy was needed now and thought this was a good use of the funds. Mr. Putens and Mr. Turnbull believed that the city could replenish the money if necessary.

The motion passed 5 to 0.

APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH JONES COMMUNICATIONS: Mayor Davis read the agenda comments.

Tom Carter of 14-D Laurel Hill Road, believed the city was rewarding bad performance with a 15-year contract. He suggested a 1-year probationary contract. Ms. Palau responded that there was a mid-term review provided in the MOU. She also noted that competition could come in at any time because the city did not have an exclusive contract with Jones.

Mr. Putens moved that Council approve the Memorandum of Understanding. Mr. Turnbull seconded. The motion passed 5 to 0.

Mr. McLaughlin made a special presentation to Beverly Palau for her outstanding work and creative efforts regarding the negotiations.

REFERENDUM ELECTION: Mayor Davis read the agenda comments. Mayor Davis suggested that the referendum be held on the first Tuesday in March. Mr. Putens indicated a desire to hold the referendum on a later date.

Mr. White moved that Staff prepare a resolution calling for the scheduling of a referendum on the Parkside annexation question on March 9, 1999. Mr. Putens seconded.

Mr. Turnbull expressed concern about the cost of doing this as a special election. He stated that if this were an issue that concerns all of Greenbelt that needed timely action, then he could see it. He believed it was adding insult to injury to continue to fast track this issue. Mr. Turnbull hoped that costs could be kept down possibly by using alternate voting techniques.

Mr. Moran reported that Council had the option of using paper ballots which would reduce the cost, but recommended against it because it would be a change from the traditional voting format used by Greenbelt residents.

Mr. Roberts strongly objected to using paper ballots and didn't understand the need to rush the election. He believed that Council needed to look at what was appropriate and convenient for the current citizens of Greenbelt and did not believe it would be a hardship for the residents of Parkside if the referendum were held in November.

Mr. White believed that Council should schedule the election as soon as possible and that Council owed this to the residents that signed the petition. Mr. Turnbull did not believe that the petition signers necessarily wanted the city to spend additional resources on this issue. Mayor Davis stated that the city needed to resolve this issue quickly and settle it so that the city can move on to other issues.

Mr. Roberts stated that this was an important issue for the city. He indicated that he would support the motion.

Mr. Turnbull stated that he believed that the petitioners were motivated by a concern that their elected officials were not listening to them.

Sylvia Lewis, 2-C Gardenway, hoped that no one who signed the petition had been misled. She indicated that the petitioners she worked with had been very careful not to mislead people. Ms. Lewis wondered when Parkside preferred to hold the election.

Tim Edwards, President of the Parkside Homeowners Association, stated that Parkside would prefer an election sooner than later.

Bonnie Brant of Northway Road asked how many citizen groups within Greenbelt the Mayor had contacted. Mayor Davis responded that she had contacted citizens who indicated that they wanted this resolved as quickly as possible.

Gerald Madison, 438 Ridge Road, stated he presumed the vote would be as quickly as possible.

Mr. Roberts reported that many people told him that Council acted too quickly.

Ms. Lewis stated that several people who signed believed that all annexations should be voted on in referendum.

The motion passed 4 to 1 (Turnbull).

Next, Council discussed the wording of the referendum question. Council directed staff to develop wording options for the referendum. Mr. Roberts suggested "Should the community of Parkside be annexed into Greenbelt."

Mr. White believed that the language needed to be consistent with the language in the Resolution and asked staff to develop several versions.

1999 LEGISLATIVE PROGRAM: Mayor Davis read the agenda comments.

Mr. White agreed with the staff lineup. He suggested that the mother/child statue restoration and theater marque be added to the program.

Mr. Roberts believed that Council needed to come to some agreement about what needed to be done for the statue. Sheldon Goldberg asked about Delegate Pitkin's bill on tax credits to homeowners. Mr. Turnbull stated that Greenbelt asked Del. Pitkin to have her legislation include cooperatives.

Mr. Putens moved the following initiatives for the 1999 legislative session. Mr. White seconded:

1. Expand the city's planning and zoning authority in line with the proposals already submitted by the delegation.
2. Expand funding for youth crime prevention programs, especially Youth Service Bureaus.
3. Require a super majority on zoning text amendment votes.
4. Increase the minimum investment amount on luxury (BLX) liquor licenses from \$800,000 to \$1 million.
5. Additional funding or operating support for the Recreation Department, particularly the Community Center in recognition of its service to County residents and the amount of recreation taxes paid by Greenbelt residents to M-NCPPC.
6. Funding for Mother/Child statue and theater marque restoration.

As last year, an update and alert should be provided on the Greenbelt METRO/Smith property issue, the other items listed above included as "Other Issues of City Interest"; and support expressed for the Maryland Municipal League's Initiatives.

The motion passed 5 to 0.

MEETINGS: Council scheduled a work session with Roosevelt Center merchants for December 21. Council set aside January 4, 6, 20 & 27 and asked staff to plug in Judge Rasin, Greenbelt Station, Recycling Committee, New Deal Cafe, Y2K Group and Green Ridge House Parking Management as appropriate.

ADJOURNMENT: Mr. Putens moved to adjourn the meeting. Mr. Turnbull seconded. The motion carried 5 to 0. Mayor Davis adjourned the regular meeting of November 23, 1998, at 11:50 p.m

Respectfully Submitted,
David E. Moran, CMC
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 November 23, 1998."

Judith F. Davis
Mayor