

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Tuesday, September 29, 2009.

Mayor Davis called the meeting to order at 8:04 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, 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; Robert Manzi, City Solicitor; and Cindy Murray, City Clerk.

Mayor Davis asked for a moment of silence in memory of the passing of many special Greenbelt residents over the past few months. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Ms. Murray requested to remove minutes of the regular meeting of September 14. It was moved by Mr. Putens and seconded by Ms. Mach that the agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

Work Session, August 24, 2009

Work Session, September 9, 2009

Interview, September 14, 2009

Approved as presented.

COMMITTEE REPORTS

Public Safety Advisory Committee Report No. 2009-1 (Trail Markers at Buddy Attick Park): Council accepted this report and referred it to the Park and Recreation Advisory Board for review.

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

PRESENTATIONS:

National Cooperative Month: Mayor Davis introduced representatives from the six cooperatives in the City: Ms. Dorrie Bates, Greenbelt Consumer Cooperative; Paul Rall and Eugene Krebs, Greenbelt Federal Credit Union; Sylvia Lewis and Suzette Agans, Greenbelt Homes Inc.; Tom White, Greenbelt News Review; Lisa Meyer, Greenbelt Nursery School; and Terri Rutledge, New Deal Café. Mayor Davis then read a proclamation declaring October as National Cooperative Month and provided each cooperative with a copy of the proclamation.

PETITIONS AND REQUESTS: None

ADMINISTRATIVE REPORTS

Mr. McLaughlin reported on the International City Managers Conference he recently attended with Mr. Moran. He thanked Council for the opportunity to participate in this event. Mr. McLaughlin

announced the City will receive a \$93,000 grant from the State which will be used for energy related improvements.

Ms. Mach commented on the National League of Cities Human Development Steering Committee meeting and the Metropolitan Area Air Quality Committee meeting.

Mr. Putens commented on the Maryland Municipal League Convention Planning Committee meeting. He asked Mr. McLaughlin to have staff check on overflowing trash around trash bin areas and carpets strewn outside units in Empirian Village.

Mayor Davis commented on President Obama's Health Care Rally at the University of Maryland, the Maryland Municipal League Board of Directors retreat and the Council of Governments Climate, Energy and Environment Committee meeting. She also commented on the ribbon cutting ceremony for the Exploration Sciences Building at Goddard Space Flight Center, which she attended with Ms. Mach.

Mayor Davis reported a loud day long event with a very large crowd had occurred at the Eleanor Roosevelt High School field over the weekend. She asked Mr. McLaughlin to determine the details of the event and follow up with a report.

LEGISLATION:

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, (1957 Edition as Amended), Title, "Corporation-Municipal," Subtitle "Home Rule" 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 Services Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Amending Section 5, Titled "Meetings"; Section 7 Titled "Council-Rules; Attendance; Expulsion of Members"; Section 8 Titled "Same-Quorum, Procedure" and Section 9 Titled "Ordinances and Resolutions – Procedure for Adoption; Enacting Clause" to Establish New Voting Requirements for Instances Where More than a Simple Majority of Council is Required to Take Certain Actions (Charter Amendment Resolution No. 2009-3)

Mayor Davis read the agenda comments. Mr. Herling introduced the resolution for second reading and moved its adoption. Mr. Putens seconded the motion.

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

The resolution was declared adopted (Resolution No. 1053, Book No. 8).

A Resolution to Establish a Committee to Plan and Organize the Celebration of the Seventy-Fifth Anniversary of the Incorporation of the City of Greenbelt, Maryland

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for second reading and moved its adoption. Mayor Davis seconded the motion.

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

The resolution was declared adopted (Resolution No. 1054, Book No. 8).

A Resolution to Negotiate the Purchase of a Computer Aided Dispatch/Records Management System from New World Systems Corporation of Troy, Michigan at an Approximate Cost of \$603,820, But Not to Exceed \$625,000

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for first reading.

Mr. McLaughlin said that New World Systems appears to be the vendor of choice for the City of Hyattsville for their Computer Aided Dispatch/Records Management System (CAD/RMS). He mentioned the benefits of the City, the University of Maryland and the City of Hyattsville, going with the same system. Mr. McLaughlin thanked Dale Worley and Officer Dewey who had been very instrumental in determining the best CAD/RMS system and vendor for this purchase.

Ms. Mach noted the warranty on the CAD/RMS system was only for one year and asked how future year warranty costs would be covered. Mr. McLaughlin said additional warranty year costs would be included in future budgets.

A Resolution to Amend Resolution 1050, A Resolution to Purchase Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceed Ten Thousand Dollars (\$10,000)

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for first reading.

Ms. Mach asked when the call boxes in Greenbelt West would be installed. Mr. McLaughlin said the project is expected to begin in the spring, after the pilot program for street lights in the area has been established. Ms. Mach also asked about the status of the compressed natural gas fueling station at the Public Works facility. Mr. McLaughlin explained that the station can refuel City vehicles on a staggered schedule. He added that when the station requires repair, it can be out of service for several days since the sole vendor for repairs is located out of the area. Mr. Roberts expressed frustration that resources were not available to support compressed natural gas vehicles and stations.

REPORT FROM CITY SOLICITOR ON WHETHER A VIOLATION OF THE OPEN MEETINGS ACT OCCURRED: Mayor Davis read the agenda comments.

Mr. Orleans, Greenbelt, asked why the issue was not referred to the State Open Meetings Compliance Board for a decision. Mr. Manzi provided an overview of his complete report on the issue that was

submitted at the August 11 meeting which stated no violation of either the State Open Meetings Act or the City Charter had occurred. He said that if he had found any evidence of a violation of the State Open Meetings Act, he would have advised the City to refer the issue to the State Open Meetings Compliance Board.

Mr. Roberts stated Mr. Manzi's report did not take into account the action of having legal counsel prepare a statement that was taken without a meeting of Council. He further stated that since Mr. Manzi was involved in the action, he shouldn't have been involved in the investigation. Mr. Roberts suggested the issue be referred to the State Board to determine if a violation had occurred.

Mayor Davis asked if the Board would look at the issue. Mr. Manzi said any individual can request the Board investigate the issue and suggested Mr. Roberts contact them. Mayor Davis advised Mr. Roberts that it was his right and responsibility to contact the Board if he felt that a violation had occurred. Mr. Roberts said that he was very busy at this time and suggested that a citizen may choose to notify the Board.

There was considerable discussion regarding the drafting of the statement made by Mayor Davis at the June 8, 2009 meeting to defer the decision on whether to change the election date to the next council, and to focus on the goal of increasing voter turnout. Mayor Davis, Mr. Putens, Ms. Mach and Mr. Herling all emphasized there had been no violation of the State Open Meetings Act or City Code. They stated that if anyone felt there was a violation, they should report it to the State Board.

Mr. Roberts said he believed Mr. Silvestri had provided Council with poor advice regarding changing the election date, the drafting of the statement in question, and on the police collective bargaining. He also said he didn't like the way Mr. Silvestri treated certain members of Council. Mayor Davis emphasized that this was Mr. Roberts' opinion only.

Ms. Lewis, 2-C Gardenway, said that she found the current bickering between Mr. Roberts and other members of Council very embarrassing. She noted that Mr. Manzi had provided his legal opinion on the matter, as requested by Council, and all members should accept the report and move on. Ms. Lewis commented that more time had been spent on the issue than was necessary and it should not continue any longer.

Mr. Orleans, Greenbelt, said he would write a letter to the State Open Meetings Compliance Board requesting them to review the issue of whether a violation of the Open Meetings Act occurred.

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 5-0.

Mayor Davis adjourned the regular meeting of Tuesday, September 29, 2009, at 9:38 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 September 29, 2009."

Judith F. Davis
Mayor