

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, June 22, 2009.

Mayor Davis called the meeting to order at 8:06 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 for the victims of the Metro accident earlier this evening. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis asked to remove the minutes of the regular meeting from the work session #1 of June 15th. It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

Interviews, May 18, 2009

Regular Meeting, June 8, 2009

Work Session #2, June 15, 2009

Work Session, June 16, 2009

Approved as presented.

BOARD OF ELECTIONS, REPORT #09-01: Council accepted this report and will consider it at the work session scheduled with the Board of Elections on June 24, 2009.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Mary Crawford from the Public Safety Advisory Committee.

APPROVAL OF AGENDA: Mr. Roberts requested "Statement by Mayor Davis read at the June 8 Meeting" be added to the agenda as Item #24. It was moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved as amended. The motion passed 5-0.

PRESENTATIONS: None

PETITIONS AND REQUESTS:

Janice Chiddo, 7114 Mathew Street, along with two neighbors, Hazel Petty and Randolph Williams, reported that sewer backup damage had occurred in the basements of four homes on the same street on May 15. She said that the Washington Suburban Sanitary Commission (WSSC) has provided conflicting information to each homeowner as to the reason the backups occurred simultaneously and had not yet accepted full responsibility for the incidents.

Ms. Chiddo expressed frustration in dealing with WSSC and requested assistance from the City in resolving this issue.

Mr. Putens moved that "WSSC Problem in Greenbrook Estates" be added to the agenda this evening. Mr. Herling seconded.

MINUTES OF COUNCIL MEETINGS:

Work Session of June 15, 2009: Mayor Davis requested that the sentence “Mr. Roberts asked about the distance from the tree buffer behind the sign...” be changed to indicate she had asked the question. She also requested the phrase “planned to use native, low water plants” be changed to “planned to use plants requiring less water.” Mayor Davis moved that the minutes be accepted with these changes. Mr. Putens seconded. The motion passed 5-0.

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced the fireworks will occur on Saturday, July 4th, at approximately 9:15 p.m. He also reported the Police Department had received an outstanding review from the CALEA assessors during their recent visit and were very optimistic they will receive reaccreditation in November, when CALEA makes their formal announcement.

Mayor Davis and Ms. Mach noted their attendance at the meeting of Prince George’s County Elected Municipal Women, the 30th anniversary celebration at Green Ridge House, the meet and greet with the CALEA assessors, and the meeting of municipal leaders regarding the new mixed use zone.

Ms. Mach commented on the first movie night in Empirian Village and her participation in interviews for the new principal of Springhill Lake Elementary School.

Mayor Davis commented on the 6th grade celebration at Greenbelt Elementary School. She also congratulated Eleanor Roosevelt High School for being ranked as one of the top 1,500 high schools nationwide. She also congratulated Senator Pinsky and Delegates Gaines and Healy who will be awarded certificates of achievement from the Maryland Municipal League for their work for municipalities during the last legislative session.

LEGISLATION: Mayor Davis read the agenda comments.

An Ordinance to Amend Chapter 8, “Elections” of the Greenbelt City Code in Order to Revise
Section 8-1, “Precincts” For The Purpose Of Adding A New Precinct

Mayor Davis read the agenda comments. Mr. Roberts introduced the ordinance for second reading and moved that it be adopted. Mr. Putens seconded the motion.

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

The ordinance was declared adopted (Ordinance No. 1300, Book 12).

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 Adding a New Section 27a, Titled "Early Voting" (Charter Amendment Resolution No. 2009-1)

Mayor Davis read the agenda comments. Mr. Herling introduced the resolution for second reading and moved that it be adopted. Mr. Putens seconded the motion.

Mr. Roberts said he was not personally opposed to the resolution but would be voting against it. He said more public input was needed on the voting issues and the proposed changes should be presented to the voters as non binding ballot questions. He also indicated his concern that it will make campaigning more difficult for new candidates.

Mayor Davis and Mr. Putens said voter turnout is the major issue and this resolution will provide more opportunities for residents to vote. Ms. Mach commented that candidates will be aware of the early voting dates, just as they are aware of the dates residents can vote by absentee voting.

ROLL CALL:	Mr. Herling	- yes
	Ms. Mach	- yes
	Mr. Putens	- yes
	Mr. Roberts	- no
	Mayor Davis	- yes

The resolution was declared adopted (Resolution No. 1044, Book 8).

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 Paragraph (A) of Section 4, Titled "Creation; Qualifications; Compensation" and Section 31 Titled "Election Of Council" to Increase the Size of the Council from Five to Seven Members (Charter Amendment Resolution No. 2009-2)

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for second reading and moved that it be adopted. Mr. Putens seconded the motion.

Mr. Roberts said this substantive change should be presented to the voters for their input. Mayor Davis said this change would provide more opportunities for new candidates to be elected to Council. She also noted the need for additional members, citing the many responsibilities of the current members.

ROLL CALL: Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - no
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 1045, Book 8).

A Resolution to Repeal Resolution 1042 and Establish a New Greenbelt Advisory Committee on
Environmental Sustainability (Green ACES) - Committee Name Change

Mayor Davis read the agenda comments. Mr. Herling introduced the resolution for second reading and moved that it be adopted. 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. 1046, Book 8).

A Resolution to Repeal Resolution Number 1032 and Establish Service Charges for Garbage,
Trash, and Recycling Collections in the City of Greenbelt, Maryland Effective July 1, 2009

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for second reading and moved that it be adopted. 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. 1047, Book 8).

A Resolution for Re-Appropriation of Funds Within Departments in the General Fund for the
Fiscal Year Ending June 30, 2009

Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for first reading and moved suspension of the rules in order to allow second reading and passage of the ordinance tonight. Mr. Herling seconded the motion.

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

Mr. Putens introduced the ordinance for second reading and moved that it be adopted. Mr. Herling 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. 1048, Book 8).

A Resolution to Repeal Resolution 1034 and to Establish Admission Fees and Pass Rates for the Greenbelt Aquatic and Fitness Center, Effective September 8, 2009

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

A Resolution to Authorize the Negotiated Purchase of 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.

A Resolution to Revise the 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. Herling introduced the resolution for first reading.

Mr. Roberts requested staff provide a comparison of city and county fees for variances and departures prior to the next meeting.

RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD: Mayor Davis read the agenda comments.

Mr. Putens moved that the city use its 2009 JAG grant award to purchase interoperable portable, mobile or fixed radio equipment. Ms. Mach seconded. The motion passed 5-0.

MARYLAND SAFE ROUTES TO SCHOOL GRANT PROGRAM: Mayor Davis read the agenda comments.

Ms. Mach moved that the city proceed with the grant application by submitting the Expression of Interest for a traffic calming project along Springhill Lane and Springhill Drive, and an encouragement program at Springhill Lake Elementary School. Mr. Herling seconded. The motion passed 5-0.

Mayor Davis requested that any information on the program distributed to residents in the area be printed in both English and Spanish.

Ms. Mach said she hoped funding would be obtained in the future for a pedestrian bridge across Greenbelt Road linking Greenbelt Middle School and Berwyn Heights.

PROPOSED SIGNAGE AT DOCTOR'S HOSPITAL: Mayor Davis read the agenda comments.

Mr. Roberts moved that Council support the proposed signage at Doctor's Hospital with the four conditions – the city will be provided a copy of the landscape plan for the sign to review and comment on, no trees will be taken down for the installation of the gateway sign, trees will be planted behind the wall, and solar powered lighting will be considered for the lighting of the landscaping. Mr. Roberts also moved that Council direct that landscaping for the city's gateway sign be coordinated with the landscaping for the Doctors Hospital sign. Mr. Putens seconded. The motion passed 5-0.

MARYLAND MUNICIPAL LEAGUE (MML) 2010 LEGISLATIVE INITIATIVES - ACTION REQUESTS: Mayor Davis read the agenda comments.

Ms. Mach moved that Council submit "Funding/Incentives for Alternative Fuel Vehicles and Stations" as a MML action request for 2010. Mr. Herling seconded. Mayor Davis moved that Council also submit "Apartment Assessment Issue" as a MML action request for 2010. Ms. Mach seconded. The motions passed 5-0.

Mr. Herling asked where the "End Homelessness" issue could be directed. Mr. Moran said this would not be a municipal issue directed to MML, but could be included as an item in the State legislative agenda. Mayor Davis said this was more of an executive decision to be made by the Governor. Ms. Mach suggested asking MML to hold workshops on the issue to raise awareness.

COUNTY LEGISLATION – CB-23-2009 (SPECIAL EXCEPTION FOR CHECK CASHING BUSINESSES): Mayor Davis read the agenda comments.

Mayor Davis moved that Council support CB-23-2009. Mr. Putens seconded. The motion passed 4-1. (Roberts)

Mr. Roberts said that many people find using check cashing businesses more convenient than banks. He noted that the bill requires a security employee to be on the premises when the business is open and said he was concerned that this increased cost may be passed on to customers using the business.

Mayor Davis mentioned customers using check cashing businesses are often easy victims for robberies when they leave the business after cashing their checks. She also said the businesses tend to cast a bad image to the area. Ms. Mach said people should be encouraged to use credit unions or banks to cash their checks, instead of check cashing businesses which often charge excessive fees for their services.

STATEMENT BY MAYOR DAVIS AT JUNE 8, 2009 MEETING: Mr. Roberts said the statement read regarding removal of the charter amendment to change the date of council elections from odd-numbered years to even-numbered years from the agenda indicated an action of Council and asked when Council had met to discuss taking the action. Mayor Davis said there had not been a meeting of Council regarding the issue, but one on one communications between members. She also noted she had discussed the statement with Mr. Roberts prior to the June 8th meeting. Mr. Roberts said that if Council did not meet to discuss the issue, then a statement indicating an action of Council was not appropriate.

Ms. Mach and Mr. Herling also said Council had not met to discuss the issue. Ms. Mach commented

that the issue began with an e-mail communication she sent to Mr. Silvestri following the June 8th regular meeting with questions regarding changing the election year. She said that she copied this e-mail communication with all members of Council.

Mr. Roberts requested Council agree to seek an outside opinion on the situation by a third party to determine if any violation of the Maryland Public Meeting law had occurred.

After further discussion, Mr. Putens moved that Council request Mr. Manzi to review the situation to determine if any violation of the Maryland Open Meetings law had occurred. Mr. Herling seconded. The motion passed 5-0.

WSSC PROBLEM IN GREENBROOK ESTATES: Mr. Putens moved that Council send a letter to WSSC describing the sewage backup problem involving several homes in Greenbrook Estates and requesting a review of the situation. Mr. Roberts seconded. The motion passed 5-0.

MEETINGS: Council reviewed the meeting schedule. Mayor Davis requested meetings with Green Ridge House Management, Capitol Office Park, Civic Associations, and the School Superintendent be added to the ready to be scheduled list. She also requested a meeting with Animal Control be placed on the later scheduling list.

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 Monday, June 22, 2009, at 10:35 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 June 22, 2009."

Judith F. Davis
Mayor