

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, April 22, 2013.

Mayor Davis called the meeting to order at 8:00 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Emmett V. Jordan, Leta M. Mach, Silke I. Pope, Edward V.J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

ALSO PRESENT were Michael McLaughlin, City Manager; David Moran, Assistant City Manager; Robert Manzi, City Solicitor; and Cindy Murray, City Clerk.

Mayor Davis asked for a moment of silence in memory of Greenbelt resident David Schalet, former resident Warren R. "Shep" Sheppard Sr., and the victims of the disasters at the Boston Marathon and in West, Texas. She then led the pledge of allegiance to the flag.

APPROVAL OF CONSENT AGENDA: Mr. Putens moved that the consent agenda be approved. Mr. Jordan seconded. The motion passed 7-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

Regular Meeting, March 27, 2013
Work Session, April 3, 2013
Interview, April 15, 2013
Work Session #1, April 17, 2013
Approved as presented.

COMMITTEE REPORTS:

Park and Recreation Advisory Board, Report #2013-1 (Contribution and Recognition Groups): Council accepted this report and will consider it at the Contribution Group budget work session scheduled for May 1, 2013.

APPOINTMENTS TO ADVISORY BOARDS: Council appointed Trevor Liburd to the Greenbelt Advisory Committee on Environmental Sustainability and Donna Almquist to the Forest Preserve Advisory Board.

APPROVAL OF AGENDA: Mr. Putens moved that the agenda be approved. Mr. Jordan seconded. The motion passed 7-0.

PRESENTATIONS:

National Board Certified Teachers: Mayor Davis recognized Clarelisa Rivera and Lisa Yearwood, teachers at Eleanor Roosevelt High School, who obtained their National Board Certification this school year. Council presented Ms. Rivera and Ms. Yearwood with certificates recognizing their accomplishment.

National Kids to Parks Day Proclamation: Mayor Davis issued a proclamation in recognition of the third annual “National Kids to Parks Day” which will be held on May 18, 2013. Julie McHale, Director of Recreation, received the proclamation and provided an overview of this year’s events.

Introduction of New Police Officer: Capt. Carl Schinner introduced Greenbelt’s newest police officer, Charles A. Wooten. Council welcomed Officer Wooten.

PUBLIC HEARING ON PROPOSED FY 2014 BUDGET: Mayor Davis read the agenda comments. She then announced the meeting was recessed at 8:12 p.m. for the hearing.

There was no public comment.

The regular meeting reconvened at 8:13 p.m.

PETITIONS AND REQUESTS:

Sue Krofchik, 6 Fayette Place, reported that current City policy does not allow the public to utilize the first floor restrooms of the Community Center when camp programs are in session in the building and children are using the restrooms. Ms. Krofchik mentioned the difficulty this places on the public, especially seniors and those with medical conditions, and requested a change in the policy be considered.

Joe Murray, 9-Q Research, presented a written request for a campfire ring to be built on City property at Northway Field so that groups of people can have permitted fires and community gatherings.

MINUTES:

Statement for the Record – Executive Session of April 17, 2013: Mr. Jordan moved that in accordance with Section 10-509 (c)(2) of the State Government Article of the *Annotated Code of Public General Laws of Maryland*, the minutes of tonight’s meeting reflect that Council met in executive session on Wednesday, April 17, 2013, at 7:32 p.m. in Room 201 of the Greenbelt Community Center. Council held this closed meeting in accordance with Section 10-508 (a) (9) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to discuss collective bargaining negotiations.

Vote to close session:

	Yes	No	Abstain	Absent
Mr. Herling	X			
Mr. Jordan	X			
Ms. Mach	X			
Ms. Pope	X			

Mr. Putens				X
Mr. Roberts	X			
Mayor Davis	X			

The following staff members were in attendance: Michael McLaughlin, City Manager; David Moran, Assistant City Manager; Mary Johnson, Human Resources Director; James Craze, Police Chief; and Carl Schinner, Police Captain.

Other individuals in attendance: None

Council took no actions during this session.

ADMINISTRATIVE REPORTS: None

COUNCIL REPORTS: Councilmembers noted their attendance at Earth Day, Arbor Day, Public Works Open House, Celebration of Spring and Kale-a-Rama celebrations. They also commented on their attendance at the following events.

Maryland Municipal League (MML) Leadership Meeting – Mayor Davis and Ms. Mach

MML If I Were Mayor Contest Essay Review – Ms. Mach

Prince George’s County Municipal Association Meeting – Mr. Jordan, Mr. Herling and Ms. Mach

Friends of Greenbelt Movie Theater Meeting – Mayor Davis, Mr. Jordan, Mr. Roberts and Mr. Herling

Retirement Celebration for Ellen Utley, Branch Manager of Greenbelt Library – Mayor Davis, Mr. Jordan, Mr. Putens and Mr. Herling

State Delegate Alonzo Washington’s Meet and Greet – Mr. Putens, Mr. Jordan and Ms. Pope

Prince George’s County Arts and Humanities Council Board Meeting – Mr. Herling

Roosevelt Club Meeting with Lt. Governor Brown – Mayor Davis, Mr. Jordan and Mr. Herling

Berwyn Heights Volunteer Fire Department Banquet – Mayor Davis and Mr. Jordan

Police Chiefs Association of Prince George’s County Annual Awards Ceremony – Mayor Davis, Mr. Jordan and Ms. Mach

Greenbelt Elementary School Open House for Early Childhood Program - Mr. Jordan

Washington Metropolitan Council of Governments (COG) Board of Directors Meeting – Mayor Davis

Golden Age Club Annual Luncheon – Mayor Davis and Mr. Putens

MML Executive Committee Meeting – Mayor Davis

Springhill Lake Elementary School Annual Earth Day Cleanup – Mayor Davis and Ms. Pope

MML Eastern Shore Chapter Meeting – Mayor Davis

MML Cecil/Harford County Chapter Meeting – Mayor Davis

Braden Field Cleanup by Girl Scout Troop 5859 – Mayor Davis

Ms. Pope congratulated Brennan Bathauer and Jay Gonzalez for taking 3rd Place in the Prince George's County School's STEM Fair. Mr. Bathauer and Mr. Gonzalez are 8th grade students at Greenbelt Middle School.

Mayor Davis congratulated Linda Shevitz on her induction into the Maryland Women's Hall of Fame.

Mayor Davis reported that Greenbelt had been presented with the St. George's Day Award from the Prince George's County Historical Society in celebration of our 75th Anniversary. She also noted that Greenbelt had received a Tree City USA Award (for the 13th consecutive year) from the Arbor Day Foundation.

COMMITTEE REPORTS: None

LEGISLATION:

An Ordinance to Amend Article 1 "In General" of Chapter 2 "Administration" of the Greenbelt City Code to Add a New Section 2-4 Entitled "Confidential Information"

Mr. Putens moved that Council defer the ordinance for further study and discussion at a future work session. Ms. Mach seconded.

Ms. Pope said she preferred more in-depth study on the confidentiality matter before enacting the ordinance. However, she stressed that she supports some type of safeguard be enacted to provide for the protection of confidential information.

Mr. Putens noted this matter is under consideration because of concerns regarding information leaking out of closed executive sessions, especially information regarding personnel issues. He commented that action is needed to provide for the protection of confidential information for both employees and citizens.

Mr. Roberts said the ordinance should be voted on this evening. Mr. Jordan said the ordinance should remain on the normal legislative schedule.

Craig Tooley, 105 Lakeside Drive; Bill Orleans, Greenbelt; and Sue Stern 5-K Gardenway, urged Council to vote in opposition of the ordinance this evening.

Mayor Davis read a letter (attached) received by Council from William Hunt, 7 Olivewood Court, who was unable to attend this evening and present his concerns in person. Mr. Hunt urged Council to postpone consideration of the proposed legislation.

Sylvia Lewis, 2-C Gardenway, expressed concern regarding the level of trust, or lack of trust, that will be placed on the City by employees, citizens, other municipalities and government agencies. She commented on the need for confidential information to remain confidential in many circumstances.

In response to a question from Mayor Davis, Mr. Manzi explained that this issue had not been referred to the City's Ethics Commission because it did not fall within the scope of their mission which is limited to financial matters. He said if an employee or member of Council received a personal or economic gain from the disclosure of the confidential information, then it could be referred to the Commission.

Mr. Jordan stated that there could be a circumstance of intentional release and suggested the City may want to modify the charge of the Ethics Commission.

Mr. Manzi reviewed Section 10-508 (a) (9) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* which defines the specific circumstances which allow for Council to hold a closed executive session.

Andy Smidinski, 9-R Research Road, asked and was provided answers to questions regarding closed meetings.

Harris Maclay, 3-D Eastway, suggested a ballot referendum be considered given the strong feelings of many residents regarding the matter.

As requested by Mayor Davis, Mr. McLaughlin explained the Council procedures for adoption of resolutions and ordinances.

Ruth Kastner, 125 Hedgewood, said she understands matters regarding personnel should be considered confidential but felt the definition of confidentiality as proposed in the ordinance was too broad and should be more defined.

Ms. Mach said she believed the penalty for violators was too strong and suggested that censure may be a more appropriate penalty. Mayor Davis added that a "whistle blower" clause should be included in the ordinance.

Tom Jones, 1-C Woodland Way, expressed concern that more information is not available to the public. He said openness is of far greater importance than punishing individuals who violate matters of confidentiality.

Velma Kahn, 2-L Research, said the way the proposed ordinance is written is tainted and gives the impression of avoiding integrity. She recommends the ordinance be rejected and a more appropriate ordinance be considered.

Michele Touchet, 6-M Plateau, said Council should vote to oppose the proposed ordinance tonight. She said the ordinance is too broad in scope and threatening jail time or fines for violators is counterproductive.

Chuck Hess, 42-D Ridge Road, suggested Council alleviate the fears of those present at the meeting and vote to oppose the ordinance tonight and schedule a public work session

to further discuss the matter and have another more defined ordinance introduced at a later time. He commented that he feels the intent of the ordinance is good but there were enough concerns with the ordinance as written that further work was needed.

Eugenia Kalnay, 56 Lakeside Drive, spoke in opposition to the proposed ordinance.

Elizabeth Barber, 16-Z-1 Ridge Road, commented on the costs associated with criminal incarceration.

Susan Barnett, 12-H Plateau Place, said the language of the proposed ordinance needs to be more specific to the goal to be accomplished.

Mr. Roberts said he views the proposed ordinance as an opportunity for individuals to falsely accuse people of violations which will lead to potential infighting and a division amongst members. He added that the entire matter is based upon a false accusation against him and that he was waiting for a public acknowledgement that he had not violated any law.

Mr. Putens said the proposed ordinance had nothing to do with the incident Mr. Roberts was speaking about. He added that Council must take some action to prevent disclosure of confidential information discussed in executive sessions.

Sue Stern, 5-K Gardenway, noted her opposition to the ordinance. She added that the elected leaders are outstanding individuals who practice high moral standards but added that all humans are subject to make mistakes on occasion. Ms. Stern recognized and acknowledged the public service of Mr. Roberts.

Mr. Tooley expressed opposition to the proposed legislation and noted Council should not be allowed to remove a member for bad behavior.

Mr. Putens withdrew his original motion. Ms. Mach withdrew her second of the original motion.

Mr. Putens introduced the ordinance for second reading and Council action. Mr. Herling seconded.

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

The ordinance failed.

Mayor Davis moved that Council hold a work session on confidentiality as soon as it can be scheduled, and requested staff to further review the matter. Mr. Putens seconded. Mayor Davis and Mr. Herling encouraged the public participation at the work session and/or submit comments on the matter to Council by phone calls, mail, e-mail, etc. Mr. Herling requested that the work session be televised.

The motion passed 7-0.

An Ordinance to Amend Chapter 2 “Administration” Article IV “Ethics” of the Greenbelt City Code

Mr. Jordan introduced the ordinance for second reading and moved that it be adopted. Mr. Putens seconded.

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

The ordinance was declared adopted (Ordinance No. 1327, Book).

A Resolution to Negotiate the Purchase of an Emergency Back-Up Generator for the Greenbelt Municipal Building from Cummins Power Systems

Mr. Jordan introduced the resolution for second reading and moved that it be adopted. Ms. Pope seconded.

Mr. Roberts asked if purchase of the generator was necessary given the current fiscal constraints. Mr. Moran explained that the Municipal Building is the communications hub for many City facilities and the new generator is needed in order to maintain communications and other essential services.

In response to a question from Ms. Mach, Mr. Moran explained that the proposed generator would not provide power to maintain elevator service. Mr. Jordan and Ms. Mach asked if the generator could be expanded in the future to provide power for more services such as the elevator. Mr. Moran said no, a larger and more costly generator would be needed.

Mr. Roberts said he believes a new generator is needed at some point in the future but not necessarily at this time.

ROLL CALL:	Mr. Herling	-	yes
	Mr. Jordan	-	yes
	Ms. Mach	-	yes

Ms. Pope	-	yes
Mr. Putens	-	yes
Mr. Roberts	-	no
Mayor Davis	-	yes

The resolution was declared adopted (Resolution No. 1099, Book 8).

A Resolution to Negotiate the Purchase of a New Truck Body and Lift Gate from Intercon Truck Equipment of Joppa, Maryland at a Cost of \$15,431

Mayor Davis read the agenda comments.

Ms. Mach introduced the resolution for first reading.

GREENBELT FARMERS MARKET – REQUEST FOR WINE SAMPLING: Mayor Davis read the agenda comments.

Joe Gareri, Board Member of Greenbelt Farmers Market (GFM), commented on the importance of allowing wine samplings to enhance the success of wine vendors at the market. He said several Maryland wineries had initially expressed interest in participating in the GFM but when they were informed that wine samplings were not allowed, their interest dwindled. Mr. Gareri said Elk Run Winery was the only winery that participated last season. He requested Council consider allowing the sampling of wines at GFM.

Mr. Jordan asked about wine sales/samplings at other area farmers markets. Mr. Gareri said Riverdale and Cheverly have been allowing wine sales and wine samplings for several years.

Ms. Janna Howley, University of Maryland Extension Center Agriculture Market Specialist for Prince Georges County, said Maryland wineries are eager to participate in the GFM which has a solid reputation of being a quality farmers market. She explained that the success of wine sales at farmers markets is dependent on their ability to offer samples of their products.

Mr. Putens moved that Council hold a public hearing on wine sampling at the GFM. Mr. Jordan seconded.

Mr. Roberts said he would vote in support of the public hearing but would not support any changes to the existing City Code that would allow alcohol use on City property.

The motion passed 7-0.

APPROVAL OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF GREENBELT AND FRATERNAL ORDER OF POLICE LODGE NO. 32 TO TAKE EFFECT JULY 1, 2013: Mayor Davis read the agenda comments.

Mr. McLaughlin and MPO Mike Lanier, Vice President of Greenbelt Fraternal Order of Police Lodge No. 32 (FOP), complimented the City and FOP bargaining teams on negotiation of the proposed Collective Bargaining Agreement (CBA).

Mr. Orleans asked and was provided answers to several questions.

Mr. Putens moved that Council approve the CBA between the City and the FOP to take effect July 1, 2013, for a period of one year. Ms. Pope seconded.

Mr. Roberts questioned the anticipated City costs associated with the CBA. Mr. McLaughlin estimated the costs would be in the range of \$75,000 to \$100,000.

The motion passed 7-0.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FORMULA 2040: Mayor Davis read the agenda comments.

Mayor Davis suggested the following changes to the letter: first bullet of the proposed letter include “work to insure municipalities and other alternative service providers are not infringed upon or negatively impacted when prioritizing future development;” moving the last bullet item to the fourth bullet item and add “ensure public transportation to facilities is readily available for seniors and youth;” and include in third paragraph “expansion of the Springhill Lake Recreation Center would be an opportunity for a public-private partnership.” Ms. Mach suggested the first bullet also include “engage municipalities in both the decision making process related to facilities within city boundaries as well as the process related to the implementation of the Formula 2040 Plan.”

Ms. Pope moved that Council send the letter proposed by staff on the Formula 2040 Plan, including the edits by Mayor Davis and Ms. Mach, which offers City support and identifies specific recommendations related to areas where the City believes greater consideration is needed prior to approval and implementation of the 2040 MP. Mr. Jordan seconded. The motion passed 7-0.

OTHER REPORTS: Councilmembers presented reports on the following meetings and conferences they recently attended.

Mayor Davis – Council of Governments (COG) Board of Directors Meeting

Mr. Jordan – COG Transportation Planning Board Meeting

MEETINGS: Council reviewed the upcoming meeting schedule.

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Mr. Putens seconded. The motion passed 7-0.

Mayor Davis adjourned the regular meeting of Monday, April 22, 2013, at 12:07 a.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 April 22, 2013."

Judith F. Davis
Mayor