

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, February 25, 2013.

Mayor Davis called the meeting to order at 8:02 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; Karen Ruff, City Solicitor; and Cindy Murray, City Clerk.

Mayor Davis asked for a moment of silence in memory of former Greenbelt residents Harold George Domchick, John Patrick Gardes and Pat Savage. 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

Work Session, February 6, 2013
Regular Meeting, February 11, 2013
Approved as presented.

COMMITTEE REPORTS:

Park and Recreation Advisory Board, Report #2012-3 (Proposed Policy Change for the Aquatic and Fitness Center): Council accepted this report and will consider it on the agenda of a future meeting.

REQUEST FOR USE OF FACILITIES: Council authorized the waiver of facility fees for the use of the Youth Center from 2:00 p.m. to 10:00 p.m. on May 28, 2013 and from 9:00 a.m. on May 29 to 7:00 a.m. on May 30, 2013, and for use of the Aquatic and Fitness Center from 12:00 a.m. to 4:00 a.m. on May 30, 2012, by the Eleanor Roosevelt High School Grad Night Committee.

APPROVAL OF AGENDA: Mayor Davis requested "Letter of Intent - Maryland Energy Administration/Smart Energy Communities Program" be added to the agenda. With this addition, Mr. Putens moved that the agenda be approved. Ms. Mach seconded. The motion passed 7-0.

PRESENTATIONS: None

PETITIONS AND REQUESTS:

Jennifer Robinson, 1 Orange Court, representing numerous residents read a petition (attached to minutes) requesting Council support of HB 1274/SB 601 - The Maryland Hydraulic Fracturing Moratorium and Right to Know Act. She requested Council include these bills on the agenda this evening as the bills are scheduled for hearings in Annapolis beginning tomorrow.

Mr. Roberts moved that Council add HB 1274/SB 601 to the agenda and requested that it be special ordered as the first item under State Legislation. Mr. Jordan seconded. The motion passed 7-0.

MINUTES:

Statement for Record - Executive Session of February 20, 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 this meeting reflect that the Council met in executive session on Wednesday, February 20, 2013, at 9:13 p.m. in Room 201 of the 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 matters related to 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, and David Moran, Assistant City Manager.

Other individuals in attendance: None

Council took no actions during this session.

ADMINISTRATIVE REPORTS:

Mr. McLaughlin, introduced Karen Ruff, a new partner with Brennan Sullivan McKenna Manzi & Shay legal firm, who was the City Solicitor for the meeting.

COUNCIL REPORTS: Councilmembers commented on their attendance at the following events.

Councilmember Turner's Chew and Chat Meeting – Mayor Davis and Ms. Mach
Greenbelt Community Foundation Tea – Mayor Davis, Mr. Jordan, Ms. Mach and Mr. Herling
American Legion Dedication of Sam Hofberg Hall – Mayor Davis, Mr. Jordan, Mr. Putens, Mr. Herling and Ms. Pope
Prince George's Municipal Association Meeting – Mayor Davis, Mr. Jordan, Ms. Mach and Mr. Herling
Town of Brentwood's Black History Month Arts Reception - Mr. Jordan
Future of Washington Area Economy Lecture at George Mason University – Mr. Jordan
Maryland Municipal League Legislative Committee Meeting – Mayor Davis and Mr. Jordan
Maryland Legislative Hearing on Highway User Funds – Mayor Davis
Meals on Wheels Volunteer Appreciation Luncheon – Mayor Davis
Greenbelt Homes Incorporated Town Hall Meeting – Mayor Davis, Mr. Jordan, Mr. Roberts and Mr. Herling
Blue and Gold Awards Ceremony for Cub Scout Pack 202 – Mayor Davis
Angarai II Open House – Mayor Davis

COMMITTEE REPORTS: None

LEGISLATION: None

STATE LEGISLATION

HB 1274/SB 601 – The Maryland Hydraulic Fracturing Moratorium and Right to Know Act

Mayor Davis, Mr. Putens and Ms. Pope reported the practice of fracking had been discussed at the National League of Cities (NLC) Convention. Mayor Davis noted there is a large amount of support for fracking from many states who believe it will provide jobs and boost their economy. She commended Governor O'Malley for pushing for strict standards in Maryland

Mayor Davis read an email received from Zack Feris, 2-L Gardenway, who was unable to attend this evening. Mr. Feris indicated his support of a moratorium on fracking in Maryland.

Mr. Jordan reported that the City of College Park Council voted last week to support HB 337 – Prohibition on Hydraulic Fracturing. Lore Rosenthal, 2-R Gardenway, clarified that HB 337 is a permanent ban on fracturing throughout the State. Ms. Robinson and Ms. Rosenthal explained they are requesting Council's support for HB 1274/SB 601 for a moratorium on fracking because it is the more pragmatic approach given the political

climate of the state. She commented that if technology is developed that can extract natural gas safely and meet the strict criteria set forth in the bill, then it may be feasible to utilize this method.

Chris Shuman, 1-E Gardenway, noted the need to preserve the process of hydraulic drilling and encouraged maximum interaction between Maryland and adjacent states that are well ahead of us in considering hydraulic fracturing. He also encouraged a cautious approach on actions that would prevent economic development in reducing energy costs.

Misha Kingsley, 12 Hillside Road, reported on damage she had observed to a river in Pennsylvania and the decline in tourism to a nearby town which resulted from fracking allowed in the Pocono Mountains.

Ms. Mach moved that Council support HB 1274/SB 601. Mr. Putens seconded. The motion passed 7-0.

HB 820/SB 893 – Municipal Property Taxes – Special Rates

Mayor Davis read the agenda comments.

Mr. Putens moved that Council oppose HB 820/SB 893. Mr. Jordan seconded.

Mr. Jordan noted this is enabling legislation only and the determination whether to establish different tax rates remains is up to each municipality. Mayor Davis questioned whether a tiered taxing system would be beneficial to the City. Mr. Moran said it appears less than five municipalities have taken advantage of this taxing system. Ms. Pope suggested staff contact these municipalities to determine advantages and/or disadvantages.

The motion passed 7-0.

HB 1177 - STREET LIGHTING – PURCHASE BY LOCAL GOVERNMENTS

Mayor Davis read the agenda comments.

Mr. Herling moved that Council support HB 1177. Mr. Jordan seconded.

Chris Shuman, 1-E Gardenway, questioned the costs associated with the City purchasing street lighting. Mayor Davis noted this was enabling legislation only and details, such as the associated costs, would be considered before moving forward with this type of purchase.

The motion passed 7-0.

HB 679 – GROUP HOMES – NOTICE REQUIREMENT

Mayor Davis read the agenda comments.

Mr. Putens moved that Council support HB 679. Ms. Pope seconded. The motion passed 7-0.

HB 741 - Public Service Commission (PSC) Notice Period for New and Changed Rates

Ms. Mach moved Council support HB 741. Mr. Herling seconded. The motion passed 7-0.

HB 825 - Video and Audio Recordings of PSC Hearings and Proceedings

Mr. Putens moved Council support HB 825. Ms. Pope seconded. The motion passed 7-0.

Lore Rosenthal, 2-R Gardenway, noted the benefits of having the PSC hearings video and audio streamed.

HB 1120 – PSC Participant Compensation

Mr. Moran and Ms. Ruff advised that this bill would allow consumers and non-profit groups to be eligible for reimbursement of expenses for attorneys, expert witnesses, and other costs associated with PSC proceedings. Ms. Mach expressed concern that reimbursement costs would be directly passed on to consumers.

Mr. Jordan moved that Council take no position on this bill. Ms. Mach seconded. The motion passed 5-2. (Putens, Roberts)

REVISIONS TO ETHICS REQUIREMENTS – FINANCIAL DISCLOSURE STATEMENTS

Mayor Davis read the agenda comments.

Ms. Murray explained that based on clarification from the State's Ethics Board, City Solicitor Robert Manzi has advised that it is not necessary for employees below the Department Head level and members of the Advisory Planning Board and Board of Appeals to complete the new (2011) Financial Disclosure Statement. Mr. Manzi has indicated it would be sufficient for these individuals to complete a less in-depth statement such as the form required prior to 2011.

Ms. Mach noted that Assistant Department Heads would still be required to complete a Financial Disclosure Report, just the less onerous form used prior to 2011. She said she would support changing the requirement to allow for volunteer members of the Advisory Planning Board and Board of Appeals as well as Assistant Directors complete the less onerous form used prior to 2011.

Mayor Davis noted the complexity of the new Financial Disclosure Forms has resulted in the loss of volunteers for advisory boards and discouraged individuals from running for elected office in some municipalities. She advised a work group had been formed to examine the impact of the new law on local governments.

Ms. Mach moved that Council direct staff to prepare the following amendment to the City's Ethics Ordinance and return to Council for approval: Assistant City Manager, Assistant Department Heads, City Clerk, Police Command staff at the rank of Captain and above, and volunteer members of the Advisory Planning Board and Board of Appeals are required to complete the Financial Disclosure Report required prior to 2011. Mr. Putens seconded. The motion failed.

Ms. Pope, Mr. Jordan, Mr. Roberts and Mr. Herling expressed their support that individuals in any decision making capacities for purchases or contract administration, or individuals who have any influence in these processes such as Assistant Department Heads, be required to complete the new (2011) Financial Disclosure Report.

In response to question by Mayor Davis, Mr. McLaughlin advised that any purchase over \$10,000 comes to Council for approval. He said purchases below \$10,000 made by employees at various levels, are signed off/approved by the Department Head and City Manager.

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

Mayor Davis moved that Council direct staff to prepare the following amendments to the City's Ethics Ordinance and return to Council for approval: The City Clerk and volunteer members of the Advisory Planning Board and Board of Appeals are required to complete the Financial Disclosure Report required prior to 2011. Ms. Mach seconded. The motion passed 6-1. (Roberts)

MARYLAND ENERGY ADMINISTRATION – SMART ENERGY COMMUNITIES PROGRAM

Mayor Davis explained that the Maryland Energy Administration (MEA) Smart Energy Communities Program provides grant money for energy efficiency initiatives. Mayor Tabori, Town of University Park, has approached the City about filing a non-binding letter of intent to participate in the Program and suggested there may be a project the Town and City can do collaboratively. Mayor Davis advised the letter of intent is due by March 1, 2013, in order to be eligible for the funding. She noted the City would not be obligated to make application for the grant if it is determined not to be beneficial to the City.

Mr. Jordan moved that Council send a non-binding letter of intent to participate in the Maryland Energy Administration's Smart Energy Communities Program. Ms. Pope seconded. The motion passed 7-0.

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

Mr. Jordan – Council of Governments (COG) Transportation Planning Board Meeting
Mayor Davis – COG Board Meeting
COG National Capital Region Emergency Preparedness 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, February 25, 2013, at 9:58 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 February 25, 2013."

Judith F. Davis
Mayor