Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

Town Council Meeting: 8 July 2013

Minutes

Call to Order: Mayor Benjamin called the meeting to order at 7:36 PM. Present were Council members Chantry, Flynn, Schulp, Wegner and Welch. Also present were Town Manager Swearingen and numerous residents.

Approval of Agenda: Mayor Benjamin asked for approval of the agenda, with the addition of an item on whether a work session in July or August is required and with the removal of the Financial Report item. The agenda was approved as revised without objection.

Presentations by Residents: Michael Lutkenhouse of the Garrett Park Citizens Association asked the Town Council to make space available for a storage shed to be used by the Association to store material for the July 4th celebration and for the Spooky Woods event. The request was referred to Council member Flynn, Citizens Association liaison, for discussion with the Citizens Association and a recommendation to the Council.

Approval of Minutes:

- Council member Wegner asked that the minutes of the 05/13/2013 Regular Council meeting be amended as follows: under the discussion Item Update on Repairs to Town Roads, the first sentence be changed from "…with an estimated further $318,000 if the Town…" to "…with an estimated additional $318,000 if the Town…" The minutes were approved as amended.

- The Minutes of the 06/10/2013 Regular Council Meeting were approved without objection.

- The Minutes of the 06/13/2013 Council Retreat were approved without objection.

Action

- Town Hall Rental Policy. Mayor Benjamin provided a brief history of the work that has gone into the development of the policy. He stated that Council member Flynn had requested an opinion of the Town Attorney on the enforceability of the anti-discrimination paragraph in the policy. It is the opinion of the Town Attorney that this provision is not enforceable. Council member Flynn stated her belief that having the anti-discrimination paragraph would be challenging for the Town if it cannot be

enforced, and recommended removal of the paragraph. Council member Chantry said that she would still like to have some statement in the policy that establishes a principle for the record. Council member Welch suggested that we state our beliefs not in the policy but in a guiding principles document. Several residents also commented. Mayor Benjamin asked Council member Chantry if she would concur with allowing the policy to move forward without the paragraph. She declined. Consequently, the Mayor asked that the policy be moved as presented.

Council member Wegner
MOVED that the Council approve the policy as written. Council member Flynn seconded the motion.

The Mayor requested that Council member Flynn move an amendment to the main motion to delete the anti-discrimination paragraph.

Council member Flynn then MOVED an amendment to the motion that the anti-discrimination paragraph be removed. Council member Wegner seconded the motion to amend. After discussion, the motion to amend was PASSED with all in favor except Council member Chantry voting no.

The vote on the amended Town Hall Rental Policy was then taken. The motion was PASSED unanimously. Council member Chantry noted that, although she voted in favor, she would prefer to have an anti-discrimination principle stated in the policy.

The Mayor thanked the members of the Town Hall Rental Policy Committee for their excellent work in crafting a policy that would work and the Council for its thoughtful and thorough review.

Discussion

- Betsy White Fund. Mayor Benjamin explained that the Town's Attorney and the Town's Auditor have both reviewed the status of the Betsy White Fund and have determined that this account is a part of the Town funds and must be treated in the same manner as all other Town accounts. Thus all transactions must be open, transparent, and audited. Further, the Town has no legal ability to operate a charity or to allow others to do so with Town funds. The Mayor stated that after meetings with the Trustees of the Betsy White fund, the Trustees have agreed to establish it as a 501 (c)3 charitable organization. They are working cooperatively with the Ilah Gieser Scholarship. In the interim, the Town will continue to hold the fund account and will accept donations to the fund but will not accept applications for assistance or disperse funds for charitable purposes. Once the new 501(c)3 organization has been established, the Town will turn over the funds to that organization. At the completion of the Mayor's explanation there was an extensive discussion of the plan with opinions expressed on all sides of the issue.

- Bike Rack at the Kenilworth-Waverly Triangle. Council member Wegner provided a briefing on the status of the request from a resident. A committee was formed that met on July 2 and identified issues to be resolved regarding the bike rack.

- Construction Program Update. Council member Wegner provided a status report on the project to repair and re-pave certain streets in Town. Engineering for the project is being conducted by Chester Engineers. They are gathering data on the condition of streets and will use that information to develop an RFP for bidders on the work. Council member Schulp asked about including part of Cambria Avenue in the work to be done. Council member Wegner said that he will discuss it with Chester Engineers.

- Report on Maryland Municipal League (MML) Conference. Two Council members and the Mayor attended the MML meeting in June. Council member Welch said that the conference was worthwhile especially in learning of ways for the Town to be more efficient and to collaborate with other local governments in the area. Council member Chantry was able to learn differences between how local government works and the federal government. The attendees stressed the value of the networking opportunities.

- Necessity for a Council Work Session in July or August. Mayor Benjamin asked if there was need for the work sessions. The Council agreed that there was no need for either unless an issue develops.

New Business

The Town Manager's Report. The Town Manager's report is attached.

Adjournment

The meeting was adjourned at 9:33 PM.

Respectfully submitted,

[TOWN SEAL]

Gene Swearingen, Clerk-Treasurer