

**R-31-2014**

**A Resolution of Vote of No Confidence against Mayor Dennis C. Smith**

City Council of the City of Glenarden, Maryland  
2014 Legislation

**Resolution:** R-31-2014  
**Introduced By:** Carolyn Smallwood, Council President  
**Co-Sponsor:**  
**Session:** Regular Meeting  
**Date of Introduction:** February 10, 2014

**A Resolution of Vote of No Confidence Against Mayor Dennis C. Smith**

**WHEREAS**, the Council of the City of Glenarden has determined that Mayor Dennis C. Smith has not made decisions in the best interest for the City of Glenarden; and

**WHEREAS**, Mayor Smith has failed to move project along in a timely manner, thus jeopardizing the financial status of the City of Glenarden; and

**WHEREAS**, Mayor Smith has repeatedly failed to bring forth legislation to the Council in a timely manner to meet the required timeline set by City Charter, legally executed contract and grants that would allow the Council to enact legislation; and

**WHEREAS**, Mayor Smith has removed the law firm, Baradel, Kosmerl & Nolan, P.A. without just cause and without prior consultation with the Council, thus attempting to leave the City of Glenarden without legal representation to represent the City in several legal matters that the City is currently addressing; and

**WHEREAS**, Mayor Smith has repeatedly submitted vendors to the Council for approval when those vendors were either not qualified to perform the specific job, or are not qualified to do business in the state of Maryland or who have failed to submit required information to the City Council; and

**WHEREAS**, Mayor Smith has failed to advertise an RFP for the city Trash contract since July 2013, after he was sworn in and was knowledgeable the current trash contract expired in August 2013; and after the Council approved an extension in September 2013; and

**WHEREAS**, Mayor Smith has failed to advertise, interview or submit candidates for City Manager after the Council approved his candidate for the Interim City Manager in July 2013 whose interim term ended January 19, 2014, leaving the City of Glenarden without a City Manager; and

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3 **WHEREAS**, Mayor Smith has refused to request the City Attorney legally review all  
4 Requests For Proposals prior to advertising and has refused to request that the City Attorney  
5 legally review all contracts prior to submitting them to the Council for approval; and  
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7 **WHEREAS**, the Mayor Smith has repeatedly refused to provide requested information to  
8 the City Council and has instructed the City Treasurer not to provide the City Council any  
9 information; and  
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11 **WHEREAS**, the Council believes that Mayor Dennis C. Smith is not following the City  
12 of Glenarden Charter and therefore is not making the best decisions for the City of Glenarden;  
13 and  
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15 **WHEREAS**, Mayor Smith has never prepared or presented the City Council and citizens  
16 a written monthly report that is required by the Charter Section 401(f); and  
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18 **WHEREAS**, Mayor Smith has demonstrated lack of the leadership that is needed to  
19 move the City forward.  
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21 **NOW, THEREFORE BE IT RESOLVED** by the City Council of Glenarden,  
22 Maryland sitting in Regular Session this 10<sup>th</sup> day of February, 2014 as follow:  
23

- 24 1. That the City Council of Glenarden has no confidence in Mayor Dennis C. Smith to  
25 perform his duties as Mayor.  
26  
27 2. The Council will take those measures we deem necessary to ensure that the citizens  
28 of Glenarden are provided the services to which they are entitled.  
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31 Date of approved: February 10, 2014  
32

33 ATTEST:

City Council of Glenarden, Maryland

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36 Toni Taylor  
37 Toni Taylor, Council Clerk  
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40 Carolyn Smallwood  
41 Carolyn Smallwood, President, Ward I  
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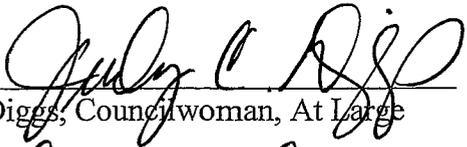
-NO-  
Elaine A. Carter, Vice-President Ward II

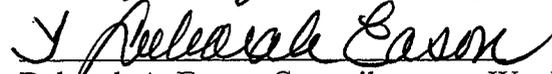
**R-31-2014**

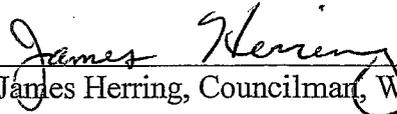
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Judy Diggs, Councilwoman, At Large

  
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Deborah A. Eason, Councilwoman, Ward II

  
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James Herring, Councilman, Ward I

-NO-  
\_\_\_\_\_  
Jennifer A. Jenkins, Councilwoman, Ward III

-NO-  
\_\_\_\_\_  
Maxine Phifer, Councilwoman, At Large

Votes:

Yes 4

No 3

Abstain 0

**COUNCIL  
FILE**

January 19, 2014

Council, Baradel, Kosmerl & Nolan, P.A.  
125 West Street, 4<sup>th</sup> Floor  
Post Office Box 2289  
Annapolis, Maryland 21404

**RE: Termination of Services**

Dear: **Council, Baradel, Kosmerl, & Nolan**

This letter serves as notification that the services rendered by Council, Baradel, Kosmerl & Nolan, P.A., as Attorney for the City of Glenarden, represented by Attorney Suellen M. Ferguson are being terminated effective close of business on Thursday, January 24, 2014.

The City of Glenarden will honor any outstanding fees to date.

Should you have any questions or need additional information call Mayor Dennis C. Smith at 301.773.2100 or email Mayor Smith at [dsmith@cityofGlenarden.org](mailto:dsmith@cityofGlenarden.org).

Regards:

Mayor Dennis C. Smith

No.	Budget Office / Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
1	Administration / General Operations	Hiring of Permanent City Manager	Interim City Manager hired on July 19, 2013 for a period not to exceed 6 months.  Months Remaining: 3 months (6-month resolution deadline ends January 19, 2014)	<ol style="list-style-type: none"> <li>Administration advertise position.</li> <li>Administration track Applicant submittals.</li> <li>Mayor review Applications.</li> <li>Mayor select top 3 Candidates.</li> <li>Mayor interview top 3 Candidates.</li> <li>Council interview top 3 Candidates.</li> <li>Mayor and Council make selection.</li> <li>Mayor, Council and Attorney Review Employment Contract/Agreement.</li> <li>Council and Attorney Review Resolution.</li> <li>Council vote on Resolution.</li> </ol>	<ol style="list-style-type: none"> <li>No action.</li> </ol>	<ol style="list-style-type: none"> <li>Council reviews draft Resolution on January 6, 2014 Work Session.</li> <li>Council votes on final Resolution on January 13, 2014 Regular Meeting.</li> </ol>
2	Administration / General Operations	Tree Plan	Tree Plan needs to be completed.  City received approximately 1/2 million dollars (\$566,889.89) from Woodmoore Development to replace trees within the City.  Note: Interim City Manager and City Treasurer need to forward past due G.E. Felder invoices to Prince George's County and Maryland National Park and Planning for payment.	<ol style="list-style-type: none"> <li>G.E. Felder develops Tree Plan.</li> <li>G. E. Felder develop a scope of work (SOW) for Tree Plan implementation, which includes:                             <ol style="list-style-type: none"> <li>Removal of tree stumps,</li> <li>Removal of invasive species,</li> <li>Plant new trees, and</li> <li>Perform maintenance for 1 year.</li> </ol> </li> <li>Attorney draft Consent Letter and provide to Council President. The Consent Letter requests the homeowner's signature giving the City permission to remove invasive trees from the homeowner's yard.</li> <li>Tree Committee will give Consent Letters to impacted homeowners and request signature.</li> <li>SOW delivered to City Attorney to write two (2) RFPs for solicitation.</li> <li>RFP1 includes SOW for (2a) and (2b)</li> <li>RFP2 includes SOW for (2c) and (2d).</li> <li>RFP1 advertised.</li> <li>RFP1 reviewed by Mayor and Council.</li> </ol>	<ol style="list-style-type: none"> <li>G.E. Felder and Associates Tree Plan approved by previous Council Resolution.</li> <li>Pending G.E. Felder SOW for Tree Plan implementation.</li> <li>In progress.</li> <li>Pending letter.</li> <li></li> <li></li> <li></li> <li></li> <li></li> <li></li> </ol>	<ol style="list-style-type: none"> <li>Completed</li> <li></li> <li>Letter due to Council President on 10/8/2013.</li> <li>Tree Committee obtain signatures 10/8/2013 - 10/18/2013.</li> <li>RFP1 ready for Council review by 11/4/2013 work session.</li> <li>RFP1 advertised for 30 days.</li> <li></li> <li></li> </ol>

No.	Budget Office / Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
3	Administration / General Operations	Elevator	Status from Contractor.	1. Administration contacts the contractor (Wilkins) to request a status of the project and a copy of the Performance Bond. Note: Performance bond should be in the amount of \$50,000.	1. Contractor filed bankruptcy. Court date 10/15/2013.	1. ON HOLD
4	Administration / General Operations	Request for Proposal / Request for Bid for Permanent Trash Contract	Interim Waste Management / Recycling (Trash) month to month contract resolution passed on August 29, 2013 for a period not to exceed 6 months.  Note: Administration should request a signed letter from Goode Trash Removal supporting the month-to-month verbal agreement and Resolution approved by the City Council. Per the Council Resolution, the month-to-month agreement should not exceed 6 months. A RFB to select a Permanent company should be completed as soon as possible.	1. Administration works with the City Attorney to write the Request for Bids (RFB) for a Permanent Waste Management/Recycling contract. Note: City Attorney informed the Council the Mayor has not requested her review of any documents supporting this project.	1. No Action	1. Council requests copy of signed letter at 10/7/2013 work session. 2. Council reviews RFBs for review at 11/4/2013 work session. 3. Council votes on selected RFB at 11/12/2013 regular meeting.

No.	Budget Office / Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
5	Administration / General Operations	WSSC performing street work on several streets within the City. All streets need to be identified and tracked through WSSC's scheduled maintenance.				1. Council requests status from WSSC at 11/12/2013 regular meeting.
6	Administration / General Operations	City Newsletter* (Collaboration with Council)				1. Council requests a project plan from the Administration for quarterly newsletters at the 11/4/2013 work session.
7	Administration / General Operations	Freedom of Information Act (FOIA) Request automated tracking system.				To Be Determined
8	Administration / General Operations	Requesting the City's Impact Fees from the County	City Impact Fees from Woodmoore Town Center. Note: City would need to discuss this project with the current County Executive.	1. Councilwoman Smallwood requested Council Clerk contact County Executive Rushern Baker's office to schedule a meeting.	1. Meeting scheduled with the County Executive on Thursday, October 17, 2013 at 4:00 p.m. at the County Executive's office.	1. In Progress

No.	Budget Office / Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
9	Administration / General Operations	Snow Removal Contract	2014 is the last year of the current Snow Removal Contract extension.	1. Administration needs to start working on a Snow Removal RFB for the next year and the Council would need to pass a resolution of approval.	1. No Action	1. RFB advertised for solicitations by April 2014.
10	Administration / General Operations	Personnel Manual * (Collaboration with Council)	City Attorney informed the Council a draft of the Personnel Manual has been completed, except for the Employee Pay Scale.	1. City Attorney will forward the Council a copy of the draft Personnel Manual and a sample Pay Scale from another Municipality of the same size as the City. 2. The Council should review the draft Personnel Manual and identify an Employee Pay Scale for the City.		1. Council reviews/discusses pay scales at 12/2/2013 work session. 2. Council votes on final pay scales at the 12/9/2013 regular meeting.
11	Administration / General Operations	Committee Appointments (i.e., Permit Review Board, Ethics Board, etc.)		1. Identify names for committees.	1. Names submitted for Permit Review Board. 2. Name submitted for Housing Authority.	1. Council reviews Permit Review Board appointment Resolutions at 10/7/2013 work session. 2. Council reviews Housing Authority appointment Resolution at 10/7/2013 work session. 3. Council votes on Resolutions at 10/15/2013 regular meeting.

No	Budget Office / Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
12	Finance	Selection of Auditor to prepare the FY2013 Audit Report. Note: Audit report due to State of Maryland by November 1, 2013.	Administration needs to solicit Audit firms to perform the City audit, which is due by November 1, 2013.  Note: City Attorney informed the Council that the Administration did not request her review of the Audit Firms Request for Bids currently posted on the city's website.	1. Administration solicited bids for Regular and Forensic audit, which were due to the City by 11:00 a.m. on August 28, 2013.		1. Council requests the status of this project at the 10/7/2013 work session.
13	Finance	Business Licenses for FY2013	Collection of Business License taxes for FY2013.	1. Administration collect all Business License fees by December 2013.		
14	Finance	Personal Property Tax Invoices for FY2013	Collection of Personal Property taxes for FY2013.	1. Prince George's County collects Personal Property taxes and sends checks to the City.		
15	Finance	IRS Status	Status of IRS collection of FY2010, FY2011 and FY2012 1099 Business taxes.			1. Council requests a status of this project by the 11/4/2013 work session.
16	Gold Room	Kitchen	Status of Health Department review of kitchen facility.			1. Council requests a status of this project at the 10/7/2013 work session.
17	Gold Room	Staff and Procedures	Staff following Procedures and Fee Schedule.			To Be Determined

No	Budget office /Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
18	Gold Room	Insurance required for Renters				To Be Determined
19	Legal	Outstanding Legal Matters	Provide update.			Completed - Update provided at work session held on 9/18/2013.
20	Capital Projects	Roof Replacement	City Attorney received the Roof report identifying the status of the roof, which recommended the roof be replaced.	1. City Attorney will forward the Roof report to the Council for review. 2. A scope of work would need to be developed to perform the work on the roof.		1. Completed - Roof report forwarded to Council. 2. Council discusses Roof at 11/4/2013 work session.
21	Capital Projects	Cable Equipment Installation	Proposal for Audio Visual System upgrade received and discussed by Council during September work session.  Proposal received with additional requested information.		1. On Agenda for 10/7/2013 work session.	1. Council reviews Resolution and Contract at 10/7/2013 work session. 2. Council votes on Resolution at 10/15/2013 regular meeting.
22	Capital Projects	MLK Site Request for Proposal	City received grant for work.	1. Council President will request Mr. Proctor provide copies of grants to Council.		1. Council discusses grant projects at 11/4/2013 work session.

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23	Capital Projects	Veterans Memorial Request for Proposal	City received grant for work.	1. Council President will request Mr. Proctor provide copies of grants to Council.		1. Council President will request Joyce Butler provide an update at the 11/12/2013 regular meeting.
24	Capital Projects	Generators for City Hall	Emergency Preparedness	1. Generators and Air Conditioners may require maintenance.		1. Council will discuss at 12/2/2013 work session.
25	Capital Projects	Repaving Ward III Streets				To Be Determined
26	Capital Projects	Sidewalk Maintenance				To Be Determined
27	Public Works	Beautification of the City				1. Council will request a plan to be discussed at the February 2014 work session.
28	Public Works	Maintenance of City Parks				1. Council will request a plan to be discussed at the February 2014 work session.

No.	Budget Office / Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
29	Public Works	Online Tracking System for Complaints and Issues ** (Collaboration with Council and Code Enforcement)				To Be Determined
30	Public Works	Upgrading Public Works Department				1. Council will schedule a brainstorming session in 2014.
31	Public Works	Purchase of Water Buffalo				1. Council will discuss at February 2014 work session.
32	Public Safety	Security for City Hall				To Be Determined
33	Code Enforcement	Permits	Pending status.	1. Monitor ongoing permit requests.		
34	Code Enforcement	Online Tracking System for Complaints and Issues ** (Collaboration with Council and Public Works)				To Be Determined

No.	Budget Office /Program	Project Description	Issue(s)	Project Action Items	Status of Action Items	Project Due Date
35	Council	Personnel Manual* (Collaboration with Administration)	City Attorney informed the Council a draft of the Personnel Manual has been completed, except for the Employee Pay Scale.	<ol style="list-style-type: none"> <li>1. City Attorney will forward the Council a copy of the draft Personnel Manual and a sample Pay Scale from another Municipality of the same size as the City.</li> <li>2. The Council should review the draft Personnel Manual and identify an Employee Pay Scale for the City.</li> </ol>		<ol style="list-style-type: none"> <li>1. Council reviews/discusses pay scales at 12/2/2013 work session.</li> <li>2. Council votes on final pay scales at the 12/9/2013 regular meeting.</li> </ol>
36	Council	Online Tracking System for Complaints and Issues ** (Collaboration with Public Works and Code Enforcement)				To Be Determined
37	Council	City Newsletter* (Collaboration with Administration)				1. Council requests a project plan from the Administration for quarterly newsletters at the 11/4/2013 work session.
38	Grants	Maryland Energy Grants	City Attorney informed the Council the state has two initiatives.	1. City Attorney will forward the information to the Council.		1. Council requests a status at the 11/2/2013 work session.