



WORK SESSION of the Greenbelt City Council held Wednesday, June 22, 2005, for the purpose of meeting with the Public Safety Advisory Committee (PSAC) to discuss car-towing policy and other matters.

Mayor Davis called the meeting to order at 8:05 p.m. It was held in the Multipurpose Room of the Community Center.

PRESENT WERE: Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael P. McLaughlin, City Manager; Consuella Harris, Human Resource Officer and PSAC staff liaison; Capt. Michael Craddock, police liaison to PSAC; Brent Elrod, intern; and Kathleen Gallagher, City Clerk.

ALSO PRESENT WERE: Silke Pope, chair, Ed Hickey, vice chair, Veronica Hemrich, and Bill Holland, Public Safety Advisory Committee; Allen Hill, resident; Jennifer Sciubba, Greenbelt News Review; and Courtney Burns, the Gazette.

Mayor Davis suggested discussing the two topics that were likely to take less time first: window guards and crosswalks.

Window Guards: Ms. Pope said the committee's recommendation had been intended to apply to rental units, not owner-occupied homes, at levels of two or three stories or more above the ground. She said they also had in mind a type of guard that would deter a child from falling out but not be a problem for an adult to open or push out from inside or outside in case of an emergency; she said they had not intended to suggest anything that would block light or ventilation and that there many different types of window guards available.

Ms. Hemrich expressed concern with the memo on this subject from Celia Craze, Director, Planning and Community Development, which she thought suggested that AIMCO, the owner of Springhill Lake, was perhaps being given too much authority to do its own self-evaluation.

Mayor Davis asked if the requirement would apply in Greenbriar. Ms. Pope said, no, only if units were rented and there were children.

There was discussion of why this has been a particular problem at Springhill Lake—whether the design of the windows could be focused on as a requirement for guards, whether the size of Springhill Lake makes it appear that the incidence is higher. It was thought that the design of floor-to-ceiling windows was an issue.

Eventually, it was concluded that additional research should be done on whether other municipalities have ordinances on this and what the experience has been. Mayor Davis said she thought any law should apply to owner-occupied and rental units alike. Ms.

Mach said she would consider it for rental. She also said she would like to see information on whether these products have been evaluated for safety and effectiveness. It was agreed that the committee would look into this subject further and report to Council.

Crosswalks: Mr. McLaughlin distributed an e-mail message from Ms. Craze saying that two of the three suggestions that had been made by the committee were already covered by the crosswalk plan that was being implemented. She said no crosswalk was being placed at the third site, Edmonston and Breezewood, because Breezewood is stop-controlled at Edmonston, and the Manual of Uniform Traffic Control Devices (MUTCD) does not recommend crosswalks at stop-controlled intersections. It had previously been agreed that the City would not add new crosswalks at these locations, though it would not remove existing ones. Ms. Pope said the issue was children crossing Breezewood from the middle school. She questioned whether Ms. Craze understood the location they were referring to. Council thought that if there was a problem with children crossing Breezewood there, the City should put in a crosswalk regardless of what the MUTCD recommends, and Council directed staff to revisit this matter.

Towing Policy: Mayor Davis thanked the committee for all the work they had done in organizing public forums on this issue. She said the main issues had to do with what the City could or should attempt to regulate on private property.

There was discussion of the newly introduced county bill (CB 41-2005) and the extent to which it addressed the issues raised by the PSAC. Mr. Putens said it was his impression that the previously introduced bill (CB 96-2004) had addressed most of the City's concerns. Mayor Davis suggested that CB 41-2005 should be placed on the next Council agenda for support if Council did not express support for prior version.

Ms. Pope made the point that this topic was not initiated by the PSAC but had been referred to the committee by Council. She said there was no assurance that the bill would be passed this year either and that the PSAC was concerned with what happened in Greenbelt.

Mayor Davis said there would be differences of opinions on some of the PSAC's recommendations because private owners such as Greenbriar want aggressive towing enforcement, and the towing companies are responsible to them.

Mr. Putens said it would be best to see if the county adopted this bill and then evaluate whether the City would need to do a complementary ordinance.

There was discussion of how the City might put controls on some of the behavior of the towing companies. The primary possibility that emerged was to require a City permit to operate in the City. Mr. McLaughlin said this would be similar to the permitting of burglar alarm companies that might or might not be located in the City but do work in the City. He said that generally speaking, it was much easier for the City to follow behind the state or the county rather than to have to set up an entirely new structure for providing enforcement or conflict resolution regarding new laws. Mr. McLaughlin further pointed out that the four County Councilmembers co-sponsoring the bill do not include Mr. Peters, and that if he will support it, it will pass.

Mr. Hickey said that by licensing and permitting, the City can control what happens on private property. He said the fees that would be generated would pay for an attorney to act in an ombudsperson role. Mr. McLaughlin said it needed to be kept in mind that the problems were being created essentially by one towing company working in Springhill Lake, University Square, and Greenbriar and that one company alone will not generate enough fees to pay the overhead.

Mr. Hill then spoke to describe a problem he had in being towed by the City early on Tuesday morning of this week. He maintained that there had been no signs posted when he came home from work and parked on Monday afternoon. He asked how far in advance the no parking signs should be posted to allow a window of time to move cars. Mr. McLaughlin said his information from the police department was that the street had been clearly marked since June 16 for no parking beginning Tuesday because of road resurfacing on Springhill Drive. He asked Mr. Hill to put his complaint in writing and said he would take it under consideration. Mr. Putens said he had received phone calls from other people saying there were no signs.

Council then reviewed the recommendations of the PSAC report in order.

#1 – Posting signs giving towing company contact information. Mayor Davis suggested posting this information inside buildings, where it would be available to residents but would not require incurring the expense of changing parking lot signs every time the towing company changed.

#2 – Having the City provide information to the public regarding their rights. Ms. Pope noted the City Solicitor's objection to having the City provide any legal advice. She said that was not what the committee meant; rather, they had in mind providing information directly from whatever ordinance applied. Council agreed that this would be workable and could include information on the Web site, as well as written information that could be distributed to residents.

#3 – Requiring towing companies to adopt the standards practiced by City code enforcement (e.g., giving warnings). It was agreed this would not be practicable because it would not be appropriate for the City to tell private owners what their rules should be; furthermore, the City could not have a law that is less stringent than the county's.

#4 – This point was moot since it is already required that the towing companies take photos.

#5 – Prohibiting reimbursement to the property owner by the towing company ("kickbacks"). The City Solicitor had commented that he was not aware of such practices in Greenbelt but that it would not be appropriate for the City to try to legislate the arrangement between the property owner and the towing company.

#6 – Regulating salvaging practices. It was agreed that the county bill does not deal with this problem and that this should be brought to Mr. Peters' attention. Capt. Craddock suggested that the towing companies should also be required to notify the local jurisdiction before salvage.

#7 – Controlling excessive fees. It was agreed this topic was addressed by the county bill.

#8 – Reduction of fees when cars were legal but documentation was missing. Mayor Davis said she thought this would be difficult to administer and that she was concerned it would produce a rash of people claiming that their stickers had fallen on the floor and such. Mr. Putens said sometimes in situations like this there would be a compromise of a reduced fine if it could be proved the documentation had existed but was not visible or available at the time.

#s 9 and 10 – Right to have vehicle “unhooked”; allowing payment by methods other than cash. These items are addressed by the proposed county bill.

#11- Delay in report of the towing to the Police Department. It was agreed that the suggestion to provide a written receipt to the Police Department upon towing a vehicle was not practicable, since not only does the Police Department not want the paperwork, but if the towing operator cannot make a phone/radio call promptly, there is little likelihood of prompt delivery of a paper receipt. Mr. Putens suggested Mr. Peters be asked to add to the county bill a fine for not reporting promptly by phone. Capt. Craddock said these reports are generally made to the county police, not the local police, because the towing operators often do not know the boundaries of the local jurisdiction. He said he thought it should be required that notification be made to the local jurisdiction prior to salvaging but that notification at the time of towing was trickier.

Community Emergency Response Team (CERT) Program: The committee also asked to report to Council on the status of their consideration of initiating a CERT program. Mr. Holland said the committee was in favor of doing so and wanted direction from Council on proceeding. They suggested a September 13 start-up meeting date for interested citizens, since that would allow for the committee to undertake publicity at both National Night Out on August 2 and at the Labor Day Festival. Mr. Holland said there were still some issues to be addressed regarding liability and insurance but that the county was to hold a conference in early September to address these and some other issues.

It was agreed that no formal Council action was required, since this is a citizen-driven project. When the time comes that City support is needed, action can be taken. Ms. Pope said she wanted to make it clear that the PSAC could take on the role of gearing this program up but that it could not do the upkeep, record-keeping, and ongoing training that would be required to keep it going.

Mr. Herling suggested that this might be a good project for GATE and that cablecasting would also provide a method of publicizing the program.

Other Business

Mayor Davis reported on a phone call she received from Mr. Peters about the RPC zoning issue, the text amendment on transportation facilities, the Springhill Lake conceptual site plan, and the strategy for continuing to proceed with legislation for local planning and zoning authority.

Mr. McLaughlin announced that Mr. Peters had been successful in getting the \$4,250 match for the volunteer coordinator requested from the county through an application from the Community Resource Advocate.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Kathleen Gallagher
City Clerk