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**REGULAR MEETING OF THE GREENBELT CITY COUNCIL held June 6, 2005.**

Mayor Davis called the meeting to order at 8:03 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Rodney M. Roberts, Edward V.J. Putens, and Mayor Judith F. Davis. Councilmember Leta M. Mach was out of town.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert A. Manzi, City Solicitor; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of resident Margaret Feeney and former resident Rubye V. Mikesell. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Herling and seconded by Mr. Putens that the consent agenda be approved as presented. The motion passed 4-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

Work Session, March 23, 2005  
Approved as presented.

COMMITTEE REPORTS

Forest Preserve Task Force, Communication (Trash in Preserve Area): Council accepted this communication from the task force.

APPROVAL OF AGENDA: It was moved by Mr. Putens and seconded by Mr. Herling that the order of business be changed to consider items #15 (Approval of Metroland Covenants) and #16 (R-P-C Zoning Regulations) prior to legislation. The motion carried 4-0. Mr. Putens then made a motion that Council approve the agenda. This motion was also seconded by Mr. Herling and passed 4-0.

PRESENTATIONS

If I Were Mayor Contest Finalist: DeAndré Andrews, a fourth-grader at Springhill Lake who was one of five finalists in the Maryland Municipal League's "If I Were Mayor" contest, attended the first part of the meeting with his family. He read his winning essay and was congratulated by Council.

Recognition of Gil and Muriel Weidenfeld: Gil Weidenfeld was a member of the City Council from 1971 until 1993, serving as Mayor during eight of his eleven terms, and as

Mayor Pro Tem for another two terms. Subsequent to his retirement from the Council, he continued to serve the City as a member of the Employee Relations Board from 1996 until this year. In addition to her other community activities, Muriel Weidenfeld assisted the City as a judge in municipal elections since 1997. Council recognized Gil and Muriel Weidenfeld, shared their own appreciations of Mr. Weidenfeld's impact as Mayor, and wished them well in their new home in Annapolis. Mr. Weidenfeld also brought to the City the sculptor's model for the statue of the deer on Hanover Parkway.

Introduction of MML Intern: Mr. McLaughlin introduced Brent Elrod, who will be working in the City Manager's office for the summer as a Maryland Municipal League (MML) Intern. This new program is a partnership between the MML and the University of Maryland School of Public Policy. Two interns were appointed for this summer, the other being assigned to Rockville. Council welcomed Mr. Elrod.

National Small Cities and Towns Day – Proclamation: Mayor Davis read a proclamation declaring June 18 to be National Small Cities and Towns Day. She presented it to Councilmember Putens, who serves as first vice-chair of the Small Cities Council Steering Committee of the National League of Cities. He will convey the proclamation to the group's meeting later this month.

PETITIONS AND REQUESTS: None.

MINUTES OF COUNCIL MEETINGS: Mr. Roberts moved that the minutes of the executive session of the City Council held Monday, April 11, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 10 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a) (8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff and legal counsel about pending or potential litigation with regard to the Greenbelt Station development. Mr. Putens seconded the motion.

ROLL CALL:  
Mr. Herling - yes  
Mr. Putens - yes  
Mr. Roberts - yes  
Mayor Davis - yes

ADMINISTRATIVE REPORTS:

Mr. McLaughlin reported that the turnout was good at the U.S. Police Canine Association Patrol Dog I certification trials, held at Schrom Park on June 3-4. Capt. Thomas Kemp also described the event and said Greenbelt was pleased to have placed second in the competition.

Mr. McLaughlin said Council had previously asked for an update on the City Solicitor's review of the panhandling situation. He said the Annapolis ordinance has recently been challenged in court, with the result that Greenbelt will wait to see what the result is before proceeding further.

Mayor Davis attended the bill signings for the planning and zoning ordinance and the midnight closing of liquor stores, which were passed in this legislative session. She said attendance was a little higher than usual at the American Legion's Memorial Day ceremony at Roosevelt Center. She attended the high school's graduation, as well as that of the Strengthening Families program at Springhill Lake. She commented on the elimination of funding for the latter program by the county for next year. She listed the activities of Greenbelt Day Weekend and announced a public work shop on the Springhill Lake plans to be held in the Community Center from 6:30-8:30 p.m. on June 15.

APPROVAL OF METROLAND COVENANTS: The Mayor read the agenda comments. Norman Rivera and Sandi Gallagher were present on behalf of the developers. Mr. Manzi said Council was being asked to approve the covenants for the North and South Cores. He said there was a pending question regarding who should sign these but that this issue could be worked out by the attorneys later. It was moved by Mr. Putens and seconded by Mr. Herling that Council approve the property covenants for the Greenbelt Station development, contained in two documents, referenced as North Core and South Core covenants; Council further directed the City Solicitor to record the covenant for the South Core immediately after signature and to record the covenants for the North Core upon purchase and property transfer to the Greenbelt Station representatives. The motion carried. 4-0.

R-P-C ZONING REGULATIONS: Mayor Davis read the agenda comments. There followed more than two hours of discussion on this topic. At the Mayor's request, Celia W. Craze, Director, Planning and Community Development, enumerated the changes staff was suggesting be made to County Councilmember Peters' proposed bill to exclude Greenbelt Homes, Inc. (GHI) from the recently discovered county requirement to file a Detailed Site Plan (DSP) and meet related requirements in order to get a county permit to add an addition to a building that is greater than 25% of the total square footage of the house. Ms. Craze said the staff's proposal would remove the DSP requirement from any single family house, attached or detached, in the R-P-C zone, which would also include Woodland Hills, Lakewood, and Lakeside. She stressed that there is no issue of repealing the R-P-C or the requirement for permitting, and there is still a review process; it removes only the DSP requirement. She said City property would also be excluded under the City's revision of the bill.

The Mayor asked Ms. Craze to explain what was meant by the "original plan" of Greenbelt that the City sought to protect with the R-P-C zone. Ms. Craze she understood it to refer to such components of the City as the superblocks, the internal green spaces, the pedestrian underpasses, and central pathway system—those things that physically define Greenbelt. She said the R-P-C locked in the densities of the superblocks, which prevents Greenbelt from being redeveloped in another context: e.g., by tearing down a row of houses and replacing it with something else or by building in the green spaces. She said the size of the units was not part of the plan and that the plan was never intended to be a design tool.

Mr. Roberts said he had a problem with eliminating the DSP requirement altogether. He suggested changing the 25% limit to 100%, since that is the current outside limit prescribed by the GHI handbook. He said having a limit of 100% would rarely impact a GHI member but would keep larger, non-GHI houses from expanding by large amounts.

He said he thought the City needed an additional layer of review and that this would be more equitable. He later added that since GHI's 100% limit was discretionary, building the 100% into the law would also compel GHI to hold to that level.

Ms. Craze said she had no comment on the percentage issue but that the main problem was that it was essentially impossible to do a DSP review on a GHI superblock. She said there are criteria other than floor area that can and are used to limit the other single family houses in the R-P-C: e.g., setbacks. Mr. Roberts responded that he thought the size of the houses had to be considered to be part of the original City plan because it was built to a scale. Ms. Craze replied that she was really only addressing the process.

Mr. Putens asked what the 100% limitation in the GHI handbook referred to, in event of multiple extensions. It was clarified that it would be 100% of the original structure.

Mayor Davis said a concern of hers was that, unlike other parts of town, there is no basis for any other level of review outside of GHI, since there are no variances to be applied for. She said in the event of a change of thinking on the part of the GHI Board, a house conceivably could be built out to cover the whole lot. Ms. Craze allowed that conceivably that could happen but that there would be other limitations. For example, anything that would encroach on a path or common space would not be allowed because it would affect the City plan. She said the City is limited in what it can review for permits for GHI because there are no lot lines and no setbacks.

The Mayor asked if the other subdivisions in the R-P-C have criteria and an approval process for modifications, similar to GHI's. Ms. Craze said she did not know. The Mayor asked what the City looks at when it reviews for a building permit. Ms. Craze said the City looks at whether it conforms to the county zoning ordinance and any other applicable criteria, depending on the property. The Mayor asked if the Planning Department's records for departures were computerized. Ms. Craze said they have records, but they are not computerized.

The Mayor asked the City Manager what the time frame was on the issue. Mr. McLaughlin said Mr. Peters' bill was scheduled for review on June 15 but that it was not on a calendar for action yet. He said the City Council could bring it back to the June 20 meeting, although Mr. Peters had indicated it would be helpful to have an indication of where Council was heading on it by June 15. The Mayor asked if there was a way to get a waiver on the currently pending applications for county permits; Ms. Craze said there was not, since the county staff have no authority to waive it. Mayor Davis said she was inclined to put it off until the June 20 meeting, since it was a complex issue, and this way Councilmember Mach would have the opportunity to weigh in.

The Mayor asked if any members of the GHI board wished to speak. Julia Eichhorst, president of the board, 3P Research Road, thanked City staff for their assistance in sorting this issue out. She said GHI does have a review process for additions and that requests for exceptions go to the Architecture and Environment Committee and then to the board. She noted that the board did vote last week to seek the City's help to have the law modified. She said if a GHI board were to consider increasing the 100% limitation, such a change would not be made without member involvement. She added that there are other controlling factors, as well, for example, the cutting down of trees.

Mayor Davis asked Ms. Eichhorst if GHI looks only at the house in question or takes into account how many additions there already are on a row. She suggested that if everyone in GHI put on an addition, there would be major impact on storm-water runoff, green space, and other considerations. Ms. Eichhorst said those things are considered by GHI and can be controlled locally. Mr. Putens asked her how many permit applications were being held up because of this problem, and she said there were about seven in the pipeline. Mayor Davis asked if Council could have a copy of the criteria used by GHI in permitting additions. Ms. Eichhorst said that could be provided.

Noting that so many people had cited the need for additions to stay in GHI with families, Mr. Herling asked what the current demographics for new members were. Ms. Eichhorst said about 80% of new members last year were single. Mr. Herling said he recognized that lack of diversity was a problem, but he would also be concerned if 100% of the houses in his court had additions because of the change in the "aesthetics and visuals."

Mr. Roberts said he had no problem with additions and understood the need for them. He said his concern was with being sure pieces of the community could not be torn down and rebuilt. Ms. Eichhorst remarked that given how actively the City had been seeking planning and zoning authority, it would appear to be somewhat reactionary to go backward and attempt to get the county to keep zoning authority it did not even want.

Dorothy Lauber, secretary of the GHI board, 9M Ridge Road, said she wanted families today to feel the same way about GHI that she and her family did years ago. She said it is a fact of life that people today have more things and need more space, and that needs to be accommodated.

Sylvia Lewis, treasurer of the GHI board, 2C Gardenway, said she would echo Ms. Lauber's and Ms. Eichhorst's remarks. She said the DSP requirement was a "tremendous hindrance" to allowing a house to grow with a family. Mr. Roberts asked Ms. Lewis if she thought raising the level of what could be exempted from 25% to 100%, as he had suggested, would allow for that. Ms. Lewis said she did not like any approach based on an across-the-board percentage because it allowed no flexibility for the particular siting or circumstances of the house. She said, for example, that a 100% addition on her own house would be "awful" but that additions of 100% or more on some GHI houses were fine. She said changing it to 100% would be better than enforcing it as it stands, but she did not see that as the best way to approach it.

Gail Alexanderwicz, GHI board member, 3N Research Road, agreed that stating a percentage was not the way to go. She said GHI establishes the percentage but has the flexibility to work with individual situations. Mr. Roberts said he suggested the 100% because some people are concerned with having no limits whatsoever.

Joyce Abell, vice-president of the board, 1B Research Road, said she would like to add that for people who are elderly or disabled, the capability to add first-floor additions is essential.

The Mayor opened the discussion to those in audience. Brad Fishburne, 31A Ridge Road, said he wanted to point out that those people "in the queue" were losing money.

He said it should be understood that the existing county requirement would not serve to stop him from doing this addition, just make it much more expensive. He asked Council to act quickly on this. He said the DSP review was not relevant to GHI property, since it involved looking at an addition to one house on a 17-acre site plan. He described it as "a waste of time." He said he would like to know if there is some written record explaining the intention of the historic plan or whether Ms. Craze was just giving her interpretation. Mr. Roberts asked him if he thought changing the requirement to 100% would help. Mr. Fishburne said it would not, because a DSP review for GHI is meaningless at any level.

Diana McFadden, 71E Ridge, said she was so far along that she had already put things into storage when her permit process was frozen. She described the impact this problem was having on her life and asked if there were some way to consider applications already filed before this discovery was made. Mayor Davis said there was not.

Matt Elliott, 7554 Mandan Road, president of the Greenbelt Astronomy Club, explained that this problem was holding up the long-awaited permit for the observatory. He urged Council to take action to approve the City's revision to the bill to include City projects.

Don Chomas, 1 Forestway, agreed that a percentage was not the best way to approach the situation. He said he bought his house as a single person, now had a growing family, and wanted to stay. He said the DSP requirement would not stop anyone from doing anything; it would simply make it more expensive and time-consuming.

Ray Stevens, 46A Ridge Road, commented that there are many restrictions at GHI that limit additions, including not blocking swales and drainage systems. He encouraged Council to keep the focus on GHI, as addressed by Councilmember Peters' bill, and not let the effort to incorporate other parts of the R-P-C zone slow the process down.

Susan Ready, 30C Ridge Road, said she liked Mr. Roberts' suggestion to raise the exemption limit to 100%, since that would serve to place a control on GHI, since there are no guarantees that a future board will follow the practice of the current board. She said a DSP requirement may not stop people from doing large additions, but it will deter them.

Barbara Stevens, 46A Ridge Road, said to support Mr. Peters' bill if it could be moved quickly and make further changes or exclude other properties later.

Mark Commins, 2E Southway, identified himself as another person in the pipeline. He said he thought it was important to recognize that since the existing law had never been enforced, what was being discussed now was not making a change but rather taking an action to maintain the status quo.

Kathy Saunders, 44S Ridge Road, also in the permitting pipeline, said her household represents another group that needs the ability to add on to its houses because they are becoming multigenerational households.

Sean O'Neil, 44R Ridge Road, also agreed with the previous speakers, adding that a 25% addition on a small house is not adequate to meet the needs of a handicapped person.

David Morse, 46D Ridge Road, also agreed, urging that the law be changed to match the status quo. He said it would be impossible to pass a law like this today, so it made no sense to attempt to defend it. He said he thought it was inappropriate to suggest taking a percentage set by GHI for internal use, which would then become a county benchmark.

Monica Mische, 2E Southway, said Greenbelt and GHI should be encouraging, not discouraging families. She said their house looked big to them until they had their children. She urged Council to act quickly on this matter.

David Whaples, 9 Forestway, asked that Council and staff please add Parkbelt Homes to the list of subdivisions in the R-P-C area. He said there are only 10 houses, and they are part of the R-P-C but not part of GHI or Woodland Hills. He said it was his belief that Park and Planning was aware of the law but chose not to enforce it. He said he thought the City was aware of it, too. He said requiring a DSP requirement would accomplish nothing and not address any of the concerns people were discussing tonight. He added that he needed to add 125% to his house in order to add a second floor, since he needed to build out to support it and also allow for a staircase.

Erv Beckert, 7G Crescent, and Ben Clarke, 8 Forestway, also agreed and encouraged Council to move forward quickly.

Mayor Davis said this topic would be back on the agenda of the June 20 Council meeting.

## LEGISLATION

Adoption of the Budget: Mayor Davis read the agenda comments. For the initial votes, Councilmember Putens was out of the room. Council first reviewed the changes to General Fund Revenues.

Mr. Roberts moved the following changes to Taxes, Revenue from Other Agencies, Fines and Forfeitures, and Total General Fund Revenues. Mr. Herling seconded; motion passed 3-0.

An Ordinance to Adopt the General Fund, Building Capital Reserve Fund, Cemetery Fund, Debt Service Fund, Replacement Fund, Special Projects Fund, Temporary Disability Reserve Fund, Unemployment Compensation Reserve Fund, Green Ridge House Fund, Capital Projects Fund, 2001 Bond Fund, and Community Development Block Grant Fund Budgets for the City of Greenbelt, Maryland, to Appropriate Funds and Establish Real Estate and Personal Property Tax Rates for the Fiscal Year 2006 Beginning July 1, 2005 and Including June 30, 2006

Mayor Davis read the agenda comments. Mr. Roberts introduced the ordinance for first reading and moved suspension of the rules in order to allow second reading and passage of the ordinance tonight. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes  
Mr. Putens - yes  
Mr. Roberts - yes  
Mayor Davis - yes

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

ROLL CALL:

Mr. Herling - yes  
Mr. Putens - yes  
Mr. Roberts - yes  
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1252, Book 12.)

On behalf of Council, Mayor Davis thanked the City Manager, City Treasurer, and all the staff who worked on the budget for their work, as well as the citizens who came out to participate in the budget work sessions and public hearings. She said this had been a hard year in terms of the budget. Mr. McLaughlin thanked Council for all their close attention to the budget process.

An Ordinance to Amend Chapter 11, "Motor Vehicles and Traffic," of the Greenbelt City Code for the Purpose of Increasing the Fine for Various Violations of This Chapter, Effective July 1, 2005

Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for first reading.

A Resolution to Repeal Resolution Number 973 and Establish Service Charges for Garbage, Trash, and Recycling Collections in the City of Greenbelt, Maryland, Effective July 1, 2005

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for first reading.

ELECTION ISSUES: Mayor Davis read the agenda comments. It was moved by Mr. Roberts and seconded by Mr. Putens that council direct staff to proceed with the steps to implement expanded absentee voting, which would allow any City qualified voter to choose to vote absentee without providing any reason. The first step in this process is to provide a charter amendment resolution for introduction at the next meeting. The motion passed 4-0.

It was then moved by Mr. Putens and seconded by Mr. Roberts that staff be directed to determine if there are other viable locations on City property to put up candidate signs in addition to the nine locations currently being used. The motion passed 4-0.

It was then moved by Mr. Putens and seconded by Mr. Herling to direct staff to designate distances of 100' and 150' from the doors nearest the polling locations for Council's inspection. The motion passed 4-0.

SELECTION OF AUDIT SERVICES FOR FY 2005: The Mayor read the agenda comments. In response to a question from Mayor Davis, Mr. McLaughlin clarified that whichever firm is chosen to audit the City also audits Green Ridge House. Following brief discussion, it was moved by Mr. Herling and seconded by Mayor Davis that the City contract with Clifton Gunderson to undertake the City's FY 2005 audit. The motion carried 4-0.

MEETINGS: Council reviewed the schedule of upcoming meetings.

ADJOURNMENT: A motion to adjourn the meeting was then made by Mr. Herling and seconded by Mr. Roberts. The motion carried 4-0. The Mayor adjourned the regular meeting of June 6, 2005, at 12:30 a.m. on June 7, 2005.

Respectfully submitted,  
Kathleen Gallagher  
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 June 6, 2005.

Judith F. Davis  
Mayor