



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held October 11, 2004.

Mayor Davis called the meeting to order at 8:00 p.m.

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

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 residents David W. Falter, Doris Lee Hurst, and Isadore P. ("Izzy") Parker. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mr. Herling moved that the consent agenda be approved as presented. Mr. Putens seconded the motion, which passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, September 22, 2004
- Interview, September 27, 2004
- Work Session, September 29, 2004

Approved as presented.

COMMITTEE REPORTS

Park & Recreation Advisory Board, Report #04-6 (Lighting at McDonald Field): Council received this report, referred it to staff for review, including further evaluation of costs, and directed that it return on a meeting agenda within the next couple of months.

Park & Recreation Advisory Board, 10/4/2004 Communication (Playground Agreement): Council accepted this communication from the board and will consider it when the playground agreement returns to a Council agenda later this month or next month.

Recycling & Environment Advisory Committee, Report #04-01 (Invasive Species): Council received this report and agreed to consider it when this topic is placed on a future agenda.

Recycling & Environment Advisory Committee, Report #04-02 (Request for Pesticide Task Force): Council accepted this report and referred it to staff for further review.

AWARD OF BID – DUMP BODY AND SNOW REMOVAL EQUIPMENT: Council approved award of the bid for purchase of this equipment to Wilbar Truck Equipment of Springfield, Virginia, at a cost of \$18,957.

PROCEDURES FOR APPROVALS OF JOB DESCRIPTIONS: Council agreed that practice should be that, except in instances of major organizational change, the City Manager need not bring revised job descriptions to the City Council for approval.

AGREEMENT FOR MARYLAND HISTORICAL TRUST GRANT: Council approved signing the agreement from the Trust for a grant for the bas-reliefs and Mother and Child statue cleaning and restoration project. The agreement includes a commitment to update the easement the Trust holds on the Community Center to reflect the work to be undertaken under this grant and to assign an additional easement to cover the Mother and Child statue and a small area around the statue.

LETTER REGARDING M-NCPPC FY 2006 BUDGET: Council approved sending a letter to the Maryland-National Capital Park and Planning Commission requesting an increase in funding for the City in next year's budget.

LETTER REGARDING PRINCE GEORGE'S COUNTY PUBLIC SAFETY MASTER PLAN: Council approved sending a letter to the Maryland-National Capital Park and Planning Commission urging that the Public Safety Master Plan process be expanded to include and consider municipal police agencies.

FOUR-CITIES LETTER REGARDING UNIVERSITY OF MARYLAND CONNECTOR ROAD: Council approved sending a letter from the Four Cities, at the request of the City of College Park, to Governor Ehrlich opposing a roadway (called the UM Connector) to connect I-95 to the College Park campus.

APPROVAL OF AGENDA: Mr. McLaughlin asked that item #17 on the Greenbelt Theatre be revised to exclude the contract for Phase II of the renovation. It was moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved with that amendment. The motion carried 5-0.

PRESENTATIONS

White Cane Safety Day – Proclamation: Mayor Davis read a proclamation declaring October 15 to be White Cane Safety Day in Greenbelt. Kenneth Silberman and Deena Lambert received the proclamation on behalf of the Southern Maryland Chapter of the National Federation of the Blind. Mr. Silberman spoke briefly about several cooperative efforts the Federation is undertaking with the state, and he thanked the City for working with blind residents to improve access. Ms. Gallagher also thanked Mr. Silberman for his assistance prior to last year's municipal election in reviewing Braille materials for the voting machine used by the City.

Peace Month – Proclamation: Mayor Davis read the Community Pledge and a proclamation declaring October to be Peace Month in Greenbelt. Mr. Moran received the proclamation on behalf of the City.

ACE READING CLUB – 2003-2004 SCHOOL-YEAR REPORT: Liz Murray, ACE Reading Club Coordinator, said the Reading Club was very successful last year, with increases in participation of both students and teachers, as well as the introduction of new activities such as the monthly newsletter and calendar in the schools. She said they are working on developing a pen-pal program. Ms. Murray added that it had been decided that she should spend less time seeking grant funding and focus instead on programs available to government agencies, where a proposal would have a high likelihood of success. Mayor Davis said some City groups had set up separate, non-profit “Friends” organizations that could apply for grants and accept tax-deductible donations. Mr. McLaughlin said the City was also exploring setting up a foundation but that this was a long-term project. Ms. Mach spoke of the important benefits of this program to students and the added value it gives to the local schools. Mayor Davis also expressed appreciation to the teachers who have assisted the program administratively in the schools, since for them it is an extra thing to do. Council thanked Ms. Murray for her report and for her work on the program.

PUBLIC HEARING – FUNDING FOR LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDING: Capt. Daniel O’Neil presented the proposal to Council. He noted that funding for this grant program continues to dwindle. He spoke about the department’s need to purchase a mobile classroom for the firearms range to replace the existing one. He said although the advisory board’s recommendation was unanimous, one member had raised questions about whether this project was eligible for funding under this program, as well as concerns about the reprogramming of approved grant funds from last year. Capt. O’Neil said he had talked with the program officer to determine the project is eligible; with regard to the proposed reprogramming, he said the department had realized it had too many informational technology projects open for staff to accomplish effectively. Mayor Davis then opened the hearing for public comment. Since no one wished to speak, the Mayor closed the public hearing, noting this item would come up for action later on the agenda.

PETITIONS AND REQUESTS: There were none.

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced the fall Lake Park clean-up would occur this Saturday, and the quarterly electronics recycling would be held on October 23. He said Fall Fest at Schrom Hills Park last weekend was very well-attended.

Mr. Herling asked if there was any update on the rental scam at Springhill Lake. Mr. McLaughlin said there was not but that the City has continued to keep in touch with management and has worked with the one family that sought assistance from the City, which has been given extra time to qualify in its own right at Springhill Lake. He said he had been informed that about half the families affected had already made other arrangements.

Mr. Putens asked the status of the report that had been requested on the red light cameras. Mr. McLaughlin said it would be ready for Council soon

Mayor Davis thanked Recreation and Public Works for their efforts with the Fall Fest and also with the Pink Ribbon Ride, which raised more than \$13,000. She reported on attending the Gang Summit held by the Council of Governments and on participating with Ms. Mach and Chief Craze in the International Walk to School Day at Springhill Lake. She did attend the public hearing on reduction in TheBus service and presented the City's letter of protest, but she said the message seemed to be that the decision had already been made. She said Council and staff attended the Prince George's County Municipal Association's reception for the County Council, and she thanked Ms. Gallagher for her work in coordinating the City Council's appreciation dinner for members of its advisory groups, which was held last weekend.

LEGISLATION

A Resolution for Negotiated Purchase for the Design and Construction of the Greenbelt Skateboard Park by California Landscape and Design, Inc.

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

Resolution for Negotiated Purchase for Civil Design Services for the Greenbelt Skateboard Park by Bradley Site Design, Inc., of Greenbelt, Maryland

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

ALLOCATION OF FUNDING FOR LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDING:
Mayor Davis read the agenda comments. In response to a question from Mr. Putens, Mr. McLaughlin said that although no cameras are currently installed in police vehicles, this project does remain a priority of Chief Craze, and the City wants to do it eventually. In response to a question from the Mayor about the installation of laptop computer in cruisers, Capt. O'Neil said the situation is much improved but still not where it needs to be. Mr. Roberts raised a concern regarding noise from the firing range at the trailer site; Capt. O'Neil said the department would look into it. Ms. Mach said she supported the recommendation but would like to see the cameras placed in the vehicles when possible. She said if the grant program continued, it appeared that funding personnel costs to undertake the installation would be an allowable expense. Capt. O'Neil thanked her for that suggestion, which he said the department had not previously considered. Mr. Putens made a motion that Council approve the use of the total of \$37,240 in new and reprogrammed LLEBG funds for a mobile classroom for the firearms range to replace the existing one. Ms. Mach seconded the motion, which passed 5-0.

PROPOSED REDEVELOPMENT OF FORMER NURSING HOME SITE

Agreement and Covenants with Baier Properties, Inc.

Mayor Davis read the agenda comments. Ms. Hruby drew Council's attention to an addition to the covenants on page three suggested by the City Solicitor. Mr. Roberts said he would not support the project as defined because he would prefer to see senior housing on this site, perhaps with an assisted-living component. In addition, he said he did not support making a countywide change in lot coverage requirements. Mayor Davis responded that the property had been vacant for at least three years, the existing building is not usable, and no one has come forward with an interest in doing dedicated senior housing there.

Mr. Herling said he would support the project despite his concerns about the long-term need for assisted-living units in the City, as had been commented on by Planning and Community Development staff as part of the review of the Census data. Ms. Mach agreed, but she said she thought it would at least be the case that many seniors would self-select this development.

Mr. Putens said he was still concerned with the noise attenuation issues, both internal and from the road. Thomas Haller, representing the developer, said they cannot specify materials this far in advance but will analyze the causes of sound to determine the level of sound-proofing and materials needed. He said the plan will be brought to Council. Mr. Putens said that just meeting county standards was not in itself good enough.

Mayor Davis expressed her support, saying she thought this project would be a good use of the property.

It was moved by Mr. Putens and seconded by Ms. Mach that Council approve the agreement regarding the execution of the covenants, as amended by the City Solicitor, as well as the covenants themselves. The motion passed 4-1 (Roberts).

Legislation to Amend Zoning Ordinance for R-18

Mayor Davis read the agenda comments. Ms. Mach said she was glad to see the language in the legislation now broadened it to include both cooperatives and condominiums and that she hoped the market study would eventually encourage them to consider making this project a cooperative.

Mr. Roberts said he would vote against approving the legislation, since the project is neither a senior nor assisted-living project; he said further that Council's support for this legislation would make the City look bad, given its historical opposition to zoning by text amendment.

Mayor Davis responded that this legislation is not site-specific but countywide. She said it is site-specific text amendments that the City has opposed. She said if other jurisdictions or individuals are not in favor of the proposed changes, they can make their opposition known to the County Council. Mr. Putens expressed his agreement.

Mr. Herling also expressed his support but said he shared Ms. Mach's hope that the project would be a cooperative and that amenities to attract senior residents continue to be explored.

It was moved by Ms. Mach and seconded by Mr. Putens that Council support the proposed text amendment legislation. The motion passed 4-1 (Roberts).

Barry Schlesinger, 155 Westway, commented that the law permits all zoning text amendments to be brought to referendum, with no distinction between those that are site-specific and those that are not, because they are all considered to be equally serious matters. He said a text amendment that is countywide is still not a good thing because it affects public policy countywide without allowing for discussion of whether the policy is good public policy for the county or not.

REQUEST FOR SIDEWALK – CRESCENT FROM HILLSIDE TO GARDENWAY: Mayor Davis read the agenda comments. Caryn Millford, 4-C Parkway, thanked Council and the City Manager for being responsive to her request. She said residents were concerned with the lack of sidewalks on the curve at Crescent and Parkway, since many of them have no choice but to park there if they come home late at night. She said from that location, the underpasses are out of the way and no easier to reach than the apartment buildings.

After noting that the woods between Parkway and Crescent do not belong to the City, the Mayor asked Mr. McLaughlin what would be feasible if the City chose to do it. He described the length over which sidewalks might be placed, but he said there would have to be a break at the underpasses, since there is no room for sidewalks there. In response to a question from Mr. Putens, he added that the only plan he had heard of that would enlarge parking capacity at the apartments was to one-way Parkway and re-stripe for angled parking spaces. Mr. Putens said although he thought there should be adequate sidewalk access for citizens, he was also concerned that private apartment complexes should provide adequate parking for their residents.

Mr. Roberts observed that paths through the woods would probably be more useful than a sidewalk along Crescent but that they would have to be placed on private property.

Alan Turnbull, 45-H Ridge Road, concurred with Mr. Putens that the City should not be subsidizing parking for private apartments, although the City does have an interest in the public safety of the individuals concerned. He said sidewalks were not part of the original plan for the center of town, but the current level of parking was never envisioned either. He suggested changing the parking on Crescent curve to the outer lane from the inner lane, which he thought would greatly improve the visibility and safety on the curve for drivers as well as pedestrians.

Mayor Davis commented that she thought GHI residents use that area to park as well as residents of the apartments. She said it creates a dilemma when safety issues collide with the original City plan, and a balance must be established. In addition to safety on Crescent Road, she said she knows some seniors, at least, are unwilling to use the underpasses because of safety concerns.

Mr. Herling encouraged revisiting the possibilities for angled parking.

Mayor Davis asked if there was consensus on looking further into the question and directing staff to come up with some proposals. Mr. Putens responded that he thought

there should first be a meeting with the apartment owners. Mr. McLaughlin said that would require some advance staff work to assess the possibilities and evaluate what, by today's standards, the apartment residents should be provided. There was general agreement to direct staff to proceed with doing that.

COMMUNITY LEGACY GRANT REPORT – 1ST FLOOR BATHROOMS: The Mayor read the agenda comments. Kristen Ward, Community Planner, reviewed the report on the grant that had been provided in Council's packet. Though modest in size, this joint program with Greenbelt Homes, Inc., was judged to be very successful. Regarding the problems initially encountered with receiving the money, Ms. Mach commented that she would like to see the policy changed on awarding money to cooperatives through this program and that she thought the City should take every opportunity to educate people about these issues.

GREENBELT METROPARK: Mayor Davis read the agenda comments. She added that essentially the owners are being given six months by the county to work without permits. Mr. McLaughlin said the county had invited the City's inspectors to come on site and look at the sedimentation pollution controls. Jim Sterling, Assistant Director, Community Development, said their fencing was appropriate but that a project of this size needed other controls, such as sedimentation traps. Mr. Schlesinger commented that one purpose of the permitting that is being circumvented is to allow due process. Zelda Bell, Berwyn Heights, representing the Citizens to Conserve and Restore Indian Creek (CCRIC), said the owners seemed to be picking and choosing among the rules to suit their purposes. Mr. Roberts asked her if CCRIC would consider taking legal action to enforce the stop-work order. Mr. Manzi added that other jurisdictions and groups would have a better case for standing, since Greenbelt would have to prove damage to the City. He also mentioned that the county has the authority to issue temporary permits, and he speculated that it is possible that the six-month period might be interpreted as a temporary permit. Mayor Davis suggested to Ms. Bell that she raise the issue with the Berwyn Heights Council. There was discussion of a draft follow-up letter to be sent to the County Executive. One revision was suggested by Mr. Putens, who then moved approval of the amended letter. Mr. Herling seconded the motion, which passed 5-0.

MEETINGS: Council reviewed the schedule of upcoming meetings. The work session on the proposal to classify non-classified employees was rescheduled to November 15. It was agreed to hold an Executive Session on October 27 regarding Greenbelt Station and the Metroland litigation.

ADJOURNMENT: A motion to adjourn was made by Ms. Mach and seconded by Mr. Herling. The motion carried 5-0. The Mayor adjourned the regular meeting of October 11, 2004, at 11:12 p.m.

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 October 11, 2004.

Judith F. Davis

Mayor