



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held February 24, 2003.

Mayor Pro Tem Roberts called the meeting to order at 8:05 p.m.

ROLL CALL was answered by Councilmembers Alan Turnbull, Thomas X. White, and Mayor Pro Tem Rodney M. Roberts. Councilmember Edward V. J. Putens arrived immediately thereafter. Mayor Judith F. Davis was out of town.

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

Mr. Roberts asked for a moment of silence in memory of residents Stephen Hanyok and Henry McFarland; resident and Pioneer Rose F. Sansone; former member of Council William R. Phillips; and Pioneer and former City Solicitor Emmett H. ("Zip") Nanna. He then led the Pledge of Allegiance to the flag.

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

Council thereby took the following actions:

COMMITTEE REPORTS

Advisory Planning Board, Report #03-01 (Day Care Center – Belle Point): Council accepted this report and agreed to consider it on tonight's agenda with item #13.

RED LIGHT CAMERA MEMORANDUM OF UNDERSTANDING: Council authorized the required parties to sign the MOU on behalf of the City.

RESIGNATIONS FROM ADVISORY GROUPS: Council accepted with regret the resignations of Joy Pochatila from the Recycling and Environment Advisory Committee and Ruth Edwards from the Senior Citizens Advisory Committee.

REAPPOINTMENTS TO ADVISORY GROUPS: Council reappointed Alla Lake and Eva Griffin to the Advisory Committee on Education.

APPOINTMENT TO ADVISORY GROUP: Council appointed Margaret Cahalan to the Recycling & Environment Advisory Committee.

APPROVAL OF AGENDA: Mr. Putens moved approval of the agenda, with a second from Mr. White. The motion passed 4-0.

PRESENTATIONS: There were none.

PETITIONS AND REQUESTS: George Branyan, 30A Ridge Road, complimented the City on its clearing of the streets during the recent major snowstorm but said there had been little clearing of sidewalks or of the interior pathways of Greenbelt Homes, Inc. He said mobility for pedestrians, people with children's strollers, or anyone disabled or in a wheel chair was extremely difficult. He said he had not been able to get definite information about the relative responsibilities of the City, GHI, and residents in clearing snow from pedestrian routes.

Mr. McLaughlin responded that the City takes responsibility for walkways surrounding park areas and leading up to the pedestrian underpasses. Other interior walkways are GHI's responsibility, but the division of labor between GHI staff and residents would have to be addressed by GHI. He said the amount of this snowfall had necessitated the City's staying in street-clearing mode, since following the initial clearing, the next priority was attempting to clear parking lanes. The sidewalks at Roosevelt Center were cleared right away. The City can get to pedestrian routes more quickly in a typical storm than one that requires hauling snow rather than just plowing it.

Mr. Banyan asked that the City put higher priority on heavily traveled sidewalks, especially those that provide access for students walking to school. Mr. Putens asked to have a map that would delineate City responsibility, GHI's, and that of other property owners. He also noted to Mr. Banyan that residents had been unable to find people willing to shovel snow, even at \$15 per hour, and elderly residents cannot shovel that much snow themselves. Mr. Turnbull asked that there be more communication among the City, GHI, and residents in order that people will know what their responsibilities are. Mr. Roberts thanked Mr. Banyan for his comments and said the matter would be referred to staff.

MINUTES OF MEETINGS: None were presented.

ADMINISTRATIVE REPORTS

Mr. McLaughlin reported on the state auction of the four-acre parcel adjacent to Golden Triangle. The opening bid was \$1.5 million. Daniel Jobe, owner of Capitol Cadillac, purchased the property for \$1.8 million.

Mr. White said he and his wife had traveled to Berlin, Maryland, over the weekend to pay their respects to the Nanna family.

LEGISLATION

An Ordinance to Amend Chapter 11, "Motor Vehicles and Traffic," of the Greenbelt City Code for the Purpose of Codifying the Late Fee for Traffic Control Signal Monitoring System Citations

Mr. White introduced the ordinance for first reading.

A Resolution to Negotiate the Purchase and Installation of NovaChip Asphalt Paving from the Gorman Group of Quakertown, Pennsylvania

Mr. Roberts read the agenda comments. Mr. Putens introduced the resolution for first reading. Mr. Turnbull asked if there might be a way to eliminate the fee for moving the equipment by consolidating work in Greenbelt East, but it was concluded that it would not be practical to do so. Regarding traffic-calming, Mr. McLaughlin said this operation was just to provide a thin resurfacing.

DETAILED SITE PLAN - DAY CARE CENTER IN BELLE POINT OFFICE DEVELOPMENT: Mr. Roberts read the agenda comments. Terri Hruby, Community Planner, spoke briefly to say that a daycare center is a permitted use in this zone, and the City is merely advisory to the county on whether the applicant meets the requirements for a daycare center. She said that staff and the Advisory Planning Board (APB) agree that if the applicant satisfies the 10 conditions in the APB and staff report, the daycare center will comply.

Mr. Manzi confirmed that since this is a permitted use, compatibility is not an issue. He added that the dispute over the legality of the resolution from the condominium association's board of directors granting the applicant the use of common area is an issue for the courts to decide and should not be taken into account by Council. He said if Council was concerned about the authority for the play area, Council could choose to take no position on the application; however, Council could be assured there would be no approval by the Planning Board without that authority.

Mr. White clarified that if Council took no position, it could still submit the 10 conditions to be considered if the Planning Board was inclined to approve. He asked Ms. Hruby what the implications would be if the sound analysis results were not within the allowed limits. She said her understanding was that on this and other criteria, the applicant was willing to mitigate and make modifications, but she assumed the applicant's ability to do so would be determined by the extent and cost of the work required.

With regard to condition #7, Mr. Turnbull said the City should not give the impression that it thinks this applicant should have to assume the cost of installing a traffic light; this cost should be borne by the whole complex or by the state. He said Council should also be clear in expressing that it has no authority to approve or deny the application; rather, its role is to review the plan and make a recommendation to the county.

Marian and Linderal Arrington, the principals of the daycare center, appeared, and Ms. Arrington gave Council a progress report on the 10 conditions listed by the City. The only one they might challenge is #7, requesting the traffic light warrant study, since their understanding was that they would not be required to do this if they limited enrollment to 40 children. She indicated their intention to cooperate with whatever is needed, however.

Joy and Dwayne Grady, who own a unit above one of the two proposed for the daycare, addressed their concerns regarding the noise impact on business tenants of having a daycare center in the building and using the yard to the rear as a play area. Ms. Grady gave their reasons for believing the resolution provided by the developer to grant use of the common area should be declared void. She also raised concerns about the appropriateness of locating a daycare center near to an existing psychiatric practice.

Tobi Burch-Rates, an attorney who owns the four units west of those proposed for the daycare, expressed concern regarding how the authority was being handled to permit common space to be totally fenced off. Despite the owners' objections, the developer put forth what she termed an "end-run resolution." She also questioned the equity of expecting all the owners to pay for the traffic light if the day care center caused the need for it. Mr. Manzi said and Mr. Putens agreed this would more likely be handled by passing the cost on to new buyers, not existing owners. Ms. Hruby also reminded Council that the City holds a bond for payment from the developer on the light.

In response to some skepticism expressed about the likelihood of other owners continuing to have the use of the space behind units 18 and 19, Ms. Arrington continued to maintain that other owners would be able to use the yard when the children were not there. Diane Whaples-Lee, 118 Lastner Lane, a daycare operator, said that would be very difficult to monitor, since criminal background checks are required for people visiting daycare centers.

Mr. Putens moved that Council disapprove the application but send the conditions to the Planning Board. He explained that even though a daycare center was an approved use in this zone, his own experience with the problems caused by mixing daycare centers with other uses precluded him from taking any other position on it. Mr. Turnbull said he would second the motion if it was amended to clarify that Council was not disapproving the application but recommending that the Planning Board do so. Mr. White asked to amend the resolution further to flag the fact that questionable issues regarding the condo regime might prevent the use of the yard as a playground. He said the Planning Board will be mindful that this is a permitted use, even if the compatibility issues argue against it. He said if this were in a building not yet otherwise occupied, he would think differently of it, but Council has heard tonight that there are real compatibility issues. Mr. Turnbull said he thought Council's recommendation was far less important than the content of the 10 conditions to be conveyed.

The motion to recommend that the Planning Board not approve the detailed site plan, with notation of the issue regarding the condo regime and conveyance of the 10 conditions below, passed 4-0.

1. The applicant revise the site plan to exclude the air-conditioning/heating units from the proposed play area;
2. The applicant repair the fence to the rear of the properties and clear the fence of overgrown vegetation;
3. The applicant provide at least one additional shade tree in the play area adjacent to building 19 and submit a revised landscaping plan to the City for approval showing planting specifications. Due to the need for shade, all proposed trees should be a minimum of 4 inches in caliber;
4. The applicant submit a revised site plan showing how the play area will be lighted or that the site plan notes be revised to reflect that the area's use will be restricted to daylight hours;
5. The site plan notes be revised to provide the hours of operation for the play area;

6. The applicant complete a Phase II noise study to determine appropriate noise mitigation measures. A copy of the noise study and proposed mitigation measures should be submitted to the City of Greenbelt for review and approval;
7. The applicant complete a traffic signal warrant study. The results of the study should be submitted to the state and the City for review. If it is determined that a traffic signal is warranted, the applicant and/or appropriate Belle Point Office Development representative(s) should be required to pay for the installation of the signal;
8. The applicant submit the revised approved site plan accurately showing existing and proposed conditions to the City for review and approval (i.e., sidewalk system, pedestrian circulation, playground surfacing, and heating and cooling units);
9. The applicant submit a copy of the signed resolution granting it use of the common area as a play area. The resolution should clearly indicate that the grantor has the authority to grant such use. If it is determined that he is not the controlling party of the common area, then a signed resolution by the appropriate party(ies) should be required prior to site plan approval; and
10. The applicant draft and submit to the City a parking plan/policy to avoid internal circulation congestion at Belle Point during peak pick-up and drop-off times.

Council thanked both sides for their excellent presentations, and Mr. Roberts told the Arringtons he hoped they would find a more appropriate site in Greenbelt for their daycare center.

LOSS OF NEIGHBORHOOD CONSERVATION PROGRAM: Mr. Roberts read the agenda comments. Mr. Turnbull asked if other Councilmembers shared his disappointment regarding this funding, particularly given what a small part of the State Highway Administration (SHA) budget it is. He said he would like to do more than write a letter regretting its loss and would like to bring it to the attention of the City's delegation. Mr. White moved that a letter expressing strong concern be sent to the SHA and copied to the Secretary of Transportation, the Governor, the delegation, and the County Executive. Mr. Putens seconded. The motion passed 4-0.

FUNDING PROVIDED BY M-NCPPC: Mr. Roberts read the agenda comments and added that this has been an area of long-standing contention because of the amount of taxes Greenbelt residents pay, as well as the fact that the City provides recreational benefits to both residents and non-residents. Mr. White moved that Council authorize the sending of a letter to M-NCPPC expressing the City's concern about the possible phasing-out of this funding, with copies to County Councilmember Peters and to other municipalities that may be affected. Mr. Turnbull seconded the motion. Mr. White commented that the City's true audience in this matter is County Council, and Mr. Manzi confirmed that M-NCPPC does submit its budget to County Council for approval. When the vote was taken, the motion passed 4-0.

AWARD OF BID – FRONT-CUT MOWER: Mr. Roberts read the agenda comments. Kenny Hall, Director, Public Works, was present to answer questions. There was brief discussion of attachments that could be used on the mower for different purposes. It was moved by Mr. Putens and seconded by Mr. White that Council approve purchase of

the front-cut mower from the lowest bidder, Backyard Power of Woodbine, Maryland, at \$15,378. The motion passed 4-0.

PENDING STATE LEGISLATION – HB 738 AND HB 841

House Bill 738 – Pedestrian Right-of -Way in Crosswalks: Mr. Roberts read the agenda comments. Mr. Putens moved Council support for HB 738 and communication of that support to the City’s state delegation. Mr. White seconded the motion, which passed 4-0.

House Bill 841 – Collection of Red Light Penalties: Mr. Roberts read the agenda comments. It was moved by Mr. White and seconded by Mr. Turnbull that Council oppose HB 841 and communicate that opposition to the City’s state delegation. Mr. Moran said it was thought that the rationale behind this bill was an assumption that municipalities would not want to do this if the revenue were taken from them. The motion passed 4-0.

MEETINGS: Council reviewed the meeting schedule. Mr. McLaughlin said he had parking passes for the Four Cities meeting to be held Thursday in College Park. Mr. Turnbull asked to have the update on Greenbelt Station scheduled as soon as feasible. Sheldon Goldberg, chair of GEAC, asked that the calendar show the April 6 GEAC stakeholder meeting as starting at 7:30 p.m.

ADJOURNMENT: A motion to adjourn was made by Mr. Turnbull and seconded by Mr. Putens. The motion carried 4-0. Mayor Pro Tem Roberts adjourned the regular meeting of February 24, 2003, at 10:05 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 February 24, 2003.@
Rodney M. Roberts
Mayor Pro Tem