



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held October 13, 2003.

Mayor Davis called the meeting to order at 8:07 p.m.

ROLL CALL was answered by Council members Edward V. J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White, and Mayor Judith F. Davis.

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.

Mayor Davis asked for a moment of silence in memory of former resident Daniel Keith Linder. She 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 as presented. The motion passed 5-0.

Council thereby took the following actions:

MINUTES - Work Session, September 15, 2003 - Interview, September 29, 2003 - Regular Meeting, September 29, 2003 Approved as presented.

COMMITTEE REPORTS

Advisory Planning Board, Report #03-04 (Retail Center & Silver Diner - DSP): Council accepted this report on the consent agenda and agreed to consider it with this topic later on tonight's agenda.

Advisory Planning Board, Report #03-05 (Forest Preserve Ordinance): Council accepted this report on the consent agenda and agreed to discuss it when the ordinance is considered.

Community Relations Advisory Board, Report #2003-1 (USA Patriot Act): Council accepted this report on the consent agenda and will consider it with this topic on the agenda of the next regular meeting.

FY 2004-2009 STATE CONSOLIDATED TRANSPORTATION PROGRAM: Council approved the October 1, 2003, letter from the City to the Secretary of the Maryland Department of Transportation regarding the FY 2004-2009 Consolidated Transportation Program.

2003 ELECTION QUESTIONNAIRE: Council received the draft questionnaire tonight and agreed to discuss it on the agenda of the next regular meeting.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Brenda Cooley from the Advisory Committee on Education.

APPROVAL OF AGENDA: Mr. Turnbull asked to have "Appointments to City Advisory Groups" added to the agenda as item #21. It was moved by Mr. Putens and seconded by Mr. Turnbull that the agenda be approved as amended. The motion carried 5-0.

PRESENTATIONS: There was agreement to defer the one presentation on the agenda until the individual receiving the proclamation had arrived.

PETITIONS AND REQUESTS: Gordon Pickering, 7931 Mandan Road, #304, addressed Council once again on the subject of installing adequate strobe light smoke detectors at Greenbriar. He asked Council to hold a public hearing on the need to upgrade the code requirements. Mr. McLaughlin said the City could sponsor a forum if Council so directed but that he wanted to stress that it is not at the municipal level that this type of change can occur. Mayor Davis told Mr. Pickering that this is not a problem that the City can solve and that he needs to deal with it at a higher level of government. Mr. Pickering said he understood that but that he would still like a public forum to be held. The Mayor said the City would consider it.

Sheldon Goldberg, 7848 Jacobs Drive, mentioned a recent article in the Washington Post on Pepco and also clarified that the item on the basketball court at the Windsor Green ball fields would be on the agenda of the next meeting.

MINUTES OF COUNCIL MEETINGS

Executive Session of October 1, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, October 1, 2003, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 7:45 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(7) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with counsel to obtain legal advice on a legal matter. Mr. Turnbull seconded the motion.

ROLL CALL: Mr. Putens - yes Mr. Roberts - yes Mr. Turnbull - yes Mr. White - yes Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mr. McLaughlin commented that the signs were up on Hanover Parkway to warn drivers the a change in pattern was forthcoming for the new roundabout. He reported that staff had met last week with FEMA regarding damage from tropical storm Isabel and announced the City's health fair would be held on October 23 at the Community Center.

Mayor Davis described the Greenbelt Homes, Inc., party to celebrate the paying-off of the coop's rehabilitation loan, the activities commemorating Eleanor Roosevelt's birthday at the high school, Walk-to-School Day at Springhill Lake Elementary School,

and SchromFest, including the dedications of the footbridge and trail and the new Eleanor Roosevelt tree.

LEGISLATION

An Ordinance to Amend Chapter 11 of the Greenbelt City Code, "Motor Vehicles And Traffic," in Order to Restrict the Parking of Vehicles on City Streets, Alleys, Roadways, and Parking Lots for 30 Days or Longer

Mayor Davis read the agenda comments. Mr. White introduced the ordinance for second reading and adoption. Mr. Putens seconded the motion. Mr. Putens questioned the item in the policy restricting long-term permits to one vehicle. He also suggested changing the time period for the permit from 30 days to 60. Celia Craze, director, Planning and Community Development Department, said another alternative would be to eliminate the prescribed time limits and let people apply for the period they believe they need. Council agreed to make this change and to eliminate the limitation to one vehicle.

ROLL CALL: Mr. Putens - yes Mr. Roberts - yes Mr. Turnbull - yes Mr. White - yes Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1242, Book No. 12).

PROCLAMATION FOR WHITE CANE SAFETY DAY: On behalf of the Southern Maryland Chapter of the National Federation of the Blind, Kenneth Silberman received a proclamation from Mayor Davis declaring October 15 to be White Cane Safety Day in Greenbelt.

An Ordinance to Amend Chapter 12, "Parks and Recreation" by Adding a New Article VIII, "Forest Preserve" for the Purpose of Creating a Greenbelt Forest Preserve and Establishing Regulations for the Use and Maintenance of Such a Forest Preserve

Mayor Davis read the agenda comments. Mr. Roberts introduced the ordinance for first reading. Mayor Davis announced that tonight marked only the introduction for first reading of the ordinance and that it would come back for discussion at the next meeting.

Mr. White asked if there were two documents for management and maintenance or only one. When Ms. Craze responded that she envisioned one, Mr. White asked that the reference consistently be to both throughout the document. There was discussion of the status of the "trails plan." Mayor Davis said she believed Council had previously decided there would be no widening, paving, or clearing of paths, with the result that "we have a starting point."

Mayor Davis asked who would develop the management and maintenance policy. Ms. Craze said she expected staff would draft it and that the new advisory committee proposed in the ordinance would review and comment. Later, she said she envisioned the assessment and inventory similarly to be drafted by staff and sent to whatever group or groups were designated by Council.

Regarding the oversight body, Mr. Turnbull said that although he thought a single board or committee should have "principal jurisdiction," he was not convinced that a new committee was needed and suggested deleting section 12-146. He expressed concern that dividing territory up among more committees tended to "Balkanize" issues. He noted that the forest preserve issues would be very similar to those dealt with by the Park & Recreation Advisory Board (PRAB), which deals with other City parks and recreation areas. He said he had suggested before that PRAB be divided in its two functions. If this were to be done, he said, the "land" side of the board could eventually be folded into the ordinance as the oversight body, with Council in the meantime making multiple referrals to relevant advisory groups to cover the bases. Mayor Davis suggested establishing an ad hoc task force to work on the front-end tasks of the survey and the management and maintenance policy, as well as making a recommendation on the ongoing referral issue. Mr. White stated a strong preference for PRAB as the appropriate referral body, given PRAB's experience with these issues, rather than developing a new entity or a hybrid group. Mr. Putens said he was envisioning a group with a dedicated role to perform this function. He said he could imagine there would even be a constructive "butting of heads" occasionally between this group and PRAB, as both advocated for different City interests. Mr. Roberts said his hope would be that whatever group oversaw the forest preserve would have very little to do, since, once the preserve was established, he would hope there would be little activity or change. He said he was divided in his opinion on whether a dedicated group or the existing advisory groups that were already participating and contributing should have responsibility.

Regarding the Mayor's suggestion of a task force to undertake the initial work, Mr. Roberts said he thought that might work. Mr. Turnbull was less certain, saying this idea implied a need for speed to set up the different components, whereas he thought the pace should more on the order of "slow and deliberative."

If Council wished to pursue the task force in lieu of an oversight committee, Mr. Manzi suggested removing the language from the ordinance and setting up a task force by resolution. The Mayor asked if that would require a new first reading; Mr. Manzi said he would not consider the change to be substantive.

Mayor Davis questioned the mandatory ballot issue on removal of lands in section 12-136. Ms. Craze said she had drafted it that way because a ballot question was less expensive to undertake than a referendum.

Mr. White asked why no other parcel descriptions had been included, adding that he would like to see parcels 7 and 15 included. Mayor Davis said she thought there might be general agreement on 7 but that agreement on 15 was less likely. Mr. Turnbull objected that there had not been the history of public discussion on these or other parcels as there had been with the ones already included in the document. He said the residents of the neighborhoods involved should be fully informed and have the opportunity to comment. Mr. Roberts suggested that parcel 15 might be covered under the Lake Park Master Plan. Ms. Craze also noted that the WSSC right-of-way through it limited its use.

Mr. White said he thought the WSSC right-of-way was an argument for, rather than against, including it in the designation, but he said the point was that Council could not

evaluate the viability of including either parcel at this time in the absence of descriptions of them. He asked to have these at the next meeting. Ms. Craze asked if he wanted them in ordinance form, and he replied, "All the better."

Mr. Roberts questioned the hour limits, saying he liked going into the woods at night. Mr. Turnbull agreed there was no reason for hours if inappropriate activities were prohibited. The Mayor established there was consensus to remove section 12-147, though Mr. White said he thought parents might appreciate having a closing hour.

Marc Siegel, 16 Maplewood Court and a member of PRAB, said he thought the referral responsibility should belong to PRAB and the other advisory groups that had already reviewed the ordinance. He asked, "If these groups aren't a cross-section of the community, what is?" He cited PRAB's experience and success in developing the Greenbelt Lake Master Plan and in working with the "experience zones" for use of recreational space. Mayor Davis asked Mr. Siegel what he thought of the task force idea for working on front-end projects. He said he thought that was workable, but he added that it would be impossible to discuss management and maintenance plans until after there was a survey. He said Council should not "take shots" at advisory boards, which serve only to advise and do not make policy.

Paul Downs, president of the Committee to Save the Green Belt, thanked Council for introducing the ordinance. Council thanked Mr. Downs and others for their longstanding work on this issue.

Doug Love, 3D Plateau Place, said "rogue trail maintenance" had been inactive since the City established the trail policy. He said they had noted places where trails could be connected, and they hoped bridges and tree houses would be maintained. The Mayor responded that these were not issues for Council at this time. The task force could consider them and make recommendations, but Council policy at this time is not to maintain bridges or connect trails.

Renata Atkinson, 9Q Research Road, spoke in favor of having no closing time but prohibiting activities.

Clement Lau, 6 Greentree Place and a member of PRAB, said he appreciated that PRAB's comments had been taken into account in the revision but that he was concerned that a requirement had been deleted that would have limited use of lands removed from the preserve to public purposes. He asked what other acceptable purpose there could be for removing lands. Mr. Manzi responded that law prohibits one Council from limiting the authority of a future Council. He added that this was the reason that the provision to place it on the ballot had been added instead of the limitation on purpose. Mr. Lau added that he agreed with Mr. Siegel that PRAB was the appropriate board for referral and that Council should not be concerned that its members were tilted toward active recreational uses for the land. He said PRAB's track record is evidence that this is not true.

Stephen Jascourt, speaking on behalf of the Greenbelt Greens, said they support the ordinance and want to see it be as strong as possible. He added that they believe the wetlands may need special City protections too.

Kelly Ivy, a PRAB member, said when he was first appointed to PRAB he thought of himself as a "recreation person," but through his experience on the board had learned to be a "parks person" as well. He disagreed with Mr. Turnbull's idea that the board should be divided between parks and recreation. Mr. Turnbull asked to clarify his comments in this regard and said his concern was that the board's mandate was too large, not that its members were incapable of holding both sets of values. He said he intended no disrespect to PRAB whatsoever and, rather, was thinking of the tension he had seen in his own agency with the National Park Service's dual mandates of "preserving" and "using" the land, both of which goals require strong advocacy.

A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article 11E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (1957 Edition as Amended), Title, "Corporation-Municipal," Subtitle "Home Rule" to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Repealing and Reenacting with Amendments Section 8, Titled "Same-Quorum, Procedure"

Mayor Davis read the agenda comments. Mr. White introduced the charter amendment resolution for first reading.

EXTENSION OF EMPLOYEE HEALTH INSURANCE COVERAGE TO DOMESTIC PARTNERS AND RECIPROCAL BENEFICIARIES: Mayor Davis read the agenda comments. Mr. McLaughlin itemized some further changes to the draft policy before Council. Mr. Putens clarified that the language was intended to include both same-sex and opposite-sex domestic partners and said he and Mr. White were in agreement that going further to include reciprocal beneficiaries would require a change in state law. It was moved by Mr. Roberts and seconded by Mr. Putens that the policy be adopted.

Christopher Cherry, 2D Westway, thanked Council for introducing this change in policy. He added that he was proud of his community and proud that Greenbelt was leading the way in Prince George's County by supporting benefits for domestic partners. He said it was his understanding that it was the employee, not the partner who was liable for the income tax, and that this was misstated in the document. Mr. White and Mr. Putens agreed, saying these were considered to be pre-tax earnings and that the "benefit" was to the employee. There was considerable discussion of what criteria had to be proved to have existed for 12 months. Mr. Manzi explained that the couple had to have lived together for 12 months; it was not that the item of proof had to be sustained for 12 months. Mr. Turnbull objected to some of the criteria, saying they were trivial. His first motion, to strike three of the criteria (#s 2, 3, and 4 in the document) was not seconded. He then moved to strike only #s 2 (joint title on a motor vehicle) and 3 (establishing a joint bank account or credit card), and Mr. Roberts seconded. Mr. Putens expressed concern that options were being eliminated that might be the only ones available to some people. Mr. Turnbull said he wanted to assure seriousness and that #9 ("other documentation") provided a catch-all that would meet Mr. Putens' concern. The motion failed on a 2-3 vote (Davis, Putens, White). When the vote was taken on the original motion to adopt the policy with several modifications noted during discussion, it passed 5-0.

BELTWAY PLAZA RETAIL CENTER AND SILVER DINER - DETAILED SITE PLAN: The Mayor read the agenda comments. It was noted that two of the three suggestions of the Advisory Planning Board had already been taken care of, and that the third, a raised intersection, might present engineering problems. Terri Hruby, Senior Community Planner, noted that this was a "courtesy review." Nancy Slepicka of Fossett and Brueger, representing the Silver Diner, gave an overview of the operation and plan. Kap Kapastin and David Sullivan represented Quantum. There was discussion of landscaping and of the proximity of the trash area to the outdoor dining area. Council asked that they look into an irrigation system. Mr. Putens moved Council approval of the proposed site plan for the Silver Diner and adjacent retail space. Mr. White seconded the motion, which passed 5-0. In response to a question from the Mayor, Mr. Kapastin said they did not as yet have commitments for the rest of the space but were seeking national and regional companies who require less parking than other businesses.

AWARDS OF PURCHASE - REPLACEMENT VEHICLES: Mayor Davis read the agenda comments. Police Department: It was moved by Mr. Putens and seconded by Mr. White that Council approve the purchase of five 2004 Crown Victorias from Miller Brothers Ford of Ellicott City, Maryland, at a cost of \$103,835, and the purchase of two 2003 Dodge Intrepids from Green Gifford Motor Corporation of Norfolk, Virginia, at a cost of \$31,542. The motion passed 5-0. Planning and Community Development: It was moved by Mr. Putens and seconded by Mr. White that Council approve the purchase of a Chevy Malibu from Criswell Chevrolet of Gaithersburg Maryland at a cost of \$12,094, and the purchase of a Dodge Intrepid from Green Gifford Motor Corporation of Norfolk, Virginia, at a cost of \$15,572. Mr. Roberts asked why the department could not use a much smaller vehicle for ticketing purposes. Ms. Craze replied that it is only the larger cars that have the electrical system needed. Mr. Turnbull asked why there was a need for an internal combustion vehicle to cruise parking lots. Ms. Craze responded that these officers also sometimes assist police; in addition, the vehicle itself sometimes provides necessary protection to the staff member. She said they had looked at small vehicles like Cushmans but had concluded they were suitable for a highly urbanized area like the District but not for the suburbs, which require some highway driving. The motion passed 4-1 (Turnbull). Public Works: It was moved by Mr. White and seconded by Mr. Turnbull that Council approve the purchase of a Ford 550 chassis from Tyson's Ford of Vienna, Virginia, at a cost of \$28,012, and the purchase of Ford F250 diesel 4X4 pick-up truck from Tyson's Ford of Virginia, at a cost of \$24,830. Mr. Roberts said he would not support purchase of a diesel vehicle. Mr. White sought clarification from Kenny Hall, director, Public Works, that the vehicles use bio-diesel fuel. The motion passed 4-1 (Roberts).

MAILING OF SAMPLE BALLOT FOR CITY COUNCIL ELECTION: Mayor Davis read the agenda comments. Mr. Putens moved Council approval of mailing a sample ballot. Mr. White seconded. Mr. Turnbull suggested some revisions to the header text and the addition of the logo to the return address. The motion passed 5-0.

APPOINTMENTS TO ADVISORY GROUPS: It was moved by Mr. Turnbull and seconded by Mr. Putens that George Branyan be appointed to the Advisory Planning Board, Raymond Peterson be appointed to the Advisory Committee on Education, and Brian Gibbons be appointed to the Recycling and Environment Advisory Committee. The motion passed 5-0.

MEETINGS: Council reviewed the meeting schedule. Mr. Turnbull reiterated that he thought it was ill-advised for the City Council to be the cause of the cancellation of an income-producing showing of a movie at the theater for the sake of holding a meeting. It was agreed to drop November 12 from the schedule. Council agreed to hold an orientation meeting for the 35th Council on November 17. Mr. McLaughlin said that because presentations will be made by representatives of COG and MML, he had abandoned an earlier plan to have the department heads present. Mayor Davis asked to move the work session on news racks to the list of meetings ready to schedule, since an agreement drafted for local use was discussed at the last Mayors Meeting. Mr. Putens recommended having quarterly update meetings with department heads, but Mr. White said he was opposed to this idea and would rather have information come to Council from the City Manager when the time was right.

ADJOURNMENT: A motion to adjourn was made by Mr. Turnbull and seconded by Mr. Putens. The motion carried 5-0. The Mayor adjourned the regular meeting of October 13, 2003, at 11:40 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 13, 2003.@"

Judith F. Davis Mayor