



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held October 27, 2003.

Mayor Davis called the meeting to order at 8:00 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 resident Peter V. Dolan and Anna Lejietes. 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, October 1, 2003 - Work Session, October 8, 2003 - Interview, October 13, 2003 - Interview, October 20, 2003 Approved as presented.

COMMITTEE REPORTS

Arts Advisory Board, Report #04-002 (Contribution Group Materials): Council accepted this report and will consider it when this topic is placed on a future agenda.

Council also received the following three reports and agreed to consider them with the Forest Preserve ordinance later on tonight's agenda:

Park & Recreation Advisory Board, Report #03-08 (Forest Preserve Ordinance)

Recycling & Environment Advisory Committee, 10/20/2003 Communication (Forest Preserve Ordinance)

Youth Advisory Committee, 10/14/2003 (Forest Preserve Ordinance)

FUNDING FOR YOUTH SERVICES BUREAUS - LETTER TO GOVERNOR: Council approved the draft letter for sending.

APPOINTMENT TO ADVISORY GROUP: Council appointed Chalya Lar to the Recycling & Environment Advisory Committee.

REAPPOINTMENTS TO ADVISORY GROUP: Council reappointed Hugh Jascourt and Sieglinde Peterson to the Employee Relations Board and reappointed Mr. Jascourt as chairperson of the board.

APPROVAL OF AGENDA: It was moved by Mr. Putens and seconded by Mr. White that the agenda be approved as presented. The motion carried 5-0.

PRESENTATIONS

County Councilmember Douglas J.J. Peters: County Councilmember Peters presented a check to the City providing support for the following programs: \$5,000 for Greenbelt CARES, \$2,000 for the Advisory Committee on Education's (ACE) scholarship fund, \$2,000 for the Friends of the Greenbelt Museum, \$3,000 for the Recreation Department for its tutoring program, and \$3,000 for the City's renovation of the Old Greenbelt Theatre building. Mr. Peters said he hoped to be able to continue to provide support annually upon request. In addition, he brought proclamations from the County Council in recognition of Mr. White's and Mr. Turnbull's retirements from the City Council at the end of this term.

America Recycles Day - Proclamation: The Mayor read the agenda comments. She read a proclamation declaring November 15 to be America Recycles Day in Greenbelt and presented the proclamation to Neal Barnett, chairperson of the Recycling & Environment Advisory Committee, and Cindy Murray, the City's recycling coordinator. Mr. Barnett pointed out that recycling actually saves the City money in addition to benefiting the environment. Ms. Murray reported that 7,500 pounds of material were collected at the last electronics recycling day on October 25. As part of that program, the City is also providing a free exchange of digital thermometers for mercury ones.

Fire Safety Month - Smoke Detector Program: Mayor Davis read the agenda comments and noted an open house upcoming at the Greenbelt Fire Department and Rescue Squad next weekend. Celia Craze, director, Planning and Community Development, gave a presentation on the City's new Smoke Detector Distribution Program. She said the City will provide a fire safety inspection to any resident upon request and provide free smoke detectors. Information and equipment can also be provided for special needs, such as strobe light detectors for the deaf.

PUBLIC HEARING: - LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) FUNDING: Mayor Davis read the agenda comments and declared the Public Hearing to be open. Lt. Daniel O'Neil identified the members of the LLEBG Advisory Board and said the board and the Police Department recommended use of the funds for purchase of mobile video cameras to capture footage of items of evidentiary value. There being no further public comments, the Mayor declared the Public Hearing to be closed and said the item would come up later in the agenda for Council action.

PETITIONS AND REQUESTS

Charlestowne North: Mary Ann Scott spoke on behalf of the tenants' association at Charlestowne North to request the City's assistance in responding to a rent increase notification from the management. Their complaint was the minimal notice in combination with increases of up to 50%, or as much as \$500 per month. Ms. Scott

said although the owners (Bresler and Reiner) say they are merely bringing the rents up to market value, they are doing so "on the backs of long-term tenants" who cannot afford it. Mayor Davis noted the notification was made on October 15 to take effect December 1. She acknowledged the large group in the audience who were present for this item by asking them to stand. There was discussion of whether the City has the authority to pass rent control legislation, as was done by Takoma Park. Mr. Manzi said the City probably could do so but not retroactively and that this owner had acted within the law. In response to a question from the Mayor, County Councilmember Peters said the county could not pass legislation without the state doing so, but he said he thought his office and the City should cooperate in putting pressure on this landlord to modify the action that had been taken. Mr. Putens asked if the tenants could put their rent into escrow until this is resolved. Mr. Manzi said he was concerned that would not give them the right to remain in their dwellings, given that the owner had not acted illegally. It was explained by Mr. Peters and Mr. McLaughlin that Mr. Peters' office was taking the lead in attempting to set up a meeting with Mr. Bresler. Council asked that a strong letter to Mr. Bresler be prepared and directed Mr. Manzi to do further research into the City's options on instituting rent control for the future. It was agreed that Council would sign a joint letter with Mr. Peters. Mayor Davis also asked that State's Attorney Glenn Ivey be contacted.

Pink Ribbon Ride: Sylvia Lewis, 2C Gardenway, reported on the fundraising bike ride for breast cancer that was held last month. She thanked the City and the many other sponsors who provided support.

ADMINISTRATIVE REPORTS

Mr. McLaughlin reported on meeting with a representative of FEMA to discuss costs of damage from tropical storm Isabel; he also said Pepco had responded to the City's initial request for investigation into the causes of the lengthy Center City outage. He reminded everyone that the City Council election would be held on November 4.

Mayor Davis reported on a number of recent events, including a Youth Center fundraiser for the skateboard park, the City's Health Fair, the naming of PFC Randy Marks as Police Officer of the Year by American Legion Post 136, and the City Council's appreciation dinner for its advisory boards and committees.

LEGISLATION

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 second reading and adoption. Mr. Putens seconded the motion.

Mayor Davis asked if the City would be prohibited from spraying for insects under section 12-139 (b). Ms. Craze said that would be determined under the management and maintenance plan. The Mayor also noted a change that had been made in section 12-145 (a) to make a ballot question optional. Ms. Craze said the thinking was that a

minor change would not require voter approval and that whether to place it on the ballot could be left to Council discretion.

Regarding a request from the Park & Recreation Advisory Board (PRAB) to temporarily exclude Parcel 7 at Northway from the forest preserve, pending completion of a PRAB study of that space, Mayor Davis noted that the area proposed to be into the preserve was 225 acres, which is more than the land originally called "Parcels 1 and 2." Temporarily excluding parcel 7 would reduced the territory in the ordinance by only 17 acres. Mr. Roberts said he was strongly opposed to this proposal from PRAB because this land is "at the center of the forest." He said this is exactly the purpose of establishing a reserve and that there are plenty of other places besides Northway in the City that are in need of ball fields.

Lola Skolnik, chair of PRAB, spoke to say that this is the third report PRAB has sent to Council regarding the forest preserve, and in all three reports the board has stated its position that an inventory and master plan should precede the ordinance. She noted the earlier reports were submitted in March and September. In addition, a PRAB subcommittee has specifically been looking at Northway Fields issues, including realignment of existing fields. She said their reason for wanting Parcel 7 excluded was in case another acre or two might be wanted and that they have never discussed using a larger area. She said the board's position is that it is very supportive of preserving both forest and green space but that the current ordinance has been too rushed, and the process has not received the attention it should. The task force could be effective in cleaning up many of the details. The board believes the task force should be created and given its charge, with the ordinance then being adopted after the task force has completed its work. Ms. Skolnik said there had been no public hearing about the ordinance, and she was concerned that public notice had not been adequate. She said under the ordinance it may take two years to remove land from the preserve, while it is very easy to put land in. Given there is a planning process currently underway, it would make more sense to let the planners finish their work so an appropriate decision can be made, rather than attempting to remove a quarter-acre later. Mayor Davis asked Ms. Craze if a compromise might be possible that would postpone action on a much smaller area surrounding the already-excluded area at Northway.

Mr. Turnbull said there seemed to be two concerns from PRAB: that there is not enough attention paid to PRAB's reports and that the planning process should precede the designation of the preserve. Regarding the first, he said he wanted to assure the board that he faithfully read all the reports and that they always played a critical role as he considered a topic. With regard to the second, he said if the primary purpose is to preserve land, the designation should precede the planning process. If the main purpose is to have a near-perfect plan, then the management plan should come first. In this case, Greenbelt has long wished to protect these parcels permanently. Moreover, it is not a permanent state. It puts a bigger hurdle in the path of a Council wishing to make changes, but if it evolves that some of the land is needed for other purposes, the case can be made.

Mr. White said he thought Council had not given PRAB an adequate hearing. He said if there is a compromise to be made, he would hope Council is flexible enough to make it now rather than burdening a future Council with resolving the conundrum.

There was discussion of possible approaches to compromise suggested by Ms. Craze that would hold out an additional 2 acres contiguous to the area already excluded. Ms. Skolnik pointed out that selecting 2 acres was arbitrary and that this was precisely PRAB's objection to trying to discuss specifics of this type in the absence of a survey.

Mr. Roberts said Council had been told that the Northway planning would not encroach further on the woods, and he did not understand why a different story was now being presented.

At this point, the Mayor responded to reactions from the audience asking that people have respect for the speakers.

Ruth Kastner, 125 Hedgebrook, asked why Ms. Skolnik had not appeared with this objection at the first reading rather than waiting for second reading. She said nothing should be removed from the land proposed to be included in the preserve and that the entire purpose of the preserve was that "we are renouncing this land." She said she thought Mr. White's idea of compromise was viable but that it had been rejected by Ms. Skolnik. Mayor Davis responded by saying that PRAB had expressed this opinion in reports to Council since last March. Ms. Skolnik said she had not rejected Mr. White's compromise; she had merely pointed out that selecting 2 acres was arbitrary.

Marc Siegel, 16 Maplewood Court and a member of PRAB, said he was in favor of the forest preserve but that he had many questions. He said he had asked over and over again where the boundaries were for Northway Fields and had not been able to get a definition. He said he questioned categorically excluding bikes from all parcels. How, he asked, were people to get to the preserve if they did not live within walking distance? What about scooters and wheelchairs for the disabled? What about the rogue trail committee and the pumpkin walk? He said people should be permitted to ask questions and get answers.

Doug Love, 3D Plateau Place, assured Council the rogue trail committee would relinquish its rights with the passage of the ordinance.

Doug Mangum, one of the adult members of the Youth Advisory Committee (YAC), said YAC had found the ordinance too restrictive. He said young people have a problem with things being put totally "under glass."

Drake Allen, 2D Northway, said there was already a great deal of traffic up to the Northway fields in the summer.

Disagreeing with Mr. Mangum, Louise Robles, 32F Ridge Road, said no one intended to put things under glass, but there are erosion problems on the trails, and people should park their bikes and walk. Mayor Davis noted that bikes had been forbidden for a long time.

Ray Stevens, 46A Ridge Road, commented that the purpose of the "Save the Green Belt" movement for years had been to protect it from expanding recreational facilities.

Mike McMullin, 125 Northway, said to leave the woods alone.

Larry Hilliard, 42 Lakeside Drive and a member of PRAB, said he supported the forest preserve but that one of Greenbelt's virtues is that it does things well because it does them with a plan. He said the ordinance is premature and that there are still too many options being presented and too many questions being raised about a plan that should be in good shape.

Melissa Rentschler, 12B Hillside, said she had recently moved to Greenbelt from Reston and could attest to the fact that an acre here and an acre there adds up to serious damage. Rich Potter, 3H Plateau, spoke in favor of passing the ordinance tonight, as did Joe Murray, 9Q Research Road and Barbara Stevens, 46A Ridge Road. Isolde Trakhtenberg, 3H Plateau Place, said anything PRAB would recommend doing would require removing trees, which should not be allowed. Lillian Childress, 1D Northway, said she liked to play in the woods and asked Council not to cut any trees down. Craig Tooley, 123 Northway, said the appetite for development is insatiable, but a decade ago we said "enough." Any further encroachment should be resisted, he said; if there is an error to be made, it should be made on the side of conservation.

The Mayor raised a question about whether the realigned ball fields would encroach into Parcel 7. Ms. Skolnik replied that the realigned fields would be within the existing boundaries of the fields but that her information was that the fields already encroach into the area included in the ordinance. Ms. Craze confirmed this appeared to be the case from aerial photographs, and she said she assumed this would be treated under the ordinance as an existing use.

Clement Lau, 6 Greentree Place and a member of PRAB, said that, contrary to the suggestion of some of the speakers, the board had no agenda and was trying to establish a balance while looking at the bigger picture. He said PRAB supports the idea of the preserve-no one on the board is against it-but they do have questions and concerns. He said they have been asking consistently since March for better definitions of the areas under consideration, and they think it is better to plan in advance.

Sue Smithers, 10J Laurel Hill Road, said the balance between uses had shifted long ago, and there should be no compromise on the ordinance presented.

Dirk Kingsley, 14H Ridge Road, said Greenbelt has no dearth of recreational facilities, and the development of the management plans will not be that difficult to achieve. He thus favored going ahead with the ordinance as drafted.

Ms. Skolnik responded that if there had been a plan in place years ago, all these acres would not have been lost.

Konrad Herling, 11B Ridge Road, said he was supportive of the effort to improve the amenities available at the Northway site, but he believed that could be accomplished within the existing space. For this reason, he was not in favor of the proposal to hold out the additional 7 acres and encouraged Council to dedicate the entire area.

Paul Downs, president of the Committee to Save the Green Belt, said they have waited 45 years for a forest preserve, and those who wish to remove land from it can wait two years. He charged PRAB with showing up at the last minute to present "eleventh hour grievances" and to identify inconsistencies in the ordinance. He advised Council to

reject the PRAB recommendations and accept the opinion of the other citizens who were encouraging the passage of the ordinance tonight.

Mr. Roberts spoke to call the question as Mr. White began to indicate that he wished to speak. The vote on calling the question passed 3-2 (Turnbull, White). The roll call was then taken on the previous motion to adopt the ordinance.

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

The ordinance was declared adopted (Ordinance No. 1243, Book No. 12).

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 second reading and adoption. Mr. Putens seconded the motion. Mr. White commented that the strength of charter amendment in requiring a super-majority vote would make it very difficult to remove land from or otherwise alter the forest preserve. He said speakers during the discussion of the ordinance had said land could be removed from the preserve later if needed, but in fact this would be very difficult. He said, "We should be more temperate in our discussion," since there will be a price to pay for this later and a burden placed on a future Council. Mr. Roberts responded that the burden on future Councils would be nowhere near the level of the effort it had taken to establish the preserve.

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

The resolution was declared adopted (Resolution No. 966, Book No. 8).

An Ordinance to Amend Chapter 12, "Parks And Recreation," Article VIII, "Forest Preserve," for the Purpose of Designating a City-Owned Parcel as Forest Preserve Area (Boxwood Preserve)

The Mayor read the agenda comments. Mr. White introduced the ordinance for first reading.

An Ordinance to Amend Chapter 12, "Parks and Recreation," Article VIII, "Forest Preserve," for the Purpose of Designating a City-Owned Parcel as Forest Preserve Area (Belle Point Preserve)

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

A Resolution to Establish a Forest Preserve Task Force

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for first reading. The Mayor requested that a prerogative for Council to appoint a Council liaison to the task force be included, as well as clarification that the inventory and assessment of City parklands would be undertaken by the task force.

CITY RESPONSE TO USA PATRIOT ACT: Mayor Davis read the agenda comments. It was moved by Mr. Roberts and seconded by Mr. White that Council approve the sending of the draft letter. Mayor Davis asked that the chair of the County Council be added to the list of persons to be copied. Mr. White complimented the staff on the letter. The motion passed 5-0.

It was moved by Mr. Turnbull and seconded by Mr. White that the draft "Policy for Responding to a Request for Assistance by Federal Authorities under the Patriot Act" be approved. The motion passed 5-0.

Council then turned to the policy stated in the agenda comments for notification of the INS of the discovery of undocumented persons, which is not now routinely done by the Police Department. Mr. Turnbull stated that criminal activity should result in a report to the FBI, not the INS. There was discussion of what types of suspicious activity might trigger a report. Stephen Jascourt, 10A Southway, expressed concern with the vagueness and subjectivity of the term "suspicious activity." Mayor Davis suggested dropping any reference to the cause for reporting and letting it stand that it would not routinely be done. Following further discussion, Mr. Turnbull moved approval with the Mayor's revision, Mr. White seconded, and Council passed the motion 5-0. It was noted that an additional request had been made via e-mail that Council institute a policy adopted by Takoma Park in their resolution that federal authorities must make a public reporting of requests for information under the Patriot Act (e.g., a request for library records) even if the City has not been asked to act. Council agreed that it would be feasible to have requests to the City publicly reported to Council but that the City would have no enforcement authority to compel other reporting.

BASKETBALL COURT AT WINDSOR GREEN BALL FIELDS: The Mayor read the agenda comments. Mr. Roberts moved Council support for the recommendation of the Park & Recreation Advisory Board that the basketball court should remain open with continued City monitoring. Mr. Putens commented that it was not true, as was stated in the report, that there was no longer any undesirable activity at this site; he said it would be more accurate to say that it had lessened. Mr. Turnbull seconded the motion, which passed 5-0.

ALLOCATION OF LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) FUNDS: The Mayor read the agenda comments. It was moved by Mr. White and seconded by Mr. Roberts that Council approve the use of the \$25,406 in LLEBG funds to purchase four or five (as costs permit) mobile video cameras. The motion passed 5-0.

APPROVAL OF CITY MISSION STATEMENT ON THE ARTS: The Mayor read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Roberts that Council approve adoption of the "City of Greenbelt Mission Statement on the Arts" as the replacement for the City arts policy statement. Mr. White said he would support the motion because this version was an improvement over the very brief mission statement that was presented a year ago. He added, however, that he believed there had been a diminution of youth programs, including drop-in programs for home-schoolers. The Mayor said that was not everyone's perception and that she had received comments while campaigning that the City is spending too much money on arts programs in general. Mr. Roberts said staff has testified to Council that these programs have not been cut back. Mr. White said, staff testimony notwithstanding, that is not what he sees when he goes into the Community Center and reads the activities board. The motion passed 5-0.

APPROVAL OF ELECTION SURVEY: Mayor Davis read the agenda comments. Approval of the election survey was moved by Mr. Putens and seconded by Mr. Turnbull. The motion passed 5-0.

APPROVAL OF CDBG SUBMISSION FOR PY 30: Mayor Davis read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Turnbull that Council authorize staff to prepare applications for both street projects with the intent of obtaining at least \$100,000 in street reconstruction funds. Mr. Turnbull asked that opportunities for pedestrian safety and traffic-calming be explored and that any such possibilities be included in the application. The motion passed 5-0.

MEETINGS: Council reviewed the meeting schedule. Mayor Davis noted that the PGCMA legislation dinner is Thursday, November 20. She asked again that the news racks topic be moved to the list for work session scheduling.

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 27, 2003, at 12:37 a.m. on Tuesday, October 28.

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 27, 2003.@

Judith F. Davis Mayor