



REGULAR MEETING OF GREENBELT CITY COUNCIL held Monday, August 13, 2001.

Mayor Davis called the meeting to order at 8:10 p.m.

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

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 observed a moment of silence for residents Lars Bronstein, Dennis Dunn, Frances Herling, Gene Winchester (Greenbriar Pioneer), and Edna A. Winterhak (Greenbelt and Springhill Lake Pioneer); and former residents Richard C. Devlin, Sally Hall, Ruth L. Kramer (Greenbelt Pioneer), Linda Lea McCaughey, and Kenneth Sparks.

Mayor Davis then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Turnbull requested that "Appointments to Advisory Groups" be removed from the consent agenda. Mayor Davis requested that the minutes of the regular meeting of July 16 be removed. A motion to approve the amended consent agenda was made by Mr. Turnbull and seconded by Mr. White. The motion passed 5-0.

Council thereby took the following actions:

MINUTES

- Special Meeting, July 2, 2001
- Work Session, July 11, 2001
- Interview, July 16, 2001
- Work Session I, July 18, 2001
- Work Session II, July 18, 2001
- Interviews, July 23, 2001
- Work Session, July 23, 2001
- Work Session, July 25, 2001

Approved as presented.

COMMITTEE REPORTS: Community Relations Advisory Board, Communication, 8/9/01 (Peace Program). Council accepted this communication regarding scheduling of activities on peace and non-violence.

MARYLAND MUNICIPAL LEAGUE (MML) LEGISLATIVE ACTION REQUEST FROM CITY OF BOWIE: Council agreed to express support for Bowie's request to the MML to make planning and zoning authority for municipalities in Prince George's and Montgomery counties one of its 2002 legislative priorities.

ATTENDANCE AT MARYLAND MUNICIPAL LEAGUE BOARD RETREAT: Council approved reimbursement of the Mayor's expenses to attend this retreat in September.

RESIGNATIONS FROM ADVISORY GROUPS: Council accepted with regret the resignations of Joseph Wilkinson from the Park & Recreation Advisory Board and of Hopi Auerbach from the Arts Advisory Board and directed staff to prepare the appropriate letters of appreciation.

APPROVAL OF AGENDA AND ADDITIONS: Mr. Turnbull moved approval of the agenda. Mr. White seconded the motion, which passed 5-0.

PRESENTATIONS

Prince George's County Municipal Association (PGCMA) Longevity Awards: In her role as this year's president of PGCMA, Mayor Davis announced that PGCMA has reinstated its longevity awards for elected municipal officials with 16 or more years of service. Current Council members Thomas White (28 years) and Edward Putens (20 years) and former Mayor Gil Weidenfeld (22 years) received their awards in June at the Maryland Municipal League Convention as part of the PGCMA breakfast. Mayor Davis presented former Mayor Richard Pilski (22 years) his award at tonight's meeting. Mr. Pilski briefly addressed Council and expressed his appreciation to PGCMA and the City.

Introduction of Community Resource Advocate: David Moran introduced Ann MacKenzie, the City's new Community Resource Advocate, whose position was funded under the NORC grant recently received by Greenbelt Homes, Inc., and the City.

PETITIONS AND REQUESTS: Mayor Davis read a letter she received from Pauline Bordas, 111 Hedgewood Drive, requesting the naming of an individual as poet laureate for Greenbelt. The Mayor asked that the request be referred to the Arts Advisory Board. Mr. White suggested asking the Writers Group to review it as well.

MINUTES OF MEETINGS: Mayor Davis noted a typographical error in the July 16 minutes, and she also asked that Mayor Walker of Landover Hills be added to the list of elected officials to whom a letter regarding Greenbelt Station was to be sent. Mr. Putens moved approval of the minutes as amended. Mr. Roberts seconded the motion, which carried 5-0.

ADMINISTRATIVE REPORTS

Mr. White asked Mr. McLaughlin the status of the energy assessment study. Mr. McLaughlin said staff would complete work on this soon, including the request from Green Ridge House to be included. A contract will be brought to Council for review in September or early October.

Mr. White commented that except for the algae, the Lake area looks good, but he asked if signage to mark trails at the lake was being worked on. Mr. McLaughlin said no, but that it could be considered along with the requests that was made for better signs in parking areas.

Mayor Davis reported briefly on her attendance at the Council of Governments board retreat in July. She testified on behalf of the Anacostia Trails Heritage Association at a County Council and Planning Board hearing regarding their management plan. She also attended the Greenbelt swim team's divisional meet and represented the City at Forest Heights' first annual family picnic.

LEGISLATION

A Resolution to Authorize the Negotiated Purchase of Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceed Ten Thousand Dollars (\$10,000). The Mayor read the agenda comments. Mr. White introduced the resolution for second reading and adoption. Mr. Putens seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

A Resolution of the City of Greenbelt, Maryland, to Approve the Designation of a Community Legacy Area and Application and Receipt of Financing for a Community Legacy Plan in Greenbelt, Maryland, to Be Financed Either Directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or Through Other Departments or Agencies of the State of Maryland: Mayor Davis read the agenda comments. Mr. White introduced the resolution for first reading and moved that Council's standing rules be suspended for purposes of adopting the resolution tonight. Mr. Roberts seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. White introduced the resolution for second reading and moved its adoption. Mr. Putens seconded the motion. Mr. White praised the work of intern Kristen Jalo on this proposal, as well as the work of the staff of Planning and Community Development Department on this and the many other projects on which they have recently been involved.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

BANK OF AMERICA - PROPOSAL TO CLOSE ROOSEVELT CENTER BANK: Mayor Davis read the agenda comments. Mr. McLaughlin added that although there have been substantive discussions about this matter on several fronts, there is little hope the bank will change its plan. Some interest has been expressed from Senator Sarbanes' office. Mr. McLaughlin has also made initial contacts to see if other banks might be interested in the site. Although the Bank of America would not ordinarily be willing to sublet to another bank, in this instance it would possibly be willing to do so. Emory Harmon, 204 Lastner Lane, thanked everyone who signed the petition protesting the closing of the bank. The petition, which will be sent to the Bank of America, had more than a thousand signatures at the time of the meeting. Julia Eichhorst, president of the board of Greenbelt Homes, Inc. (GHI), said the board had agreed to move GHI's accounts if another bank comes into the Center. She noted the particular importance to GHI residents, especially senior citizens, of having a bank at this location. Mr. Putens congratulated the GHI board for its stand and said he would support similar action by the City. Mr. Roberts agreed and added that he thought all those who signed the petition should close their accounts. Ruth Mathes, 18 Court Ridge, responded that many of the people who signed the petition had said they intended to do just that. Mr. Turnbull said he had always wondered why GHI banked with a bank that would not give share loans, and he suggested the City talk with the National Cooperative Bank in Ohio to see if they would be interested. Discussion continued regarding the impact of the loss of the bank on Roosevelt Center and the inadequacy of the other area branches of Bank of America to meet this need. A number of individuals spoke, including Keith Chernikoff, 210 Lastner Lane, Sylvia Lewis, 2-C Gardenway, Bill Phelan, 57-K Ridge Road, and Di Quynn Reno, who spoke as a City employee. Mr. Putens moved that Council authorize the Mayor to sign the letters being prepared to send to the City's elected representatives and to others on this matter. Council agreed that if time allowed, all Council members should sign the letters. Mr. White seconded. Mr. Roberts clarified that a letter would also go to the bank. The motion passed 5-0.

JAEGER TRACT CONTRIBUTION: The Mayor read the agenda comments. Glenn Eugster of the National Park Service (NPS) said there had to be some response to the owners by August 15. The appraisal requested by NPS will not be completed until October. Mr. Turnbull asked if there was any understanding with the owner that the federal appraisal would be accepted. Mr. Eugster said there was not but that the owner had been apprised that the federal government operates under constraints. Mayor Davis asked if we had made contact with the state about contributing. Mr. McLaughlin said at this point, everyone was waiting for someone else to make a move. In response to a question from Mayor Davis, Robert Crecco, president of the Westchester Park Civic Association, said the best Westchester Park would be likely to come up with were some small contributions from individuals. Mayor Davis stressed the importance of their making some contribution to demonstrate their commitment, and Mr. Turnbull suggested that the Westchester Park condominiums consider a modest special assessment for this purpose.

Mayor Davis asked the City Manager for clarification on how much Program Open Space (POS) money was available for use. Mr. McLaughlin said that including this year's funding, up to about \$400,000.

The discussion then turned to how much the City should contribute. Mr. Roberts opened the bidding by saying he would support a donation of approximately a year's funding from POS monies, given the longstanding importance of this project to the City and the availability of funds that can be used without jeopardizing other projects. Mr. White said he was satisfied that use of POS money was appropriate, and he moved that the City commit at least \$25,000 of FY 2002 funds. Mr. Putens said he would favor doubling that amount but would want to be sure the City could maintain some control. Mr. Manzi described the way joint-use agreements and reverts on deeds can be used for this purpose, assuming there is no problem with such arrangements on the part of the Park Service. Superintendent John Hale of the Park Service responded that this arrangement is different from ones the NPS has used in the past but that the NPS does not care who would own the property, and they will do whatever is necessary to cooperate in moving the arrangement forward. But he stressed the great importance of the City's taking some action immediately.

Mr. Putens then moved that \$100,000 of POS funds be committed. He also urged Westchester Park to make a serious effort to contribute. Mr. Roberts seconded the motion. Mr. Turnbull said he would have been happy to second the motion and spoke in support of the City's contributing this amount or more. Mr. White expressed concern that a commitment of \$100,000 was premature given that the first truly public discussion of the possibility of purchasing land outside the City limits was occurring at this meeting, and given that there were not yet any commitments from anyone else. Mr. Roberts disagreed, saying this property has been an issue in Greenbelt for a decade. He said there has been ongoing public discussion, and it "will not come as a shock" to the citizens of Greenbelt that the City Council is finally doing something about it. He said, "For what the Park is worth to us, \$100,000 isn't much." Mayor Davis agreed that \$100,000 was an appropriate figure, and she said she believed the City could not wait any longer to see what any of the other players might do. She stressed, however, the conditions that the property must be annexed by the City and that its acquisition must not threaten other projects with the City limits that have been discussed as possible uses of POS funds. Mr. Putens added this is the first opportunity Greenbelt has had to do anything about the Jaeger Tract, that it is important to the

City's efforts to maintain a "green belt," and that Council should take a strong stand. Mr. White asked if Mr. Putens' motion could include the following assumptions: that the acquired property would be part of Greenbelt; that there would be an appropriate-use agreement to maintain the property as open space adjacent to Greenbelt Park in perpetuity; that the commitment would be contingent upon the NPS's appraisal results; and that the commitment is in anticipation of contributions from other public and private sources. Mr. Putens added that there should be a reverter clause. Mr. Putens and Mr. Roberts both agreed that these assumptions were included in the motion. Mr. Turnbull remarked that the City has never had anything fall into place like this before, including a Park Service administration that had made it a priority and a Congress that was cooperating. He said it is time to make a leap of faith.

Doug Love, 3-D Plateau Place, spoke in favor of Council's taking action, and he enumerated the local groups that he intends to request donations from.

Mayor Davis said she assumed the City would send letters about this action to the Governor's office and the City's elected representatives.

Ms. Eichhorst spoke to say GHI will do its semi-annual review of requests for donations in September and will consider a donation. The Mayor asked the City Manager to send GHI a copy of the Friends Agreement as well.

When the vote was called, the motion passed 5-0.

COMPENSATION STUDY: Mayor Davis read the agenda comments. She said she believed there was prior agreement among Council on everything except whether a traditional COLA would be implemented or whether the midpoint calculation would be applied to the funds that were reserved in the budget for a COLA.

Mr. Turnbull moved that Council approve the retitling of positions, the upgrading of the classification/salary plan, and the use of the midpoint methodology for the allocation of both the \$200,000 for the outcome of the study (salary adjustment money) and the \$230,000 listed for COLA. It was understood that this methodology of computing the cost-of-living increase would be used for at least next year, as well, or until the City's salary plan is competitive with the comparable communities. At that time the City's salary plan and the use of midpoint for the cost-of-living will be reevaluated. Mr. Turnbull explained that he thought applying the midpoint calculation to the funds reserved for the COLA would move the City faster along the road it has agreed to travel. Mr. Roberts seconded the motion, emphasizing that using the midpoint calculation for the funds designated as "COLA" is simply another way of calculating an increase. He said he agreed with Mr. Turnbull's rationale that this approach would get the City to its goal faster. After clarifying several items, Mr. White said he would support the motion. Mayor Davis said she would support it as well. She thanked Consuella Harris, Human Resource Officer, for her memo explaining the COLA issue and the situation for long-term employees, which Mayor Davis said had greatly helped to clarify these issues. Keith Chernikoff, 210 Lastner Lane, asked for clarification on the fate of the Hendricks recommendation on performance appraisals. It was explained that this will be considered later. The motion passed 5-0.

CAMPAIGN SIGNS ON CITY PROPERTY: The Mayor read the agenda comments. Mr. Putens described the voluntary nature of this program, saying it was designed to provide candidates an opportunity, but they do not have to participate. Mr. Turnbull moved Council approve the program for the 2001 election. Mr. White seconded. Mr. Turnbull added that in voting on this matter, Council is acting only to authorize the use of public land and City staff for this purpose; any further agreement among candidates is entirely private and voluntary. Mr. Roberts said although he would support the motion, he has always opposed the program, because he questions this use of the City right-of-way and staff. The motion passed 5-0.

CAMPAIGN FINANCE: Since Mr. Putens had placed this item on the agenda, Mayor Davis asked him to present it. He said, and Mr. Manzi confirmed, that the issue of limiting campaign expenditures had been decided by the Supreme Court, with the result that expenditures may be limited only if a candidate is receiving public funds. He said he would like to see candidates agree to do this voluntarily and that his intention in proposing it was to benefit non-incumbent candidates, who usually cannot raise funds as effectively as incumbents. In order that the voters can be informed of spending levels, Mr. Turnbull suggested the timing of the required interim expenditures report be examined to be sure most of the expenditures have been captured prior to the election. Mayor Davis disagreed with Mr. Putens, saying she believes incumbents would be more likely to benefit from limits on expenditures, since it is the non-incumbent who may need to spend more to get name-recognition.

Mr. Chernikoff suggested that if the reporting time were to be changed, it should be after the election. Council suggested that the Board of Elections look at this matter for the future. [Note: this form is currently due 15 days prior to the election.]

Sylvia Lewis, 2-C Gardenway, said she had looked at the reports from the last election and thought there might be omissions in reporting expenditures because of a lack of clarity in the City Code regarding the exemption from reporting contributions from the candidate or the candidate's immediate family. She thought candidates might have misinterpreted this to mean they were not required to report the expenditures from those funds.

Mayor Davis also noted that the City had not included a requirement for reporting in-kind contributions and suggested that the Board of Elections look at that as well.

ELECTIONEERING AT POLLS: The Mayor read the agenda comments and asked Mr. Roberts to comment. He said he thought Council should amend its prohibition against campaign activity within 300' of the polls for the following reasons: there is no need for the City law to differ from that of the state; it will eventually be challenged legally; and it benefits an election to have signs and activity closer to the polls. Mr. Manzi said there are other jurisdictions besides Greenbelt that require more than the state's 100' and that it is Council's call. Mr. Roberts said he thought the real problem had been that the 100'- limit was never properly enforced. Mr. Chernikoff said he thought City elections had become too "sanitary" and that some of the "fervor of public participation" had been lost since the law was changed to 300'. He said he would favor reverting to the state's guideline and enforcing it, since 300' is so far away that it effectively bans people from public places on election day. Mr. Turnbull said the free speech principle is the important thing and that the City Council should not regulate the matter beyond assuring access to the

polls. He said 100' is more than enough, but it should be measured from any public entrance to the building, not from the room where voting is taking place.

Mr. Roberts moved that staff be directed to prepare an amendment to the City Code changing the distance within which electioneering is allowed from 300' to 100'. Mr. Turnbull seconded. Barry Schlesinger, 155 West way, said he had seen research findings indicating that candidates do better in precincts in which they have workers at the polls. He said he agreed that election-day enthusiasm had been lost. He thought 100' from entrances to the building would be a reasonable compromise. The motion was defeated 2-3 (Davis, Putens, White).

CANDIDATE INFORMATION ON WEB SITE: Mayor Davis read the agenda comments. She added that she had put this on the agenda because it had been pointed out to her that voters had become accustomed to candidates' having Web sites in other elections. Since many candidates in City elections might not have this capability, she thought it was worth discussing whether having biographical information available via the City Web site would be helpful to voters. Mr. White suggested that one solution would be for candidates to submit the same biographical information to the Web site that is published in the Greenbelt News Review, since the newspaper also requires the information to be non-political. Mr. Roberts expressed concern about putting staff in the position of arbitrating what would be posted; he suggested it might be more fair to remove the biographical information on the Web site for incumbent candidates. Mr. Turnbull said he thought publishing only biographical information was a disservice to voters, since it is candidates' programs and platforms that are important, not their biographies. He said if the City were to make space available, there should simply be a space-limit or word-limit for the candidate to use as he or she wishes. Mr. Putens asked if Greenbelt.com has considered providing information on candidates. Mr. Love said he had thought about doing this, including both biographical and platform information, and that he would raise the topic at the next meeting. Mr. Schlesinger said if the City Web site provides a link to campaign information on Greenbelt.com, there should be a very clear indication that one is leaving the City Web site.

Mr. Turnbull offered a motion that all certified candidates be allowed to post material of a limited length on the City Web site. In the absence of a second, he then moved that, during the campaign period, the biographical information on incumbent candidates be removed from the City Web site. Mr. Roberts seconded. Initially, the day after Labor Day was proposed as the date for removal, but at Mr. Chernikoff's suggestion, the motion was amended to change the deadline to the day after the deadline for filing for candidacy. The motion passed 5-0.

BOND REFERENDUM - 2001 ELECTION: Mayor Davis read the agenda comments. She noted that this subject had come up at the last meeting of the Greenbelt East Advisory Committee (GEAC) and that participants had indicated a higher priority on support for playgrounds and additional recreation center space than on the suggestions that had been made by staff for road and pedestrian/bicycle improvements. Sheldon Goldberg, chair of GEAC, said there was interest in seeing the pending report on playground equity to see how this might be worked in. He said the concern with the package of road improvements is that it is not well-defined. He said the overpass had not been discussed in some time, and he did not think it was possible to evaluate resident support for it at this time. In response to a question from the Mayor regarding his previous reservations, Mr. Turnbull said he found the level of funding and loan terms under

discussion to be generally acceptable. In response to a question from Mr. White, Mr. McLaughlin gave a breakdown of the basis of the estimated costs proposed for different items. Mr. White asked for more guidance on what language might work for GEAC. Mr. Goldberg said the proposal was too disperse to address in the same way one might address a smaller number of larger, more focused projects. Various projects have been mentioned that would affect various neighborhoods differently.

Regarding the item for the Greenbelt Theatre, Mr. Roberts asked about the propriety of asking voters to approve borrowing money for renovation of a building that does not yet belong to the City. Mr. McLaughlin said in the past, the City had requested approval of the voters for items in bond referendums that did not necessarily materialize later. Mr. Turnbull subsequently clarified that the voters would be approving an "up to" figure for certain types of projects and that if any of those projects should become moot, the City will not borrow or spend the money for other purposes that have not been authorized by the voters. Regarding the Greenbelt East issue, he added that, rather than a single, big project, what is envisioned is a package of relatively small enhancements and improvements that collectively would be too much for the City to undertake at one time within the existing budget. There were various suggestions for rephrasing the items for Greenbelt East. Mr. White suggested saying "park, recreation, and infrastructure improvements" to cover the bases, since he thought this would be more parallel to the other proposed statements.

Mr. White moved that Council direct staff to place on the September 10 agenda the introduction of legislation needed to place a bond referendum on the ballot of the November election in the amount of \$3.5 million, for a 15-year term, for the following projects: expansion of the Public Works facility (\$2,000,000); expansion and renovation of the Springhill Lake Recreation Center (\$750,000); renovation of the Greenbelt Theatre (\$250,000); and funding for park, recreation, and infrastructure improvements in Greenbelt East (\$500,000). Mr. Turnbull seconded the motion, which passed 5-0.

GREENBELT STATION CONCEPTUAL SITE PLAN - BRIEFING ON APPROVAL BY COUNTY PLANNING BOARD: The Mayor read the agenda comments. Mr. Love told Council that CCRIC will file a separate appeal in order to have standing to speak. The Mayor asked the City Manager to look into whether College Park will file an appeal, given that not all its conditions were included by the Planning Board. Mr. Manzi answered Council's questions about the Planning Board's action and outlined the plan for the appeal. Following further discussion on the implications of the board's approval, it was moved by Mr. Turnbull and seconded by Mr. Putens that Council authorize the City Solicitor to file an appeal to the District Council of the decision of the Prince George's County Planning Board on the Conceptual Site Plan for Greenbelt Station. The motion carried 5-0.

NATIONAL LEAGUE OF CITIES - PROPOSED AMENDMENTS TO NATIONAL MUNICIPAL POLICY: Mayor Davis read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Turnbull that Council propose that the NLC support the amendment of the Equal Access to [Justice](#) Act (EAJA) to raise the limits so that more communities can challenge federal actions. Mr. Putens suggested explicitly using Greenbelt's suit against the USDA as an example. The motion passed 5-0.

APPOINTMENTS TO ADVISORY GROUPS: It was moved by Mr. Turnbull and seconded by Mr. Putens that the following individuals be appointed to serve on advisory groups. The motion then passed 5-0.

Michael Travis - Arts Advisory Board

Veta Hurst - Arts Advisory Board

Randall Myers - Advisory Planning Board

Zohar Gitlis - Youth Advisory Committee

Leslie Primack - Youth Advisory Committee

MEETINGS: It was agreed staff would attend the upcoming meetings related to redistricting unless there appeared to be a specific need to have a Councilmember attend. Council agreed to hold a public meeting regarding overcrowding at the high school on August 21 and an executive session regarding the Greenbelt Theatre following the already scheduled meeting on August 28. The Mayor reviewed the rest of the meeting schedule. Mr. Goldberg noted that September 17 is the first day of Rosh Hashanah. Council agreed to meet on September 11 or 25 (both Tuesdays) if either would work for the New Deal Café. Regarding prior comment from the Greenbelt News Review on the number of executive sessions Council holds, Mayor Davis reported that she had reviewed the record and found that Council had held only 14 executive sessions out of the last 90 meetings and that she did not find this to be excessive.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. Turnbull. The motion carried 5-0. Mayor Davis adjourned the regular meeting of August 13, 2001 at 12:55 a.m. on August 14, 2001.

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 August 13, 2001."

Judith F. Davis

Mayor