



**REGULAR MEETING OF GREENBELT CITY COUNCIL held Tuesday, May 29, 2001.**

Mayor Davis called the meeting to order at 8:12 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; and Kathleen Gallagher, City Clerk.

Mayor Davis observed a moment of silence for former resident Doris Cottington. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mayor Davis asked that the minutes from the regular meeting of April 23 and the meeting preceding the executive session of May 1 be removed from the consent agenda. A motion to approve the amended consent agenda was made by Mr. Putens and seconded by Mr. White. The motion passed 5-0.

Council thereby took the following actions:

**MINUTES**

- Work Session, May 7, 2001
- Work Session, May 9, 2001
- Regular Meeting, May 14, 2001
- Interview, May 22, 2001

Approved as presented.

**COMMITTEE REPORTS**

- Park & Recreation Advisory Board - Report #01-4 (New Deal Café Request for Contribution Group Status): Council received this report and agreed to consider it at a work session to be scheduled on the New Deal Café.

REMOVAL FROM ADVISORY BOARD: Council agreed to remove Prasad Durvasula from the Park & Recreation Advisory Board and directed staff to prepare the appropriate letter.

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

## PRESENTATIONS

Memorial Day Poppy Presentation - Unit 136, American Legion Auxiliary: The Mayor read the agenda comments. Rose Unruh, president of the auxiliary, and Rosita Dietrich, co-chair of the poppy committee, appeared before Council on behalf of the Greenbelt Unit and brought literature on the tradition of the poppies. Ms. Unruh's granddaughter, Gaby, assisted in distributing the poppies.

2ND PUBLIC HEARING ON PROPOSED FY 2002 BUDGET: Mayor Davis read the agenda comments and declared the Public Hearing to be open. At the Mayor's request, the City Manager reviewed the changes to the proposed budget that were outlined in the City Treasurer's memo of May 24, 2001. The following individuals addressed Council:

Karan Temple True, 7-A Hillside, and Cindy Jacobs, 2302 Lackawana Street, Adelphi, both spoke in support of selecting the Greenbelt Association for the Visual Arts (GAVA) to provide all the visual arts programming in the Community Center, including ceramics, and funding them at the necessary level.

Mr. Turnbull clarified that the total amount requested by GAVA was being kept in the budget at this point in order that all options could be kept open. He said it does not imply that a decision has been made about awarding a contract.

Dennis Jelalian, Ridge Road, said he supported GAVA's application and thanked Council for restoring the \$10,000 to the budget. The Mayor reiterated that no decision had been made yet but that the money was kept in the budget to keep all options open until the decision was made.

Since no one else wished to speak, Mayor Davis declared the second public hearing concluded at 8:52 p.m.

PETITIONS AND REQUESTS: There were none.

## MINUTES OF MEETINGS

Executive Session, April 11, 2001: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, April 11, 2001, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 7:35 p.m. in the Library of the Municipal Building, that the meeting was recessed at 8:30 p.m. and reconvened at 11:45 p.m. in the Multipurpose Room of the Community Center, and that Council held this closed meeting in accordance with Sections 10-508 (a) (1), (3), and (7) of the State Government Article of the Annotated Code of Public General Laws of Maryland to discuss a personnel matter, to consider the acquisition of real property for a public purpose, and to consult with counsel to obtain legal advice on a legal matter. Mr. Turnbull seconded the motion.

ROLL CALL: Mr. Putens - no

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Regular Meeting, April 23, 2001: Mayor Davis noted several typographical errors for correction, including the statement of the vote on insecticide spraying that was incorrectly listed as 4-0, rather than 4-1.

Meeting Prior to Executive Session, May 1, 2001: Mayor Davis suggested accepting the City Solicitor's language to identify the minutes for the time period preceding Council's going into executive session. Mr. Putens moved and Mr. Roberts seconded that this meeting be referred to as the "pre-executive session meeting in response to the F.O.P." and that with this change and the other corrections, these minutes for the regular meeting of April 23 and the public meeting of May 1 be approved. The motion passed 5-0.

Executive Session, May 1, 2001: Mr. Roberts moved that the minutes of the executive session of the City Council held Tuesday, May 1, 2001, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:15 p.m. in the Council Room of the Municipal Building and that Council held this closed meeting in accordance with Section 10-508 (a) (1) of the State Government Article of the Annotated Code of Public General Laws of Maryland to discuss a personnel matter, regarding the compensation of employees over whom Council has jurisdiction. Mr. Putens seconded the motion.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

#### ADMINISTRATIVE REPORTS

Mr. Turnbull said he had been hearing about the problems in communication with the Astronomy Club and asked if an opportunity would occur soon for a staff report about it. Mr. McLaughlin said there would be a report in Council's Friday packet.

Mayor Davis thanked Joe McNeal, Community Center Supervisor, and the Recreation Department staff for their work on the Center's Open House on May 15. On May 21, she was interviewed by students from a middle school in Montgomery County. On May 22, she hosted a delegation of officials from Switzerland who, among other activities, attended Council's final work session on the budget. On May 28, all of Council participated in the Memorial Day ceremony at Roosevelt Center, and Mayor Davis spoke and presented a proclamation. She announced that the schedule for the upcoming Greenbelt Day Weekend is available from the City and has been published in the News Review.

**RECOMMENDATION ON REQUEST FOR PROPOSALS FOR VISUAL ARTS PROGRAMMING AT THE COMMUNITY CENTER:** The Mayor read the agenda comments. She then asked if any Councilmember was in favor of the staff recommendation. No one indicated support for this option. Mr. White said that at last week's work session to review the responses to the Request for Proposals (RFP), there was mention of a statement in the RFP that the City reserved the right to make use of information submitted unless the applicant gave notice that this was not satisfactory. He asked for clarification on whether this was acceptable practice, and the City Manager responded that in his opinion it was. Mr. White then sought and received assurance from the City Manager that GAVA's notice to this effect would be honored. He also requested copies for Council of the draft job descriptions for the part-time coordinators. Mr. White then made a motion that Council approve scenario B, whereby the City would contract with GAVA to continue all visual arts education programming at the Community Center. The motion failed for lack of a second.

Mr. Roberts then moved Council approval of scenario A, whereby the City would 1) offer a contract to GAVA to continue to undertake all non-ceramics visual arts education programming; and 2) as proposed by the Greenbelt Pottery, proceed to hire a part-time staff member to coordinate ceramics programming. He said he recognized that cooperation among the City, GAVA, and the Pottery would be required for this option to work successfully. Mr. Putens seconded the motion. Discussion continued on the concerns Mr. White had expressed regarding the applicants' right to their proposed curricula and intellectual property. Mr. White said he objected to this provision in the proposal.

Mayor Davis said she did not view support for scenario A as a vote against GAVA. She said she wished to include GAVA and that scenario A includes GAVA, if both GAVA and the Pottery are willing to cooperate.

Mr. Turnbull said it had been his assumption that the intent of the RFP was for an applicant to include stand-alone plans for doing either set of programs or both. He was therefore surprised when GAVA suggested it was unwilling to accept an offer to do only the non-ceramics programs. He asked what staff's intention had been. Mr. McLaughlin said in staff's view it had been desirable, but not strictly required, for a response to the RFP to include the possibility of doing only one of the two sets of programs.

Mr. Putens said it was still his wish for everyone to work together on this to benefit the community. He said the goal was to achieve what would most benefit the community, not the individuals involved.

Mayor Davis said if Council did choose to approve scenario A, there would be a heavy burden on staff to assure that the problems of last year would not be re-created. She said staff should provide a status report to Council by mid-year but should do so immediately if there were problems, in order that Council could act.

Mr. Turnbull suggested the extra funding that had been held in the budget for arts programming be kept in the budget for use for the arts.

Mr. White added that Council should be careful about deleting or ear-marking that funding for other purposes because scenario A is "based on a shaky budget." He went on to say that he could not find a valid rationale for departing from past practice on how the City handles arts education programming, given GAVA's track record and experience. GAVA has done an outstanding job, is a responsible, non-profit group, and has provided both quality and breadth in its programming. He said, "It will be like dropping off a cliff" if GAVA is not doing the City's arts programming on July 1. He said he urged Council "not to foreclose" on GAVA. Mayor Davis responded that supporting scenario A was not foreclosing, since scenario A includes both groups. She said it was GAVA that was drawing the line, not the City, and that scenario A would allow the continuation of all the programs GAVA's supporters had been writing and speaking about. Mr. Putens agreed with the Mayor that support for this option was not a vote against GAVA.

The Mayor then asked if members of the audience wished to speak. Barbara Simon, director of GAVA, read a statement giving a history of GAVA's programming for the City. Among other things, she said GAVA could not support either the staff recommendation or scenario A because quality programs must have a solid budget, and the budget presented by the Pottery was not sound. She cited two specific problems with the budget: 1) the staff time is inadequate, especially in not allowing enough time to prepare for programs outside of class time; and 2) the projections of increased revenues from increased registrations are unrealistic. When Ms. Simon mentioned a theft of tools and materials from GAVA, the Mayor asked her not to go into this. Mr. Turnbull said he thought Ms. Simon should be allowed to say what she wished and that Council need not endorse it. Ms. Simon said it was not her intention to cast blame but to describe the problems GAVA had with getting their ceramics program up and running last winter. She said this experience demonstrated that starting over with a different director in July was impractical and not good for the programs. She said that if scenario A were to be approved, GAVA would not provide any visual arts programs. They do not want their programs linked to the Pottery's budget. They believe it is essential that the programs be comprehensive and under one provider. And both the staff recommendation and scenario A represent "a radical break with what has worked." She said that, unlike the Pottery, GAVA does not want to be "a support group for a City-run program." She stated that the City staff should not take over programs that have been run by community groups.

Cindy Jacobs of Adelphi spoke again in support of GAVA, saying that because of GAVA, Greenbelt has programs no other community has.

Robert Schafer, 1 Lakeview Circle and member of the Arts Advisory Board, said he supported GAVA. He circulated to Council photographs he had taken in the class GAVA offers for the disabled.

In response to a query from Mr. Putens, Ms. Simon said the Recreation Department has made it clear that GAVA no longer has their unqualified support as a provider for all the programs. She said she strongly objects to the idea of the staff's taking over their programs. She said GAVA is willing to examine other scenarios if that can be done with the thoughtfulness it deserves but that this process has been too rushed. Mr. Putens encouraged Ms. Simon to continue to think about this over the next day or two and said he really hoped she would come to another conclusion.

Mayor Davis asked Ms. Simon for clarification on a reference she had made to the ceramics programs being "half" of GAVA's programs. She said she thought GAVA would still be offering the majority of its programs under scenario A. Ms. Simon stood by her statement, saying that pottery had become integral to a number of the classes that the Mayor was identifying as being "other visual arts." She further clarified that GAVA had anticipated that the Pottery would apply for the contract to provide the pottery programs but that this is not what they proposed and that this is not what is "on the table."

Mr. Roberts took issue with Ms. Simon's description of scenario A as a radical departure. He said, and Ms. Simon agreed, that the Pottery had performed well when they provided ceramics programs under contract. He also said the City staff has a strong track record. He said it is GAVA's choice whether to participate or not but that the City should not be "held hostage" by any group that says "it's my way or nothing."

Mr. Turnbull said he was troubled by the picture being painted of the relationship between GAVA and the City staff. He asked what the staff's motivation was for wanting to go the route of taking on a bigger role. Mr. McLaughlin said the staff comments had explained this and that the primary goal was the time and cost savings that would result from not duplicating in GAVA's budget administrative functions that could be performed by existing staff. There was no intention of excluding either GAVA or the Pottery from participation in programming.

Mr. White criticized the notion that arts programming should be driven by administrative efficiency. Mr. McLaughlin said that was not the intent. Mr. White asked what would justify taking programs from creative community volunteers and making them Recreation Department programs. Mr. McLaughlin repeated that the staff had no thought of excluding the community groups.

Mr. White said there was a history of issues involving staff control and that this concerned him. He cited the previous work session in which Council had indicated it wished GAVA to function independently as a contractor. Mr. McLaughlin assured him that had occurred.

Karl Hille, 10-P Laurel Hill Road, said he still believed that the Pottery and GAVA could work together and encouraged their cooperation.

Robert Schafer spoke again to note that the minutes of the July work session with GAVA cited by Mr. White described significant issues that, in his opinion, were still unresolved between GAVA and the City.

Todd Perry, 135-A Northway, described himself as a consumer of arts programs and expressed his concern that in the effort to be inclusive and balance individuals and organizations, quality of programs would suffer. He suggested that Council use the status quo as an index and to do no harm by making changes that would result in a loss from what the City has now.

Mr. Turnbull said he was beginning to think that too much human capital would be lost for the sake of a one-year decision if Council went with scenario A and that this would have impact on the Community Center and, subsequently, on the quality of downtown. He said he thought Council would be making a mistake if it called GAVA's bluff at this time and that it might make more sense to extend the contract and examine the situation for another year, starting immediately, without the time pressure that has been imposed this year.

Mayor Davis said she had hoped Council could come to a decision and that both groups would cooperate, even though GAVA had said at the work session that it would not accept the City's offer of a contract under scenario A. She said she had hoped the intervening time might affect GAVA's decision, since if Council decided to approve scenario A, and GAVA turned down the contract, it would create a difficult situation for the City. She asked what the Recreation Department would do to handle the non-ceramics programs in the event that Council approved scenario A and GAVA did not accept the contract. She noted that GAVA had already reiterated tonight that they would not accept the contract. Mr. McNeal and Ms. DeWald indicated that they believed that with the support of other groups and the community, the staff could "fill the void" and see that programs were provided.

Mr. White questioned the salary and time commitment for the part-time ceramics coordinator, saying he thought both were inadequate to conduct the program at the level needed. He added that he did not think there was an issue of calling a bluff, rather that GAVA was taking "an ethical position." He stated again that staff had effectively responded to its own RFP, and he urged Council either to approve scenario B or to support Richard Bates' proposal to extend GAVA's contract and undertake a thorough study of the situation over the next year.

Mr. Turnbull clarified that although he did not think there had been a calculated bluff on GAVA's part, this was the effect on Council, given that the intention of the RFP was to have the option of splitting the programs.

Mr. Putens stated strongly that it was the taxpayers who were being held in this "bluff" situation and that the City should never be put in a situation like this again.

Jessica Gitlis, 19-J Ridge Road, said the reason the Pottery had left GAVA last winter was that they felt as though it was time to work as an independent group again. She said they had previously become aware, however, that the costs of running an organization are high, not only financially but in terms of the impact of the loss of time and focus on the teaching and the programs. With regard to the budget, they believe if they can focus on the programs they can expand the registrations and revenues to the levels described in their proposal. She said from her point of view, waiting another year would only make it all the harder to get back to the point reached now. She said the Pottery wants to move forward.

Mr. Roberts then made a motion to call the question. The vote to close the discussion was 4-1 (Turnbull). The motion to approve Mr. Roberts motion to approve scenario A then passed 3-2 (Turnbull, White).

Mayor Davis asked Ms. Simon to rethink her position, since this decision was not intended to be a rejection of GAVA.

A motion was then made by Mr. White and seconded by Mr. Turnbull to require that staff present at the July 11 meeting a transition plan for the changes to occur in the administration of arts programming at the Center on July 1. The motion passed 4-1 (Roberts).

**CONTRACTS FOR ARTISTS STUDIOS:** Mayor Davis read the agenda comments. She asked if artists being awarded "non-renewable" contracts could re-apply the following year. It was clarified by Nicole DeWald, Arts Coordinator, that "non-renewable" simply meant the contracts would not be renewed automatically but that the artists would need to reapply and be reviewed by a jury again. There was brief discussion of the nature of some of the credit problems presented by the applicants and how staff intended to handle them. A motion was made by Mr. Turnbull and seconded by Mr. Putens to approve the offer of renewable license agreements to the three applicants whose scores qualify them for program participation and non-renewable license agreements to the four non-qualifying applicants. The motion passed 5-0.

**THE BUS - GREENBELT-NEW CARROLLTON LOCAL BUS ROUTE 16:** Mayor Davis read the agenda comments. Terri Hruby, Community Planner, added that implementation of the new route is scheduled for July 1. The Mayor commented that the City is not very happy with the existing routes in terms of the information provided on routes and schedules and the duplication of Metro service. Ms. Hruby replied that county staff members are willing to meet with Council to discuss how their written brochure can best be used. Mr. White commented that this proposed route seemed to have "no rhyme or reason." Sheldon Goldberg, 7848 Jacobs Drive, commented that this route was apparently the answer to the prior request to the county to connect the two metro stations. Mr. Turnbull said they seemed to have tried to answer two prior requests--connecting the metro stations and linking Greenbelt East to New Carrollton--without doing either one very well.

Mr. Turnbull moved that Council communicate its support for the proposed Greenbelt-New Carrollton TheBus Route 16, with the understanding that Council would meet with county staff and WMATA staff to discuss. Mr. White seconded. The motion passed 5-0. Mayor Davis asked if the work session should be added to the scheduling list, but Ms. Hruby suggested that staff could make a first pass on it prior to Council scheduling.

**PEDESTRIAN CROSSWALK BOLLARD SIGNS - PRESENTATION:** Mayor Davis read the agenda comments. Council members were all supportive of this pilot effort. There was some discussion of what types of crosswalks these signs are most effective with. Ms. Hruby said that the experience of other towns has been that they do not work well in areas where pedestrian traffic is light and vehicle traffic moves faster (e.g., Hanover Parkway or Cherrywood Lane). The crosswalk on Crescent Road at St. Hugh's is one that may be tried first. Mr. Roberts noted that a



problem at this crosswalk is that the button pedestrians push to cross results in a flashing yellow light rather than a red light.

MEETINGS: Mr. Putens moved that the July regular meeting be moved from July 9 to July 16. Mr. Turnbull seconded. The motion passed 5-0. Council agreed to schedule the Capitol Cadillac work session on June 13, the work session to prioritize capital projects on July 18, and a combined meeting on the trails map plan and the policy on driveway aprons on July 23.

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 May 29, 2001, at 12:05 a.m. on May 30.

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 May 29, 2001."

Judith F. Davis

Mayor