



**REGULAR MEETING OF CITY COUNCIL HELD
MONDAY, MARCH 8, 1999**

Mayor Davis called the meeting to order at 8:06 p.m.

ROLL CALL was answered by Edward V.J. Putens, Rodney M. Roberts, Alan Turnbull and by Judith F. Davis, Mayor. Thomas X. White had previously advised Council of his inability to attend.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert Manzi, City Solicitor; W. Bowman Ferguson, Management Analyst and David E. Moran, City Clerk.

Mayor Davis observed a moment of silence for Alan Freas, Liz Taylor and the wife and brother of David Gross, a public works employee. Then, she led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Turnbull moved approval of the consent agenda. Mr. Roberts seconded. The motion passed 5 to 0.

COUNCIL THEREBY TOOK THE FOLLOWING ACTIONS:

MINUTES:

- Work Session, February 10, 1999
- Work Session, February 17, 1999
- Regular Meeting, February 22, 1999

Approved as presented.

BALL FIELD LIGHTING: Council referred this matter and the background material to the city's Parks and Recreation Advisory Board for its review, public input and recommendation to the City Council.

ROOSEVELT CENTER SPONSORSHIPS: Council approved the proposed sponsorship program.

APPROVAL OF AGENDA: Mr. Turnbull moved that the agenda be approved. Mr. Putens seconded. The motion passed unanimously.

PRESENTATIONS:

Check Presentation by Greenbelt Lions Club: Joe Wilkinson, Treasurer of the Greenbelt Lions Club, presented two checks as donations from the Lions Club. \$500 was donated for the

Academic Achievement Program and \$800 for the Recreation Department's Youth Programs. Council thanked Mr. Wilkinson for the donations.

PETITIONS AND REQUESTS: There were no petitions and requests presented

MINUTES OF MEETINGS:

Executive Session, February 17, 1999: Mr. Robert moved that the minutes of the Executive Meeting of the City Council held Wednesday, February 17, 1999 be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 7:10 p.m. in the Community Center Multi-Purpose Room, and that 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 (1995 Replacement Volume) to consult with legal counsel to obtain legal advice. Mr. Turnbull seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mayor Davis - yes

ADMINISTRATIVE REPORTS: Mr. McLaughlin reported on the dedication of the new Washington Post facility in College Park. He noted that it was an impressive facility.

Mr. Manzi provided an update on the Post Office lawsuit and indicated that they had been successful in arguing against the motion to dismiss and were now preparing a motion for summary judgment.

Bo Ferguson, Senior Management Analyst, presented a report on the fabulous 50's film festival. He also noted other programs like the first Friday program for elementary students. Mr. Ferguson announced the next film festival would be an Indiana Jones trilogy on April 15.

Mr. Putens raised a concern about a typed letter on a city bulletin board and asked the City Manager to look into it.

Mayor Davis reported on the teenage job fair that was held over the weekend. She also noted that she had attended a retirement function for John Hyater, retired Postmaster. Mayor Davis also reported on the National League of Cities (NLC) Congressional City conference held over the weekend.

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF SERVICES FOR THE TREATMENT AND RESTORATION OF THE MOTHER AND CHILD STATUE

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled resolution for second reading and final passage. Mr. Turnbull seconded.

Celia Craze, Director of Planning and Community Development noted a packet of materials that had been presented to Council. Ms. Craze indicated that a determination of exactly what materials Ms. Koehler would be determined based on testing various materials. She noted that Save Outdoor Sculptures (SOS) had denied the City's grant application. Ms. Craze indicated that she had responded to SOS and provided them with additional justification.

Mr. Roberts asked about other sculptures Ms. Koehler had worked on. Ms Craze indicated that these treatment processes had held up well over as long as 20 years.

Mr. Turnbull asked about a maintenance program for future years. Ms. Craze responded that the city was committing to ongoing maintenance of the statue. Mr. Turnbull asked who on staff was accountable for these types of city possessions. Mr. McLaughlin indicated that this might be considered as part of the Arts Coordinator proposal.

Mayor Davis asked about treatment of the friezes on the Community Center. Ms. Craze indicated that Ms. Koehler would be asked to evaluate the condition of the friezes and present a proposal to Council.

ROLL CALL:

Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mayor Davis - yes

The Resolution was declared passed. (Resolution No. 888. Book No. 11)

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF SITE FURNISHINGS FOR THE ROOSEVELT CENTER MALL

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. Turnbull seconded.

Mr. Turnbull asked about movability of site furnishings. Ms. Craze responded it was the city's hope that the furniture could be left movable, but the furniture did have the option to be bolted if necessary.

Mayor Davis asked about umbrellas and who would be responsible for them. Ms. Craze indicated the umbrellas would hold up well in sudden weather events. Mr. Roberts asked about the security of the umbrellas. Ms. Craze hoped that the new vitality of the Center with security cameras would protect the umbrellas.

ROLL CALL:

Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 889. Book No. 11)

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF PAVING AND CONCRETE WORK FOR THE RENOVATION OF THE ROOSEVELT CENTER MALL

Mayor Davis read the agenda comments. Mr. Turnbull introduced the above titled resolution for second reading and adoption. Mr. Putens seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mayor Davis - yes

The Resolution was declared passed. (Resolution No. 890. Book No. 11)

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF IRON GRATES FOR THE RENOVATION OF THE ROOSEVELT CENTER MALL

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Resolution for first reading and suspension of the rules. Mr. Turnbull seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mayor Davis - yes

Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. Turnbull seconded.

Mr. Roberts asked about the price. Ms. Craze responded that reduction of grates from 8 to 6 foot had been discussed, but Ms. Bradley-Papp was strongly opposed to this. Mr. Roberts indicated he would vote against the motion because he thought that the grates were unnecessary.

In response to a question from Mayor Davis, Ms. Craze indicated that the grates would not rust and the paint would not chip.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - no
Mr. Turnbull - yes
Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 891. Book No. 11)

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF STRUCTURAL SOIL FOR THE RENOVATION OF THE ROOSEVELT CENTER MALL

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Resolution for first reading and suspension of the rules. Mr. Turnbull seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mayor Davis - yes

Mr. Putens introduced the above titled resolution for second reading and final passage. Mr. Turnbull seconded.

Mr. Putens asked what was structural soil. Ms. Craze indicated that typically soil is compacted and this makes it difficult for the tree roots to grow. She noted that the structural soil was porous and would allow root growth, and would also support the pavement.

Mr. Turnbull expressed support for the concept and asked if the landscaping company and the paving company get along. Ms. Craze indicated that the soil would be compacted to 95% as required by the paving company.

Mr. Roberts asked if the city could require the landscaping company to maintain the soil. Ms. Craze responded that the landscaping company would be required to maintain the compaction.

Mayor Davis asked Ms. Craze to provide an update on the Roosevelt Center Mall project. Ms. Craze reported that the project was going well, but was a little behind schedule because an unknown underground tank and electric vault had been unearthed and these needed to be removed.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mayor Davis - yes

The Resolution was declared passed. (Resolution No. 892. Book No. 11)

USDA LAWSUIT: Mayor Davis read the agenda comments. Mr. Larry Liebesman and Mr. Rafe Peterson of the law firm of Linowes and Blocher, made a public presentation on the lawsuit. Mr. Liebesman stated that the essence of the lawsuit was that the USDA had engaged in a systematic violation of environmental regulations and piecemealed this project and that the Corps and MDE had allowed them to do it. He noted the city believed the EIS was inadequate because it did not consider impacts of road improvement projects. He particularly stressed USDA's failure to take responsibility for Sunnyside Avenue.

Mr. Liebesman noted that initial reactions to this project by the Corps and MDE had been to consider the cumulative impacts of the building and associated road improvements. However later this stance changed and project was placed on a fast track and piecemealed.

He noted violations of federal and state law, particularly the National Environmental Protection Act (NEPA). He indicated the city was seeking a judgment that the violations had occurred and an injunction that would stop further improvements.

Mr. Liebesman believed the city had a good case and stated it would be litigated aggressively.

Mayor Davis noted that this had been a long-standing city issue and the city had been opposed to the expansion of MD 201. Mayor Davis asked Mr. Liebesman to comment on the city's standing in the case. Mr. Liebesman explained the rationale for the city's standing.

Mr. Putens stated that the city had been preparing this case for months. Mr. Putens believed there was a violation of public trust on the part of USDA and these regulatory agencies.

Mr. Putens moved that the city send a letter to the appropriate federal and state officials requesting that any aspect of construction be postponed. Mr. Roberts seconded. The motion passed unanimously.

Mr. Liebesman presented a video of flooding on Sunnyside Avenue.

Mr. Roberts asked about the time frame of the suit. Mr. Liebesman responded that it was difficult to estimate the time frame and would depend on the construction schedule. Council expressed appreciation for the briefing.

STATE LEGISLATION: Mayor Davis read the agenda comments.

Mr. Putens moved support for the increased tobacco tax. Mr. Turnbull seconded. Mr. Roberts asked where the funding would be committed. Mr. McLaughlin responded that the funding would be committed to a variety of programs.

Council discussed the proposed Class B-EZD (Economic Development Zone) liquor license. Mr. Roberts stated that he was not in favor of the legislation. Mr. Putens moved that the city support the legislation with an amendment of an equivalent investment requirement to the BLX. Mr. Turnbull was not convinced that the BLX license was the best approach for quality restaurant development and therefore was not supportive of this legislative approach at this time. Mayor Davis also expressed concern about the legislation. The motion was not seconded.

Mr. Roberts believed the bill was short-sighted and might limit competition by smaller restaurants and wasn't fair to them. Mr. Turnbull was concerned about the bill's effect on municipal home rule.

Mayor Davis suggested a letter to the delegation expressing concerns about the language allowing the County to unilaterally declare an economic development zone in a municipality and concern about the lack of an investment limit.

Mr. Roberts moved that the city oppose the bill stating the city's rationale. Mr. Turnbull seconded. Mr. Turnbull stated in might be better for the city to take no position. Mayor Davis did not want to go against municipalities in South County. Mr. Roberts withdrew his motion and Mr. Turnbull agreed.

Mr. Putens moved that the city take no position and send a letter expressing concerns about municipal sovereignty, investment amount, some limit on the number of licenses in this class and the homogenization of restaurants.

WELCOME BOOKLET: Mayor Davis read the agenda comments. Beverly Palau, Public Information and Communications Coordinator, briefed Council on the draft "Welcome to Greenbelt booklet. Mr. Putens believed the booklet was well-done. Mayor Davis expressed a desire for more photos. Mr. Putens favored a photo of recreational amenities and more information about Greenbelt Lake and Greenbrook Pond. Mr. Turnbull believed it was a great piece and suggested a map of neighborhoods. Mayor Davis suggested mentioning bike trails and lanes.

Mr. Putens moved approval of the booklet publication. Mr. Turnbull seconded. The motion passed 4 to 0.

MEETINGS: Mr. Turnbull moved that the June meeting dates be changed to 6/7 and 6/21. Mr. Putens seconded. The motion passed 4 to 0. Council scheduled the Federal Legislative dinner on 3/31.

ADJOURNMENT: Mr. Putens moved to adjourn the meeting. Mr. Turnbull seconded. The motion carried 4 to 0. Mayor Davis adjourned the regular meeting of March 8, 1999, at 10:50 p.m

Respectfully Submitted,

David E. Moran, CMC
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 March 8, 1999."

Judith F. Davis
Mayor