



**REGULAR MEETING OF THE GREENBELT CITY COUNCIL
Held February 14, 2005**

Mayor Davis called the meeting to order at 8:00 p.m.

ROLL CALL was answered by Councilmembers Leta M. Mach, Edward V.J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis. Councilmember Konrad E. Herling was unable to attend because of illness.

ALSO PRESENT were Michael P. McLaughlin, City Manager; John F. Shay, Jr., City Solicitor; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of residents Paul J. Heffernan, Paul M. Rousseau, Edward Stefanelli, and Walter Ernest Zahm; and former residents Marca Elizabeth Kerr and Dorothy Louise Powers. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mr. Putens asked to remove item #15 (Renewal of City Liquor Licenses) from the consent agenda. It was then moved by Mr. Putens and seconded by Ms. Mach that the consent agenda be approved with that amendment. The motion passed 4-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Regular Meeting, January 24, 2005
- Work Session, January 26, 2005
- Work Session, February 7, 2005

Approved as presented.

COMMITTEE REPORTS

Advisory Committee on Education, Report #1-05 (Reading Tutor Program): Council accepted the report and approved the board's recommendation to terminate the tutoring program and reprogram the remaining funds for recognition awards for the ACE Awards program.

Advisory Planning Board, Report, #04-01 (Friends Community School DSP): Council received this report and agreed to consider it later on the agenda under item #11 (Friends Community School – Detailed Site Plan).

Public Safety Advisory Committee, Report #2004-001 (Towing Regulations): Council accepted this report and agreed to add it to the list for scheduling for a work session with the Public Safety Advisory Committee.

APPLICATION FOR TRANSFER OF LIQUOR LICENSE – CHEVY’S: Council agreed to take no position on this transfer.

RETIREE HEALTH SAVINGS PLAN: Council approved the retiree health savings plan as structured and authorized the City Manager to sign the appropriate documents on behalf of the City.

APPOINTMENT TO ADVISORY GROUP: Council appointed Emmett V. Jordan to the Advisory Planning Board.

RESIGNATION FROM TASK FORCE: In approving this item on the consent agenda, Council accepted the resignation of Susan Smithers from the Forest Preserve Task Force and agreed to make no further appointments to the task force at this time. However, Council took other action under an additional item called “Appointments to Advisory Group” that was subsequently added to the agenda.

REAPPOINTMENTS TO ADVISORY GROUPS: Council reappointed the following individuals to the advisory groups on which they are currently serving: Kathleen Lewis to the Advisory Committee on Education; Sharon Anderson and Adrienne White to the Arts Advisory Board; Daniel Hamlin, Scott Legendre, and Dea Zugby to the Community Relations Advisory Board; and Chalya Lar to the Recycling & Environment Advisory.

APPROVAL OF AGENDA: Mr. Roberts ask to add an additional item “Appointments to Advisory Group” to the agenda as item #20. It was moved by Mr. Putens and seconded by Ms. Mach that the agenda be approved with that addition. The motion carried 4-0.

PRESENTATIONS: None.

PETITIONS AND REQUESTS: Gordon Pickering, 7931 Mandan Road, gave Council a copy of an article about a fire in Dallas in the apartment of a deaf family. He also brought a copy of Senate Bill 735, which he said would achieve the goals he was seeking for fire protection in apartments and condominiums. He said a News Review article had cited a figure of \$20,000 for retrofitting a unit in Greenbriar, but he had been given a figure of about \$750 for his new townhouse. Mayor Davis said staff would review the bill. She said that whether or not to retrofit existing buildings was a matter of decision for the condo association; it was not a City issue unless there was a code violation. She wished Mr. Pickering and his family well in their new home, but she noted that a townhouse was not directly comparable to a multi-family building in terms of its fire system.

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced there would be a groundbreaking ceremony for the new postal facility on Monday, February 28, at 12:30 rather than 1 p.m. [The time was later changed to 3:30 p.m.] Mr. McLaughlin said a March 2 date had been mentioned for Metroland's community outreach meeting on Greenbelt Station. He also said there would be a staff-level meeting on February 23 regarding newspaper vending boxes.

Ms. Mach attended the annual meeting of the Anacostia Trails Heritage Area and with other Councilmembers attended the opening of Internosis at Golden Triangle, the Prince George's County Municipal Association meeting, the CARES' Strengthening Families graduation, and the informational meetings presented by AIMCO.

Mr. Putens said he had attended a number of the meetings mentioned by Ms. Mach. He also attended his first meeting as vice-chair of the National League of Cities Small Cities Steering Committee and the MML convention planning committee.

Mayor Davis reviewed Community Development Block Grant proposals on January 27 as a member of the advisory group of Prince George's County, served as a judge for the American Legion's oratory contest on February 6, and visited 4th grades at Springhill Lake and St. Hugh's for the MML "If I Were Mayor" contest on February 10. She attended the Strengthening Families graduation at Springhill Lake. She attended two meetings/events with Congressman Hoyer; she noted that she had had the opportunity to thank him verbally for his help with expediting the permits for the new post office, but she said a letter should also go out to him. She congratulated Youth Advisory Committee member Robert Boyce on qualifying for the Presidential Classroom's Law and Justice in a Democracy program earlier this month.

LEGISLATION: None.

FRIENDS COMMUNITY SCHOOL – DETAILED SITE PLAN: Mayor Davis read the agenda comments. Terri Hruby, Assistant Director, Planning, said that since it had been determined that there was already a pedestrian crosswalk at Kenilworth and Westchester Park, that condition could be removed from the staff and Advisory Planning Board (APB) recommendation. In response to a question from the Mayor, she said the fence being required by the county would stop casual encroachment by the school on the park property.

Larry Taub, attorney for the Friends Community School, said there were two main issues at the point of the preliminary site plan: protection of environmentally sensitive areas, which has been accomplished by the fence plan; and the use of temporary buildings to phase in a possible expansion of the school from K-6 to K-8, which they have now decided to do as part of the initial build. He added that at no time would the student body exceed 200. He said that following the APB meeting, they had determined that the same 4-foot asphalt walkway that would lead from the circle to the school could also serve other purposes (e.g., to the recreational area). This change in design for the walkway would allow eliminating those two conditions as well. He said they have met with Westchester Park and with the National Park Service, with whom they are planning some joint programs. Tom Goss, Director of School, added that they were working on a kiosk with the park staff to be placed on park property.

Peter Doo, architect for the project, described their plans for creating a LEED Silver-Certified building. He said they intend to increase the wetlands, minimize site disturbance, have bio-retention areas and green roofs. They will use a straw-bale construction and radiant floor system to reduce energy use. In response to a question from the Mayor, he said straw-bale construction has a higher fire rating than standard frame. The bales are tightly compressed and sealed in plaster, with the result that they neither burn easily nor provide harbor for rodents or insects. He said the green roofs, on the other hand, are expected to provide habitat for wildlife. Mr. Roberts asked about the construction costs. Bob Headon, the project manager, responded that they would be \$130 per square foot, plus the site preparation and related costs.

In response to a question from Mayor Davis, Mr. Taub said there will be substantial buffer on the Westchester Park side of the playground; moreover, it will be sited slightly below grade. In response to a question from Ms. Mach, he said they would break ground by this summer and open for classes in the fall of 2006. In response to a question from Mr. Roberts, Mr. Goss said they would have no playing field, just a play and recreation area to meet the county's required minimum of 20,000 square feet.

Ms. Hruby said that, beyond recommending approval of the plan, the APB wanted to commend the Friends Community School for its green design and building plans. Mr. Putens agreed and made a motion, which was seconded by Ms. Mach, that Council support the Detailed Site Plan with the two remaining conditions:

1. Provide detailed information on the proposed recreation area (e.g., equipment).
2. Submit a copy of the proposed sign plan to the City. The proposed entrance sign should be compatible with the neighboring Westchester Park development and should conform to Prince George's County sign regulations.

Mr. Roberts said that if this were any other site, he would applaud the plan. Given the longstanding efforts of the City to protect this property and add it to Greenbelt Park, however, his conscience required that he vote against any development on this site.

Mayor Davis said many people had strong feelings about this but that if there had to be development, this was preferable to a housing development. She said, "Welcome to our community."

The motion passed 3-1 (Roberts).

PENDING STATE/COUNTY LEGISLATION: The Mayor read the agenda comments for each of the following items.

PG 318 & 331 – Liquor Store Closing Times: Mayor Davis noted that the Prince George's County Municipal Association was supporting these bills. It was moved by Mr. Putens and seconded by Mr. Roberts that Council support PG 318 and PG 331 and that this support be conveyed to the City's delegation. The motion passed 4-0.

House Bill 137 – Manslaughter by Vehicle or Vessel – Criminal Negligence: It was moved by Mr. Putens and seconded by Ms. Mach that Council support HB 137 and that this support be conveyed to the City’s delegation. The motion passed 4-0.

House Bill 307 – Admissions and Amusement Tax – Food and Beverage: It was moved by Mr. Putens and seconded by Ms. Mach that Council support HB 307 and that this support be conveyed to the City’s delegation. The motion passed 4-0.

House Bill 272 – Special Taxing Districts for Police and Fire Protection: Mr. Roberts asked what impact this bill would have on Greenbelt. Mr. Moran said it would affect the City only if it wished to establish such a district and that the staff recommendation to support it was primarily by way of support of College Park. The Mayor commented it might eventually be relevant to Greenbelt Station. Mr. Roberts asked how it could be justifiable to charge some areas more than others for services. Mr. McLaughlin explained that what would be received would be enhanced services in, for example, downtown areas. It was moved by Ms. Mach and seconded by Mr. Putens that Council support HB 272 and that this support be conveyed to the City’s delegation. The motion passed 4-0.

House Bill 405 – Youth Services Bureaus – Predelinquent Diversion Services: Mayor Davis stated that in the Governor’s budget, YSB funding had been cut out and moved elsewhere. Mr. Moran added that although it was still in the Department of Juvenile Services budget, the funds now required competitive application. He said the YSBs are very concerned about this. It was moved by Mr. Roberts and seconded by Mr. Putens that Council support HB 405 and that this support be conveyed to the City’s delegation. The motion passed 4-0.

Senate Bill 738 – Land Preservation Programs – Funding: It was moved by Mr. Putens and seconded by Mr. Roberts that Council support SB 738 and that this support be conveyed to the City’s delegation. There was some discussion of the meaning of the bill and the source of the funding. Mayor Davis asked Mr. Moran to locate the legislation that had been introduced to thwart any effort on the part of the state to sell off undeveloped land. When the vote was taken, the motion passed 4-0.

ZIPCAR UPDATE: The Mayor read the agenda comments. Mr. Roberts said if there is demand for it, he would rather move the Volkswagen to Green Ridge House than eliminate it. Mr. McLaughlin said he doubted they could afford it, given that they were drawing down their reserves for capital projects. Ms. Mach made a motion, which was seconded by Mr. Putens, that Council authorize the removal of the Municipal Building vehicle by Zipcar, unless Green Ridge House residents are willing to pay for its usage. Mayor Davis said she would support the motion, but if there should be a hue and cry from Green Ridge House, she would want to revisit the matter. The motion passed 4-0.

RENEWAL OF CITY LIQUOR LICENSES: Mr. Putens said he removed this item from the consent agenda in order to inquire about the status of matters at T. G. I. Friday’s. Mr. McLaughlin said the problems have decreased but have not completely disappeared. He added that he believes management to be working in good faith with the City. Mr. Putens said it had been quite a while since the new owners had taken over and committed to solving the problems. He moved that a position of “no position” be

conveyed on the others, with a statement of concern, but not opposition, on Friday's. Ms. Mach seconded. The motion passed 4-0.

APPOINTMENTS TO ADVISORY GROUPS: Mr. Roberts said he believed Council should either eliminate the Youth Advisory Committee (YAC) position from the Forest Preserve Task Force or appoint an additional at-large member to fill the slot created by the resignation that was accepted on tonight's consent agenda. Mayor Davis suggested that the matter be referred back to the task force for its recommendation in an advisory capacity on how Council should handle the two positions: the at-large vacancy and the non-participation of the member representing YAC. Mr. Roberts so moved, saying that process would satisfy him, since his concern was that the task force had not been consulted. Mr. Putens seconded the motion, which passed 4-0.

MEETINGS: Council reviewed the schedule of upcoming meetings. It was agreed to drop two meetings from the list to be scheduled and add a work session with the Public Safety Advisory Committee. Mr. Putens said he would still like to have a budget work session with the City Manager prior to the presentation of the budget.

ADJOURNMENT: A motion to adjourn was made by Ms. Mach and seconded by Mr. Putens. The motion carried 4-0. The Mayor adjourned the regular meeting of February 14, 2005, at 9:50 p.m.

Respectfully submitted,
Kathleen Gallagher
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held February 14, 2005.@

Judith F. Davis
Mayor