



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, April 12, 2004.

Mayor Davis called the meeting to order at 8:03 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts, 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 residents Joan Crabill and Donna Jean Hardman and former resident Ethel Fisher. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as amended. The motion carried 5-0.

Council thereby took the following actions:

MINUTES

- Special Meeting, April 7, 2004

Approved as presented.

COMMITTEE REPORTS

Advisory Committee on Education, Report #01-2004 (Funding for GMS Renovation): Council accepted the report and agreed to consider it with this topic later on tonight's agenda.

Advisory Committee on Education, Report #02-2004 (ERHS/Duval Funding Shift): Council received this report and agreed to consider on the agenda of the next regular meeting.

Park and Recreation Advisory Board, Report #04-4 (Contribution Group Requests): Council accepted this report and agreed to consider it at the budget work session for contribution groups on May 5.

ADOPTION OF ADVISORY PLANNING BOARD RESOLUTION FOR DEPARTURE #04-001-DSDS: Council adopted this Advisory Planning Board Resolution for Departure.

RESIGNATION FROM ADVISORY GROUP: Council accepted the resignation of Keith Chernikoff from the Board of Elections.

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

PRESENTATIONS

Maryland Chiefs' Challenge – Proclamation: Mayor Davis read a proclamation in recognition of the Maryland Chiefs' Challenge during April and May. Lt. Thomas Kemp received the proclamation on behalf of the Police Department. Noting that MPO Scott Kaiser is the point-person for the Chiefs' Challenge in Greenbelt, Lt. Kemp said the City has been a leader with this program, which he stressed was primarily about educating drivers, not giving citations.

National Public Safety Telecommunications Week – Proclamation: Mayor Davis read a proclamation declaring April 11-17 to be National Public Safety Telecommunications Week, in honor of the City's Communications Specialists. Receiving the proclamation were Carolyn Breck, Interim Communications Supervisor, and new staff members Alicia R. Covile, Communications Supervisor, and Stephanie Y. Janifer, Communications Specialist. Mr. Putens said how pleased he was that, in contrast with some previous years where there were staffing problems, this year had brought compliments about the dispatchers. Cpl. Breck responded that the unit had been working hard on improving its level of customer service.

Arbor Day – Proclamation: As a Tree City USA, Greenbelt issues a proclamation to recognize Arbor Day, which it will celebrate this year in conjunction with its Earth Day events on Saturday, April 17. Charles Jackman, co-chair, and Bill Phelan, staff liaison, received the proclamation on behalf of the Advisory Committee on Trees.

PETITIONS AND REQUESTS: Ruth Kastner, 125 Hedgewood Drive, sent a letter to Council asking the City to support Senate Bill 393 and House Bill 53, which would require a voter-verified paper trail for electronic voting machines. She said she knew it was now too late for Council to take a position on the issue for this year. She expressed concern that legislators had added amendments to the bills and thought it required further study rather than implementation for 2004.

MINUTES OF MEETINGS

Executive Session of March 31, 2004: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, March 31, 2004, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in closed session at 10:20 p.m. in the Senior Classroom of the Community Center in accordance with Section 10-508 (a)(1) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consider a recommendation from the Employee Relations Board regarding an employee grievance. Mr. Herling seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

Executive Session of April 7, 2004: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, April 7, 2004, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in closed session at 7:32 p.m. in the Library of the Municipal Building in accordance with Section 10-508 (a)(8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff regarding pending litigation related to Greenbelt Station. Mr. Putens seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced that the reforestation plantings for the Hilton Garden Inn had been accomplished on the site of the Springhill Lake Recreation Center golf course. He also announced the upcoming Saturday activities of Celebration of Spring, Earth Day, Arbor Day, and the Public Works open house.

Mr. Herling, Ms. Mach, and Mayor Davis described the very successful Springhill Lake and Greenbelt Lake clean-up activities and thanked Cindy Murray, staff liaison, and the Recycling & Environment Advisory Committee for their efforts.

Mayor Davis then reported on speaking at the Golden Age Club meeting and attending a metropolitan area electricity forum on March 31, participating in the second annual pancake-eating contest for the Prince George's County Special Olympics on April 2, and providing a welcome to the Prince George's County Business Roundtable, which met for the first time on April 8 in Greenbelt. She thanked Joe McNeal, Greg Varda, and the Recreation Department staff for their work on the indoor Easter Egg Hunt

LEGISLATION: There was none.

APPLICATION FOR LIQUOR LICENSE – SILVER DINER: The Mayor read the agenda comments. Linda Carter and Evan Meyers, attorneys for Silver Diner, and Mark Russell, director of new store development, appeared on behalf of the applicant. It was clarified

that there would be no bar in the restaurant, just table service. They expect to open mid-June. Mr. Roberts made a motion that the City take a position of "no position" on the application. Mr. Herling seconded. The motion passed 5-0.

POSSIBLE PARTIAL FUNDING FOR GREENBELT MIDDLE SCHOOL RENOVATION: The Mayor read the agenda comments and acknowledged that Prince George's County School Board Member José Morales was present. Noting that the recommendation of the Advisory Committee on Education (ACE) had been to use the \$1 million for the planning only if it would be adequate to assure that this phase could be completed, Mr. Herling asked if it would be enough. With the qualification that he was present as a City resident rather than as a representative of the School Board, Mr. Morales said using the rule of thumb that the planning costs run 5% of the project costs would suggest that another \$400,000 would be needed. Mr. Roberts said he thought using the funding for work on the historic structure might be preferable regardless, since the building is in such bad condition and accomplishing some work on it might be as likely to inspire future funding as would completing the planning. Ms. Mach expressed concern about funding the planning without knowing where the plans were leading, since at last discussion the county was talking about a smaller structure than the current one. She said she favored the ACE recommendation to apply the funding to work on the structure if the planning costs could not entirely be covered. Mayor Davis asked Mr. Morales whether the City might appear to be letting the county off the hook if it let some of the work be done without assurance of completion. He responded that the authority to determine use of the funds lies with the County Council, not the School Board. He added that he did not think the \$1 million would have a big enough impact on the structure to affect what the county would do. Ms. Mach moved, with a second from Mr. Roberts, that the City request that the \$1 million be applied to necessary work on the historic part of the building. The motion passed 5-0.

SITE PLAN FOR ANIMAL CONTROL FACILITY: Mayor Davis read the agenda comments. She said Council had received the letter from Patrick McAndrew, president of the Boxwood Civic Association, and that Mr. McAndrew was present. Celia W. Craze, Director, Planning and Community Development, reviewed the site plan. She noted that animals would not be left outside unattended, with the idea that any noise or problems would be immediately addressed and not be a neighborhood concern. Mayor Davis asked her about the question of outdoor lighting raised by Boxwood. Ms. Craze said there would be only building lights of the type used on residences at the entrances; there would be no exterior site lighting. Mr. Roberts asked about any impact on a potential expansion of the Police Department facility, and Ms. Craze explained there would be little or none. Mr. McAndrew thanked Ms. Craze and Councilmember Mach for attending the Boxwood Civic Association meeting to discuss the site plan. He said there had been unanimous support for the plan with the conditions presented in the letter. Mayor Davis asked if Standard Operating Procedures were being developed that would include these issues. Ms. Craze said they were. It was moved by Mr. Putens and seconded by Ms. Mach that Council approve the site plan for construction of the animal control facility, subject to preparation by staff of the guidelines for its operation. The motion passed 5-0.

MOSQUITO CONTROL OPTIONS: The Mayor read the agenda comments. Bill Phelan, Assistant Director, Public Works, said he wanted to make it clear that he was not recommending spraying for mosquitoes but that since this was the first year spraying

had been an option for some time, he wanted to bring it to Council's attention. There was considerable discussion of the fact that there did not appear to be enough evidence that the spraying would be effective with Asian tiger mosquitoes to justify using it, although residents are concerned about them. In response to a query from Mr. Roberts, Mr. Phelan said he thought the insecticide used was Pyrethrin, which has relatively low toxicity and is used on clothing by Public Works staff to deter fleas. Mr. Roberts made a motion that the City opt to use larvicide only. Mr. Putens seconded the motion. Mayor Davis asked if a request could be made for someone from the Maryland Department of Agriculture to attend a Council meeting to make a presentation on mosquito control. Mr. Phelan said he was sure they would be pleased to do so. The motion passed 5-0.

AWARD OF PURCHASE – TENNIS COURT RESURFACING AND FENCING: Mayor Davis read the agenda comments. Mr. McLaughlin said the City is preparing a letter to the skateboarders to state unequivocally that a zero-tolerance policy on boarding in prohibited areas will be enforced. There was considerable discussion of the problem of skateboarders continuing to use and do damage to the Braden Field tennis courts. A letter had been received from Muriel Balzer, president of the Greenbelt Tennis Association (GTA), about the frustration of the organization with this problem and the City's seeming lack of response to it. The GTA supported the plan to resurface the courts but thought the City should not make this investment in the courts and then allow them to be vandalized again. Bill Wilkerson, 60F Crescent Road, added that there was an ongoing level of confrontation between the tennis players and the boarders. He said it was sometimes very unpleasant and that Ms. Balzer questioned whether the City really had a handle on any way to control it.

There was discussion of penalties and whether boards had been confiscated or not, though it was not certain whether the City has the authority to do so. Mr. Putens suggested that very explicit signs be posted at the courts. Ms. Mach suggested that the signs also include information on where skateboarding is allowed. Mayor Davis suggested sending letters to parents the first time a board is confiscated, with the board to be taken permanently on the second offense.

It was moved by Mr. Putens that Council award the purchase for resurfacing Braden Field Tennis Courts 5-8 to American Asphalt Paving of Baltimore at a cost of \$64,844. It was further moved that Council award the purchase of fencing for these tennis courts to Long Fence of Capitol Heights at a cost of \$16,092. Mr. Roberts seconded the motion.

Ed Kaplinger, 104 Julian Court, clarified that he was not affiliated with the GTA. He said he had met with the engineer from GeoTech and Ken Hall, Director, Public Works, regarding the water problem under the courts. He said rather than install the French drains and resurface immediately, he would recommend waiting to see if the drains solve the problem without the new three inches of paving. Mr. McLaughlin responded that he believed that while the water may have exacerbated the problem, the courts need replacing at this time, and the City will lose its access to this bid price on July 1. Mr. Hall agreed, saying Public Works wants to fix the courts for 15 years now and not have to come back to fix patching. Mr. Roberts also agreed, saying he thought not doing the overlay would cause problems eventually, even if the drains work. When the vote was taken, the motion carried 5-0.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING PROPOSAL: Mayor Davis read the agenda comments. She added that at this point the monies have been reallocated rather than eliminated. It was moved by Mr. Putens and seconded by Mr. Herling that Council approve the letter to the County Council for the Mayor's signature questioning the change in formula for CDBG funding. The motion passed 5-0.

2003 ELECTION QUESTIONNAIRE – BRIEFING: Mr. Moran briefed Council on the survey results. There was discussion of the fact that residents using satellite dishes rather than cable do not receive the local public access stations. Mr. McLaughlin said since this is a national issue, it should perhaps be raised with the National League of Cities (NLC) to see if a requirement could be negotiated with dish providers comparable to the cable requirement. Mr. Putens said he would like to take the matter to the NLC Small Cities meeting in June. Mr. Herling suggested that he first check and see if the Federal Communications Commission has addressed the subject.

MEETINGS: Council reviewed the meeting schedule and determined the Public Safety Budget Work Session could not be held on May 13.

ADJOURNMENT: A motion to adjourn was made by Ms. Mach and seconded by Mr. Putens. The motion carried 5-0. The Mayor adjourned the regular meeting of April 12, 2004, at 10:45 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 April 12, 2004.

Judith F. Davis

Mayor