

# REGULAR MEETING OF THE GREENBELT CITY COUNCIL held July 14, 2003.

Mayor Davis called the meeting to order at 8:02 p.m.

ROLL CALL was answered by Councilmembers Rodney M. Roberts, Alan Turnbull, Thomas X. White, and Mayor Judith F. Davis. Councilmember Edward V. J. Putens arrived at 8:15 p.m.

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 former resident Jane C. O'Malley. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mr. White asked to remove item #22 (Reappointments to Advisory Group) from the agenda. It was moved by Mr. Turnbull and seconded by Mr. White that the consent agenda be approved with that deletion. The motion passed 4-0.

Council thereby took the following actions:

## **MINUTES**

- Work Session, May 28, 2003
- Regular Meeting, June 30, 2003

Approved as presented.

APPROVAL OF AGENDA AND ADDITIONS: Mr. Turnbull asked to add "Proposed Text for Roosevelt Center Sign" to the agenda as #23. Mr. White asked to special-order #17 (Introduction of New Director of Greenbelt CARES) by moving it to follow "Presentations." It was moved by Mr. Turnbull and seconded by Mr. White that the agenda be approved with these two changes. The motion carried 4-0.

### **PRESENTATIONS**

Oath of Office for New Greenbelt Police Officers: Chief James Craze introduced two new police officers to Council: Jermaine Orlando Gulledge and Brock Allan Tapp. Both are recent graduates of the Anne Arundel County Police Academy with recent service in the military. The Mayor administered the oath of office to the new officers.

Recreation and Parks Month – Proclamation: Joseph McNeal and Julie McHale, Assistant Directors, Recreation, were present on behalf of their department to accept a

proclamation from the Mayor declaring July to be Recreation and Parks Month in Greenbelt.

MML Award for Excellence: Mayor Davis displayed the Maryland Municipal League Award for Excellence that was received for the City's first Pet Expo program.

Introduction of New Director of Greenbelt CARES: Mr. McLaughlin introduced Elizabeth Park to Council as the new director of CARES. Council welcomed Dr. Park.

PUBLIC HEARING ON FY 2004 CAPITAL PROJECTS BUDGET: Mayor Davis read the agenda comments and declared the public hearing to be open. Keith Chernikoff, 210 Lastner Lane, said he was gratified to see that the City was finally able to attend to the windows in the Community Center, since this last piece of the Community Center renovation has been on the list of things to do for a long time. Mr. White said he thought some of the items on the Capital Projects Fund list more appropriately belonged in the newly created Building Capital Reserve Fund. Mr. McLaughlin agreed.

There being no additional comments or questions, the Mayor declared the public hear on the Capital Projects budget to be closed.

PETITIONS AND REQUESTS: There were none.

#### MINUTES OF MEETINGS:

Executive Session of June 4, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, June 4, 2003, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 9:30 p.m. in the Library of the Municipal Building. 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 to consult with counsel to obtain legal advice on legal matters. Mr. Putens seconded the motion.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

Mayor Davis -yes

ADMINISTRATIVE REPORTS

Mayor Davis reported on the following:

She presented a congratulatory letter to Charlotte Greenwood on the occasion of her 100th birthday. Though not a resident of the City, Ms. Greenwood attends the Adult Day Care Center.

The Volunteer Fire Department submitted its open house and fire prevention programs to the Maryland State Fire Fighters Association and received a first place award for the region and a sixth place statewide.

The City sent out to all homeowner associations and civic associations information on a new law allowing them to receive advance notice from the Maryland National Park & Planning Commission regarding upcoming development issues if they call to register. The registration must be renewed every year.

Thanks to the Recreation and Public Works Departments and the Concert Band for a successful Fourth of July program.

#### LEGISLATION

An Ordinance to Amend the Capital Projects Budget for Fiscal Year 2004

Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for second reading and moved its adoption. Mr. Turnbull seconded the motion.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

Mayor Davis -yes

The ordinance was declared adopted (Ordinance No. 1241, Book No. 12).

An Ordinance to Amend Chapter 11 of the Greenbelt City Code, "Motor Vehicles And Traffic," in Order to Include Parking Prohibition of Vehicles Not Displaying Proper Registration Plates and Tabs

Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for second reading and moved its adoption. Mr. White seconded the motion.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

### Mayor Davis -yes

The ordinance was declared adopted (Ordinance No. 1239, Book No. 12).

An Ordinance to Amend Chapter 11 of the Greenbelt City Code, "Motor Vehicles And Traffic," in Order to Prohibit the Parking of Vehicles on City Streets, Alleys, Roadways, and Parking Lots for 30 Days or Longer

Mayor Davis read the agenda comments. Mr. Roberts introduced the ordinance for second reading and moved that it be adopted. Mr. White second the motion.

Mr. Putens asked what would cause staff to check a vehicle. Renée Landen, Community Development Inspector, said in most instances staff responds to complaints regarding cars neighbors cannot account for. Sometimes, the inspectors will notice something that suggests a car has been sitting for a long time. Mr. Putens questioned whether 30 days was too long a time period, since usually a car will already have been sitting for a long time before neighbors complain. Ms. Landen said the concern was that making the time period less would result in catching people on vacation or making other necessary trips. Mr. Putens responded that the problems are created by people with multiple vehicles and that citizens have "had enough" of this behavior. He said he thought the limit should be 15 or 21 days.

Mr. Budich, a resident of Parkway, spoke to say that he travels to Europe for a six-week period every year. He said although he understood the need to resolve the problem, he thought people should have an opportunity to notify the City of special cases, as well as any unanticipated delay in return date. Ms. Landen said the department can work with people who call the department with such information. Mr. Roberts said he would still be concerned that people would go on vacation without knowing about the law and return to find their car towed and be presented with the bill. Ms. Landen said for the vast majority of these vehicles, the owners are in violation and know it; the others can be handled on a case-by-case basis. Mr. Roberts said the residents will not gain any parking spaces this way, since violators will simply move a space or two. He said all that would be accomplished would be to demonstrate the vehicle is operable enough to be moved a few feet.

Mr. White expressed support for the draft ordinance. He said he had received a phone call echoing the sentiments of Mr. Budich and agreed that steps should be taken so the ordinance would not impact people who are legitimately away from home. He said he appreciated the sensitivity of the staff to this matter and thought if it could be handled, together with some citizen educational efforts, that should take care of it.

Mr. Turnbull said he would cede the question he raised at the last meeting regarding the time period between ticketing and towing and would hope staff would be sensitive in enforcement, even doing some "sleuthing" before towing. He agreed with Mr. Roberts, however, that simply rolling a car forward or backward a space neither opens up a parking space nor demonstrates that the car can run. The car should be required to be driven farther. Mayor Davis said Council could do fine-tuning of this sort later, after staff had the opportunity to evaluate what was occurring.

Barry Schlesinger, 155 Westway, said two weeks is not at all uncommon for people to be away, and he cited an instance when he had been away for five weeks taking care of necessary family matters. His objection to having people call staff with special requests was it left too much to the discretion of the enforcement officers. He said sensitivity is high now toward selective enforcement of the law, and it would be better to have a fair law be clearly codified in order that "the rules reflect the practice."

Philip Brandis, 14C Hillside, and Barbara Luther, 7202 Mathew Street, both supported the ordinance and the need to take action in these cases. Ms. Luther said she would support a shorter time period than 30 days.

Mayor Davis said she appreciated Mr. Schlesinger's concern with selective enforcement. Mr. Roberts agreed with this as well, saying the ordinance should specify that exceptions would be made in order that residents would not have to rely upon the good will of staff. The Mayor asked Mr. McLaughlin if this could be better dealt with on the level of written policy than City Code, and he said he would prefer to handle it as policy. Mr. Manzi agreed, adding that New Carrollton does it that way and has a form for people to fill out.

The Mayor suggested postponing action until Council could review a policy statement. After some discussion of whether exceptions appropriately belonged in the legislation or in policy, Mr. White said he thought it would be nearly impossible to cover it in the ordinance. He suggested adopting this ordinance with direction to staff to prepare policy. Mr. Putens said he would still prefer to amend the time-limit to 21 days but did not think he could garner support for that. He would also like to incorporate something to address Mr. Turnbull's suggestion on demonstrating operability. He said he too would like to postpone action. Mr. Roberts moved that the item be deferred to the August Council meeting. Mr. Turnbull seconded. Mr. Roberts said he understood what Mr. Turnbull wanted to include but did not think it would prove workable, since, while Council could prohibit parking in specific places, it cannot tell people where they must park. The motion passed 4-1 (White).

Mr. White said he was disappointed. He said Council had struggled with this issue for a long time, and this ordinance was responsive to what Council had requested of staff. He said Council cannot solve every single problem and that the legislation is needed now. Mr. Putens said he thought it was appropriate for Council to take the necessary time on this because citizens have raised concerns. Mr. McLaughlin said staff had not put this forward as a perfect and final solution; rather, he said, "It gives us a start on it." Mr. Turnbull said his concern was that this ordinance would create more problems rather than fixing the existing problem.

An Ordinance to Amend Section 8-5, "Appointment of Judge of Election and Clerks," of Chapter 8 of the Greenbelt City Code, "Elections," in Order to Change the Deadline for Adoption of the Resolution Authorizing the Number of Judges and Election Clerks to Be Appointed

Mayor Davis read the agenda comments. Mr. White introduced the ordinance for second reading and moved its adoption. Mr. Turnbull seconded.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

Mayor Davis -yes

The ordinance was declared adopted (Ordinance No. 1240, Book No. 12).

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)

Mayor Davis read the agenda comments. Mr. Turnbull introduced the ordinance for second reading and moved its adoption. Mr. Putens seconded the motion.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

Mayor Davis -yes

The resolution was declared adopted (Resolution No. 961, Book No. 8).

A Resolution to Negotiate the Purchase and Installation of a Compressed Natural Gas Refueling Appliance with Collazo Contractors of Laurel, Maryland

Mayor Davis read the agenda comments. Mr. Roberts introduced the resolution for first reading and moved that Council's Standing Rules be suspended. Mr. White seconded the motion.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

Mayor Davis -yes

Mr. Roberts introduced the resolution for second reading and moved its adoption. Mr. Putens seconded.

ROLL CALL: Mr. Putens -yes

Mr. Roberts -yes

Mr. Turnbull -yes

Mr. White -yes

Mayor Davis -yes

The resolution was declared adopted (Resolution No. 962, Book No. 8).

REVISED PROPOSAL FOR CHARGING FOR ZIPCAR USE AT GREEN RIDGE HOUSE: The Mayor read the agenda comments. Mr. McLaughlin first made a correction to the agenda comments, saying his staff memo included in Council's packet was correct in specifying that a flat fee would be paid for reservation without use, but other offenses would be paid at the Zipcar standard hourly rate. Mayor Davis said she wished to divide the question into three separate propositions: a \$25 fine for reserving a Zipcar but not using it at all; charging for any use in excess of 24 hours at the Zipcar rate (currently \$8.50/hour); and charging for any hours reserved that exceed usage by more than four hours at the current Zipcar rate. Mr. White asked for clarification Zipcar's cancellation policy. Mr. McLaughlin said he thought there was no charge if the cancellation was made three hours in advance. It was further clarified that their maximum daily charge was about \$70. Mr. White said he was prepared to support all three propositions and that he appreciated how Mr. McLaughlin had laid the alternatives out. Mr. Putens agreed. Mr. Turnbull too thanked Mr. McLaughlin and staff; he said this plan should attack the problem without penalizing responsible users.

Mayor Davis said her objection was that the City was being more strict than Zipcar in penalizing use in excess of 24 hours, when Zipcar would allow three days. Mr. McLaughlin suggested capping the penalty at Zipcar's daily maximum. Mr. Roberts asked if there was any way to automatically bounce users to a rental company for three days or more. Mr. McLaughlin said staff will continue the education process, but there is no way to require it and no easy way for Zipcar to implement such a requirement.

Council took the following actions to institute charges for Zipcar use at Green Ridge House:

It was moved by Mr. Putens and seconded by Mr. White that a flat rate of \$25 be imposed for a reservation with no usage. The motion passed 5-0.

It was moved by Mr. Putens and seconded by Mr. Turnbull that use in excess of 24 hours be charged at Zipcar's current hourly rate but not exceed Zipcar's daily rate. The motion passed 5-0.

It was moved by Mr. Turnbull and seconded by Mr. Putens that reservation time that exceeds usage by more than four hours be charged at Zipcar's current hourly rate. The motion passed 5-0.

CAMPAIGN SIGNS ON CITY PROPERTY: The Mayor read the agenda comments. Mr. Putens moved that the campaign sign program be continued. Mr. Turnbull seconded the motion, which passed 5-0.

HANOVER PARKWAY DRIVEWAY ENTRANCE TO GREENWAY CENTER: Mayor Davis read the agenda comments and asked Mr. Putens to explain why he had asked for discussion. Mr. Putens said the bump upon entering this driveway from Hanover Parkway is not like any other bump he has encountered to a driveway from a City street. He clarified that the bump is from the road surface to the apron. Mr. McLaughlin said staff has checked on this, and the bump is the gutter pan at the height prescribed by the county for keeping water in the channel. Sheldon Goldberg, 7848 Jacobs Drive, backed up Mr. Putens, saying this bump is "definitely a nuisance" because one must come almost to a full stop to ease over it in an area where moving quickly across the lane of opposing traffic is necessary. Mr. McLaughlin said staff would join Mr. Putens on a field trip and inspect it again.

POLICY AMENDMENTS TO THE NATIONAL MUNICIPAL POLICY: The Mayor read the agenda comments. Council agreed no policy amendments needed to be suggested this year.

REAPPOINTMENTS TO ADVISORY GROUP: Mr. White said he wished to hold this item for discussion in executive session.

PROPOSED TEXT FOR ROOSEVELT CENTER SIGN: Mr. Turnbull said he thought the proposed wording was well-intentioned but put the City in the position of posting rules it would not enforce. He said he thought non-enforcement of law or posted rules breeds contempt for the rules. He said further that he did not think the sign should include behavior that was illegal outside the Center: e.g., smoking by minors; sale or consumption of alcohol or drugs; and loud music, gambling, or soliciting. Mr. McLaughlin said he thought the intention of the sign was to communicate the idea again so that people could not say they did not know what the law was or what behaviors were considered inappropriate. Council returned the draft to staff and asked to see it again after revision.

MEETINGS: Council reviewed the schedule of meetings. It was agreed to hold an executive session on land acquisition on August 27. The Mayor suggested attempting to schedule the Beltway Plaza, Greenbelt National Park, and BARC stakeholder meetings. It was moved by Mr. Putens and seconded by Mr. Turnbull that Council's regular August meeting be rescheduled from August 11 to August 25. The motion passed 5-0.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. Turnbull. The motion carried 5-0. The Mayor adjourned the regular meeting of July 14, 2003, 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 July 14, 2003.@

Judith F. Davis

Mayor

ADJOURNMENT: A motion to adjourn was made by Mr. White and seconded by Mr. Putens. The motion carried 4-0. The Mayor adjourned the regular meeting of January 13, 2003, at 10:00 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 January 13, 2003.@

Judith F. Davis Mayor