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**REGULAR MEETING OF THE GREENBELT CITY COUNCIL held May 12, 2003.**

Mayor Davis called the meeting to order at 8:01 p.m.

ROLL CALL was answered by Councilmembers Edward V. J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White, and Mayor Judith F. Davis.

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

Mayor Davis asked for a moment of silence in memory of residents Ruthlee Cade Kolbe, Mary Frances MacQuillan, and Charles J. Mills; and former resident and Greenbelt Pioneer George E. Sheaffer, Jr. She also asked that everyone keep in mind residents Claude and Nancy Revis and the recent tragic loss of their grandsons Bradley, Ryan, and Kyle. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mr. Putens moved that the consent agenda be approved as presented. Mr. Turnbull seconded the motion, which passed 5-0.

Council thereby took the following actions:

**MINUTES**

- Regular Meeting, April 28, 2003

Approved as presented.

LAKES AT GREENBELT VILLAGE – RELEASE OF PERMITS 460 AND 461: Council approved release of permits 460 and 461 subject to the conditions specified in the staff memo from Celia Craze dated May 7, 2003: namely:

1. The developer will file a new permit with associated performance and payment bonds, which will cover the following:
  - a. Additional paving in areas where garages were to be constructed;
  - b. Fences and landscaping as shown on approved plans reflecting the deletion of garage units;
  - c. Any items continued in punch lists of the City of Greenbelt and/or Prince George's County;
  - d. Any landscaping found to be missing, dead, or diseased;

- e. Ornamentation on the vehicular bridge;
  - f. Lake Park Drive construction access route to building #8 and parking areas between buildings 8, 9, and 10; and
  - g. Completion of landscaped islands.
2. The permit fee and bonds will be based on 125% of the value of the above-listed work.
  3. The developer will provide necessary release of liens prior to the physical return of payment bonds for permits 460 and 461.
  4. The developer will post maintenance bonds as required under City Code for the work under permits 460 and 461. The maintenance bonds will be held for no less than one year from the date of formal release.

Council further directed that this permit release be predicated on the developer's submitting all necessary paperwork, bonds, fees, liens, etc., in proper form, prior to the return of bonds and execution of formal release notice.

ADOPTION OF BOARD OF APPEALS RESOLUTION ON VARIANCE APPLICATION #03-001-V: Council adopted the Board of Appeals' resolution on variance application #03-001-V for 103 Rosewood Drive.

REAPPOINTMENT TO ADVISORY GROUP: Council reappointed Kelly P. Ivy to the Park & Recreation Advisory Board.

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

#### PRESENTATIONS:

ACE Student Awards: Mayor Davis introduced Leta Mach, Chair of the Advisory Committee on Education (ACE). Ms. Mach provided introductory remarks to ACE's 9th Annual Student Awards Program. State Senator Paul Pinsky, Delegates Anne Healey and Justin Ross, and County Councilmember Douglas Peters joined the City Council in greeting the award recipients. Delegate Tawanna Gaines was unable to attend. Each student received certificates from ACE, the City Council, the County Council, and the State Senate and House, as well as a small gift. Scholarships were announced for the high school students. The award winners were all present to receive their awards except Ms. Bates, who was out of town for a science fair competition:

Donte Chappell and Bre Anna Ferguson Greenbelt Elementary School

Frank Kamokwe and Makallay Conteh Springhill Lake Elementary School

Juan Quintero-Moreno and Apoorva Kulkarni Magnolia Elementary School

Harrison Hilliard and Megan Didion St. Hugh=s School

Anthony Bowman and Arielle Ashford Greenbelt Middle School

David Lemus and Sarah Woodring Bates Eleanor Roosevelt High School

Mayor Davis congratulated the winners on their hard work and success. She also thanked Ms. Mach and the members of ACE.

Legislative Wrap-Up – 22nd District Delegation: Sentator Pinsky and Delegates Healey and Ross provided a summary of the 2003 General Assembly Session. Senator Pinsky gave an overview, saying that, as anticipated, the issues that dominated the session were balancing the budget and the Governor’s slot machine proposal. Until the deadline has passed, there is still the possibility that Governor Ehrlich will veto the budget and other bills passed by the Assembly. Next year’s budget situation will be worse, with new taxes needed to raise the funds for the schools required by the Thornton bill, an item that will have a major impact on Prince George’s County. He noted that even had the Governor succeeded with instituting slot machines, the revenue would still have covered only half of what is required under Thornton. After the Senator reviewed several other bills, Mayor Davis thanked him for introducing the City’s requested bills on natural gas fast-fill and speed limits on municipal streets. Mr. Roberts also thanked the group for their cooperation in working with the City during its first year in the 22nd District. Delegate Healey said she had appreciated the activism of both Greenbelt City government and its citizens. She said the House Ways and Means Committee, on which both she and Delegate Ross serve, would be holding public forums on the slot machine issue to solicit ideas from the citizens who would be most affected. Delegate Ross thanked his colleagues as well as the City for the experience of his first year in elected office. Looking to the future, he said he hoped to continue working with the City on the question of increased municipal zoning authority, which he said would require increased understanding between the smaller and larger cities in the county. He stressed, however, that funding Thornton would be his highest priority. Mr. White also thanked the group for their work this year, but he added that this year the state’s treatment of local governments was less than fair, with the result that Greenbelt is confronting for next year the most difficult budget he could remember. He said both the Governor and the Assembly need to understand that they “cannot just lay it off on local government.” Mayor Davis agreed, saying it needs to be understood that it is impossible to continue to provide government services if taxes continue to be cut. Delegate Healey said, “Your representatives in Annapolis agree with you.” She noted she had co-sponsored a bill to increase taxes in the upper-income range, but she added that under Maryland’s system, “the Governor holds all the cards,” and it will be necessary to persuade representatives from other parts of the state to stand with them. The Mayor expressed Council’s appreciation once again to the delegation for their work this year.

National Police Week and Police Memorial Day - Proclamation: May 15 is Police Memorial Day, and May 11-17 is National Police Week. Mayor Davis read a proclamation in honor of these occasions, which was accepted by Sgt. Gregory Lynn on behalf of the Police Department.

Public Works Week - Proclamation: May 18-24 is Public Works Week. Mayor Davis read a proclamation to mark the occasion, and Kenny Hall, Director, Public Works, received the proclamation on behalf of the department.

PETITIONS AND REQUESTS: There were none.

#### ADMINISTRATIVE REPORTS

Mr. Putens reported on a successful fundraising event for the USO at Blob's Park on May 9.

Mayor Davis reported that the Public Safety Committee's open forum at Springhill Lake on April 29 was well-attended and raised many interesting issues. She was able to greet people coming for tutor training at the ACE-sponsored programs on April 26 and 29. On May 2, she attended an advisory board meeting at Eleanor Roosevelt High School, where it was projected that the current enrollment of 2,750 would increase to 3,300 over the next four or five years. On May 3, the City conducted its Earth Day and Arbor Day activities and Public Works Open House, as well as the Youth Forum sponsored by the Youth Advisory Committee. On May 8, Mayor Davis participated in events marking Goddard Space Flight Center's successful use of methane gas from the Sandy Hill landfill to run heating and air-conditioning on their campus. On May 12, she attended an event to introduce new County Schools CEO Hornsby, as well as a Chamber of Commerce lunch for Governor Ehrlich.

COMMITTEE REPORTS: None.

LEGISLATION: None.

U. S. POSTAL FACILITY, ORA GLEN DRIVE - REVISED SITE PLAN: Mayor Davis read the agenda comments. Kristen Ward, Community Planner, gave a brief overview of the proposed revisions to the site plan examined by Council last September, noting as a change that part of the 140' buffer would be cleared, graded and replanted rather than being preserved. She said that while that was not in accord with what Council had requested, staff believed it to be an improvement that would lead to hardier and more diverse growth of trees. Constantine Seremetis, architectural consultant, and Jack Gustafson, project manager for the U.S. Postal Service in Greensboro, N.C., appeared to answer Council's questions. In response to a question from the Mayor, Mr. Seremetis explained that the reason for doing the grading was that reducing the incline of the slope was the only way to stabilize the soil short of introducing a retaining wall. He added that there are limits to what engineering can accomplish, and they did not believe their proposal was outside the scope or intent of what Council had requested. Also in response to a question from the Mayor, he explained that the conservation easement that had been referenced was with the Maryland Department of Natural Resources and would involve certain restrictions and requirements for signage.

Mr. Roberts said he understood the need for the grading and asked if Council could have a copy of the terms of the easement. Mr. Seremetis said the City's planning staff had the information on the specifics and on the plantings proposed. In response to Mr. Roberts' further question, he and Mr. Gustafson said there would be no barbed wire

fencing; rather there would be ornamental fencing around the parking lot and a split fence elsewhere to allow wildlife to pass through.

Mr. Putens agreed that grading and reforestation would be suitable. He said this slope had been created as a result of plowing to create Commerce Center I and had no value of its own.

Mr. Turnbull raised some questions regarding enforcement of the requirements to maintain the bio-retention area. Mr. Gustafson said this would be the responsibility of the Post Office and that their staff would be trained to deal with it. Mayor Davis said the required signage would explain to passers-by what the function of the area was.

Sheldon Goldberg, 7848 Jacobs Drive, asked how long the project would take, once started. Mr. Gustafson said about a year once begun; however, at this point they are funded only for the design work, not for construction. Mr. Goldberg expressed some concern about the lack of authorization for the construction funding. Mr. Gustafson said they are proceeding with sequentially required steps; now that the design is 99% complete, they have submitted the revised fact sheet that would permit authorization of the next stage. They now are awaiting approval. Mr. McLaughlin stressed that there have been previous occasions on which the project seemed to get lost between steps and asked that the City be notified if it could assist by writing to indicate its support. Mr. Roberts said although he recognized no action was being requested of Council on the plan, he would nonetheless like to move that Council support the site plan as presented and convey that support in a letter to the Postal Service. Mr. Putens seconded the motion, which passed 5-0.

**PROPOSED CHANGE IN ZIPCAR POLICY FOR GREEN RIDGE HOUSE:** Mayor Davis read the agenda comments regarding a proposed change in the policy for use of Zipcars by Green Ridge House residents that was intended to address the problem of some individuals reserving the car for long periods and then using it for short periods or not at all, making it unavailable to other residents when it could be in use. In response to questions from Mayor Davis and Mr. Roberts, Mr. McLaughlin clarified that the intent was to count the first 20 hours of reservation time, not use time, before imposing a charge, and that the proposed plan, which would have no impact on the majority of users, had met with no objection when presented at Green Ridge House.

Mr. Turnbull raised the objection that the net being cast by the proposed change in policy would catch not only those guilty of over-reserving the vehicle but also individuals who were using the car frequently but reserving it in a responsible fashion. He agreed with the need to penalize individuals for over-reserving the vehicle but said the penalty should be targeted at them, not at responsible users. He said he was willing to charge individuals for not using a reserved vehicle but not for using it, given the City's original pledge to make the car available to Green Ridge House residents at no charge. He later added that the usage figures suggested that the number of over-reserved hours in a month was probably not high enough for a \$2/hour charge in excess of 20 hours to serve as a disincentive anyway.

A discussion arose of a second issue that had not been posed as being a problem in itself by the City Manager: namely, whether Green Ridge House residents should be allowed to reserve and use a Zipcar for multiple days. Mr. Turnbull said he thought

there should be a 12- or 24-hour limit on Green Ridge House use, since there had never been consideration by Council of longer-term use and since Green Ridge House residents had no financial incentive to engage a regular rental car rather than a Zipcar for a multi-day period. Mr. McLaughlin said Zipcar's policy and reservation software permit reservations for up to three days and that the City has attempted to work within the bounds of Zipcar's standard procedures in order not to complicate the program any more than necessary. Mr. Turnbull suggested it might be more feasible to implement penalty fees or hourly charges at the level of the City or Green Ridge House rather than asking Zipcar to adopt specialized procedures.

Mayor Davis said she understood Mr. Turnbull's objection to penalizing users of the car along with the over-reservers but that she would not favor putting a more conservative day limit on Green Ridge House residents than applies to other Zipcar users.

Mr. White said if Council were to implement a policy tonight, he would prefer that it be one that Green Ridge House residents had already discussed. Mayor Davis agreed and asked if it would make sense to implement the City Manager's proposed policy on a six-month trial basis and re-evaluate it later. Mr. White said there would still be the problem of targeting the abusers without penalizing others. Mr. Roberts said he could go along with temporary implementation, but he agreed with Mr. Turnbull that the policy was not targeted properly. Mr. Putens also agreed with Mr. Turnbull and was concerned that the policy might ultimately "penalize the many for the few."

Mr. Turnbull said that, regardless of whether administered by Zipcar or the City, his preference would be that residents should not be required to pay for any level of use of the car plus a reasonable safety margin of reservation; he cited approximately an extra half-hour at each end but also suggested a formula such as "reservation time more than twice use time" might be used.

Mr. White said that the City Manager's proposed policy would in effect discourage multi-day use though it was not intended for that purpose. He moved the staff recommendation that Council approve the City Manager's proposed policy with the amendment that it be on a trial basis for six months and then re-evaluated. Mayor Davis seconded the motion. The motion failed on a 2-3 vote (Putens, Roberts, and Turnbull).

Mr. Turnbull then moved, with a second from Mr. Putens, that Council direct Mr. McLaughlin to devise a new plan that would take Council's various concerns into account. Mayor Davis clarified that he should look at a fee that would be aimed at not fulfilling a reservation to use a car rather than use of the car. Mr. White said he agreed with Mr. Turnbull's earlier statement that Council had not contemplated multi-day use of the car and that he would prefer to see the Zipcar used for daily or short trips. Mr. Roberts said he too would like to see disincentives for over-reserving but not for use of the car and for any reservation or use greater than 24 hours, including, for example, some type of penalty, the imposition of the standard Zipcar hourly fee, or the requirement to use a regular rental car. Mr. McLaughlin said he would meet again with representatives of Zipcar to see what could be worked out and bring back a revised plan to address Council's concerns. The motion passed 5-0.

MEETINGS: Council reviewed the schedule of meetings. It was agreed to hold executive sessions following the budget work session on Wednesday, May 14, and at 8 p.m. on Wednesday, June 4.

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 May 12, 2003, at 11:10 p.m.

Respectfully submitted,

David E. Moran  
Assistant to the City Manager

"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 12, 2003.@"

Judith F. Davis  
Mayor