



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held May 27, 2003.

Mayor Pro Tem Roberts called the meeting to order at 8:02 p.m.

ROLL CALL was answered by Councilmembers Alan Turnbull and Thomas X. White, and Mayor Pro Tem Rodney M. Roberts. Mayor Judith F. Davis and Councilmember Edward V. J. Putens, who had attended the Eleanor Roosevelt High School graduation, arrived at about 8:05 and 8:10 p.m., respectively.

ALSO PRESENT were David E. Moran, Assistant to the City Manager; Robert A. Manzi, City Solicitor; and Kathleen Gallagher, City Clerk.

Mayor Pro Tem Roberts asked for a moment of silence in memory of residents Joan M. Conway and Mac Sumner Mullin, III. He then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mr. White moved that the consent agenda be approved as presented. Mr. Turnbull seconded the motion, which passed 3-0.

Council thereby took the following actions:

MINUTES

- Work Session, April 23, 2003
- Work Session, April 30, 2003
- Work Session, May 5, 2003
- Work Session, May 7, 2003
- Regular Meeting, May 12, 2003
- Work Session, May 14, 2003
- Interview, May 19, 2003
- Work Session, May 19, 2003

Approved as presented.

ARTS ADVISORY BOARD, REPORT #03-005 (FONDCA CONTRIBUTION GROUP STATUS): Council accepted this report, which had been discussed at the budget work session of May 19, 2003.

NATIONAL LEAGUE OF CITIES ADVOCACY ALERT – JOBS AND GROWTH TAX ACT OF 2003: Council directed staff to communicate to the NLC the City's concern that in conveying its request to support the Senate version of the Jobs and Growth Tax Act of 2003 because of the funding it would provide to state and local governments, the NLC had not provided full context on the controversial nature of the legislation and on the partisan division of opinion about it in Congress.

RESIGNATIONS FROM ADVISORY GROUPS: Council accepted with regret the resignations of Chuck Ashurst from the Recycling & Environment Advisory Committee, James Inzeo from the Advisory Committee on Education, and James Thompson from the Public Safety Advisory Committee.

APPOINTMENTS AND REAPPOINTMENTS TO ADVISORY GROUPS: Council appointed La Shelle Ferguson to the Advisory Committee on Education. Council also reappointed Lola Skolnik and Marc Siegel to new terms on the Park & Recreation Advisory Board.

APPROVAL OF AGENDA: In response to a request from the Assistant to the City Manager, Mr. Turnbull asked to remove item #12 from the agenda. It was then moved by Mr. White and seconded by Mr. Turnbull that the agenda be approved with that amendment. The motion carried 3-0.

PRESENTATION: Memorial Day Poppy Presentation - Unit 136, American Legion Auxiliary: In honor of Memorial Day, Rosita Dietrich, Rose Unruh, and others from the American Legion Auxiliary of Greenbelt Unit #136 accompanied Little Miss Poppy Katie Dillon, in presenting poppies to Council and explaining the symbolism of flowers used to honor those who have died in battle while serving in the armed forces. Council thanked them for coming, and Mayor Davis also thanked them for their efforts in sponsoring the Memorial Day commemorative event on Monday.

Public Hearing on the Fiscal Year 2004 Budget and the Proposed Real Property Tax Increase: Mayor Davis read the agenda comments and a memo from the City Treasurer and City Manager enumerating the amendments Council had made to the City Manager's proposed budget. She declared the public hearing to be open and asked for any comments.

Robert Zugby, president of Greenbelt Access Television (GATE), addressed Council to question a notice he had received from the City Manager saying the expectation was that the contribution to GATE would be frozen at last year's level rather than being increased by the formula that had been used in the past. Mr. White told Mr. Zugby that Council had sought clarification on this from the City Manager and had been assured that this action was being taken only for this year and had no implications for future policy.

Clement Lau, 6 Greentree Place, spoke against the proposed change in closing time for the Greenbelt Aquatic and Fitness Center from 10:30 to 10:00 p.m. He said this time is important for users who work late and that he objects to an increase in fees combined with a decrease in hours. He presented a petition signed by 11 pass-holders, which he said he was continuing to gather signatures on, asking that the hours not be changed. Mayor Davis thanked him for coming to speak and said the problem was that costs continue to rise and ways must be found to address that.

Brad Frome, Legislative Director for Delegate Ross, gave an update on the status of the state budget, saying that in addition to a large deficit, it now appears that tax revenues will be even less than anticipated.

Doug Love, 3D Plateau Place, thanked Council for its support of the Astronomy Club and said he hoped the installation of the observatory would be accomplished this year. He mentioned the club is being taxed for personal property. Mr. Manzi advised them to appeal that status.

Mr. Roberts raised a question he thought would be addressed at the final budget work session regarding a request from a dance group that said it would be affected by earlier closing hours at the Community Center. The Mayor said this was being dealt with by staff apart from budget considerations.

The Mayor asked if anyone wished to address the proposed real property tax increase. There being no one else who wished to speak, she announced that the City's property tax rate will be set when the FY 2004 budget is adopted on June 9, 2003, at 8:00 p.m. in the Council Room of the Municipal Building. She then closed the public hearing.

PETITIONS AND REQUESTS: Molly Lester, 6M Hillside, requested that the crime report be posted in a timely fashion on the City Web site. She said it is not always current and does not always include the summary figures. She said she is concerned about increasing levels of crime in the City, particularly in Springhill Lake and Greenbelt East. The Mayor asked if she would be willing to pay more in taxes to support additional public safety services. Ms. Lester said she would, since she believes public safety should be a municipality's top priority, and if people do not feel safe, recreational services and other amenities will cease to mean anything. Mayor Davis and Mr. Putens both thanked her for her comments and suggested that she might want to look into serving on a City Council advisory group.

MINUTES OF MEETINGS

Executive Session of May 5, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Monday, May 5, 2003, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 7:42 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Sections 10-508 (a)(3) and (7) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consider the acquisition of real property for a public purpose and related matters and to consult with legal counsel on a legal matter regarding the purchase of the Old Greenbelt Theatre building. Mr. Putens seconded the motion.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Executive Session of May 14, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, May 14, 2003, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:52 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 on a legal matter regarding the Sunrise property. Mr. Turnbull seconded the motion.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mayor Davis announced that the City Manager was attending the Eleanor Roosevelt High School graduation tonight, and she and Mr. Putens had attended earlier. She reminded Council that Grad Night would take place later tonight.

She also reported on the following: the opening of an exhibit of Izzy Parker's cartoons by the Greenbelt Museum on May 14; the "It's Municipal Government" school competition on May 16; on May 20, attending with the City Manager activities for a COG campaign for wise water use, as well as attending with Joe McNeal, Assistant Director, Recreation, a presentation of skateboard park designs. She added that not only had the City's second Pet Expo been held on May 17, but the concept of last year's program had won an MML Award for Excellence and was featured in the current issue of the MML magazine.

Mayor Davis also offered congratulations to State Senators Pinsky and Green and Delegates Healey, Ross, and Hubbard for receiving MML awards. She also presented David Moran, Assistant to the City Manager, with a certificate from MML in appreciation for his service on MML's 2003 legislative committee.

LEGISLATION: None.

PROPOSED POLICY ON MAINTENANCE OF DRIVEWAY APRONS: Mayor Davis read the agenda comments. Mr. White asked how the matter was being handled for the work being done on Northway. Ms. Craze said she thought if it had to be removed, the City paid, but if the owner requested it, the owner paid. Mr. White said he was under the impression that when he asked this question several weeks ago, the City Manager responded that the City was picking up the costs for all the residents. Ms. Craze

eventually reached Kenny Hall, Director, Public Works, by telephone, and he confirmed that the City was picking up the costs for all the Northway driveway aprons.

Mr. White said the policy of rolling replacement of aprons being proposed in the staff memo was not exactly what he had envisioned when Council requested drafting of a policy in August 2001. He said his intent had been that when the City was making street and curb repairs in an area, the City would replace aprons as needed at its expense. Ms. Craze said the proposed policy was very similar to the sidewalk replacement policy. Mr. Putens asked about repairs that might be needed in between scheduled replacement. Ms. Craze said the City would assess and take care of those at its discretion, as with sidewalks.

Mr. Turnbull said he was still of the opinion that it was inequitable to taxpayers to pay for aprons on private driveways fronting City streets since this in effect provided a subsidy to selected homeowners. He said he thought the existing policy, whereby the City would pay the cost of replacement only if it had to damage or disrupt the apron in the process of doing street or curb work, was appropriate and should be retained.

Mr. Roberts said that, on the contrary, it is inequitable to require residents to pay for repairs on City property. He said he believed the City should shoulder this expense. Mr. Putens expressed agreement. Mr. Roberts asked for clarification on whether there were residents other than on Northway who would have been affected over the two-year period.

Mayor Davis said although she had not been convinced about this two years ago, she now believed that maintaining the appearances and infrastructure benefited the whole community. In addition, multi-family buildings typically have double aprons that the City would also repair.

Mr. Turnbull expressed concern over whether staff had implemented the new policy prior to Council's taking action on it. In response to Mr. Roberts, he said this was not a case of making repairs on public property: rather, although they are necessary in order to cross public property, the apron and driveway exist for the sole benefit of the homeowner. He said he thought the City should maintain and enforce the standards for the aprons, not the aprons themselves. He further commented that the people who had done the poorest job of maintaining their aprons would benefit by being placed first in line to have them replaced.

Sheldon Goldberg, 7848 Jacobs Drive, sought and received from Ms. Craze clarification that the City would continue to repair aprons if it damages them regardless of a replacement cycle. Mr. Turnbull commented that this was appropriate and also consistent with the existing policy.

Mr. Roberts questioned whether the City should maintain an expanded apron installed by the owner, as proposed in the policy. The Mayor said this might be a case where it would be cheaper and more efficient to do the work than to maintain the records and paperwork required to make those distinctions. Mr. Putens agreed.

Mayor Davis asked for a report from the City Manager on what replacement costs the City had or had not borne between the work session and the Northway work. [Note:

Subsequent to the meeting, it was clarified and conveyed to Council that no change in policy had been implemented and that the Northway repairs would have been made at City expense under the old policy because of the street and curb replacements.]

Mr. Roberts made a motion that the City assume responsibility for replacement of residential driveway aprons as described in the staff memo from Celia W. Craze dated September 16, 2003. Mr. Putens seconded the motion, which passed 4-1 (Turnbull).

MML 2004 LEGISLATIVE INITIATIVES – ACTION REQUEST: Mayor Davis read the agenda comments. There was discussion about making suggestions to the Prince George’s County Municipal Association as well. Mayor Davis asked if the City should resubmit “radar cameras.” Mr. Moran said he felt sure this would remain an initiative for MML next year, given the legislative support for it in 2003, but that it would not hurt for the City to express its continued interest in this initiative. Regarding the initiative to protect municipal resources, Mr. White said he thought the City should take a more aggressive posture and submit as an initiative that state support for municipalities should at least be reinstated or restored to its former levels, including funding lost through specific cuts to state highway funds, police aid, and income tax. Mr. White moved that “Restore and Enhance Municipal Resources” and support for radar cameras be submitted to MML as legislative initiatives for 2004. Mr. Putens seconded. The motion passed 5-0.

MEETINGS: Council reviewed the schedule of meetings. It was noted that the stakeholder meeting with the State’s Attorney has been tentatively scheduled for June 16. Council suggested scheduling the work session on capital projects on June 11.

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 27, 2003, at 9:45 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 May 27, 2003.@

Judith F. Davis
Mayor