



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held September 8, 2003.

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

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

ALSO PRESENT were Michael P. McLaughlin, City Manager; John F. Shay, Jr., 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 residents and Greenbelt Pioneers Dayton W. Hull and John G. Kramer. She then led the pledge of allegiance to the flag.

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

Council thereby took the following actions:

MINUTES

- Work Session, August 20, 2003
 - Interview, August 25, 2003
 - Regular Meeting, August 25, 2003
- Approved as presented.

COMMITTEE REPORTS

Youth Advisory Committee Report, 6/24/2003 (2003 Youth Forum): Council accepted this report.

DESIGNATION OF NLC CONGRESS OF CITIES VOTING AND ALTERNATE DELEGATES: Council appointed Mayor Davis as its voting delegate and Mr. Putens as the alternate voting delegate for the business meeting of the NLC Congress of Cities in December 2003, with the understanding that changes may be made later if necessary.

REAPPOINTMENTS TO ADVISORY GROUP: Council appointed Cara Curtis and Rachel Quinton to new terms on the Youth Advisory Committee.

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

PRESENTATIONS: There were none.

PETITIONS AND REQUESTS

Resolution Opposing Patriot Act

Bertram Donn, 19 Woodland Way, said he was representing Lowell Owens on behalf of the Greenbelt Citizens Bill of Rights Defense Coalition. He said their purpose was to ask Council to adopt a resolution already adopted by three states and more than 150 local governments to oppose provisions of the USA Patriot Act. He said the Patriot Act was passed hurriedly and without proper review immediately following the terrorist attacks of September 11, 2001, and that portions of it threaten basic civil rights and individual freedoms contained in the U.S. Constitution. June White Dillard, president of the Prince George's County Branch of the NAACP, read a statement saying the NAACP is opposed to the first Patriot Act and is poised to oppose the second one, which is expected to be introduced soon. Noting that the NAACP is the oldest civil rights organization in the United States, she said it is their belief that the Patriot Act undermines basic civil liberties that are central to the Constitution and the Bill of Rights and that parts of it should be withdrawn. She said the nation needs a balanced approach between national security and protection of individual rights.

It was announced that there would be an information meeting regarding the resolution at the public library on September 23 from 7-9 p.m.

Meredith Curtis, of Baltimore, representing the Maryland Chapter of the American Civil Liberties Union, explained that the 342-page Patriot Act had been introduced and passed two weeks after the September 11 attack with virtually no debate. She said the ACLU is by no means against all the Act's provisions but that study is needed to determine which parts of it are necessary to preserve security.

Doug Love, 3D Plateau Place, stated his support for the resolution. He read a communication from a Hyattsville member of a group called Neighbors for Another Way, citing several incidents that had abrogated the rights of individuals in the U.S. subsequent to the events of September 11.

Mr. Roberts recommended referring the request to the Community Relations Advisory Board and the City Solicitor. Mr. Putens subsequently requested that it be referred to the Chief of Police as well, for comment on the parts regarding enforcement. Mayor Davis said she would like to have a work session following the receipt of their reports, prior to any Council decision.

Mr. Turnbull pointed out that there were two components to the resolution. One of them could be handled in a letter to federal representatives in lieu of a resolution, if Council so chose. The other, which includes direction to City staff, would require a different level of Council action if Council were to choose to pursue it.

Gordon Pickering

Mr. Pickering, 7931 Mandan Road, began to speak regarding a letter he had received from Renée Landen, Code Enforcement Inspector, about his previous complaint about Greenbriar Condominiums' handling of his request for adequate wiring to enable him to connect strobe-light smoke detectors within his apartment to the external fire alarm. The Mayor asked to him to first address the topic he had said he intended to present, which was that Greenbriar would not allow Comcast to have access to the attic to run wires for his cable. Mayor Davis said she had the same problem with her own cable at Greenbriar but that Comcast had run the wires under her carpet and that it did not present any hazard. Regarding the fire alarm issue, the Mayor said the condominium is in compliance with the county fire code appropriate to the time of its construction and that, although the City would continue to advise, Mr. Pickering would have to work out the best possible solution with the management. Mr. McLaughlin added that Greenbriar had offered to go beyond the requirements by providing battery-operated units that would operate inside Mr. Pickering's apartment, but they could not make the outside connection.

Mr. White suggested making a request to the City's legislators to increase advocacy for the hearing impaired at the state and county levels. Mayor Davis added that other types of disabilities be included too.

In closing, Mr. Pickering said he wanted to point out again that there are five other units occupied by deaf residents at Greenbriar, and this problem affects them too.

Mr. Turnbull said he thought City staff had been very responsive to this problem and that he wanted to recognize that. He added that he still hoped a better solution could be found.

Hunting Ridge Roundabout

Ron Brooks, 6968 Hanover Parkway, introduced members of the board of Hunting Ridge who had come seeking information on the status of the traffic-calming device approved two years ago for the entrance to their condominium development. He said the traffic issues had only become worse over the last two years. Mr. McLaughlin distributed a memo to Council on this subject. He said work should begin by the end of September and take four to six weeks. Mr. Putens said if there was any delay whatsoever on that schedule, staff should notify Hunting Ridge immediately.

MINUTES OF COUNCIL MEETINGS

Executive Session of July 21, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Monday, July 21, 2003, be approved as amended. He further requested that the minutes of this meeting reflect that the Council met in executive session at 9:55 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(1) of the State Government Article of the Annotated Code of Public General Laws of Maryland to discuss several personnel matters affecting specific individuals. Mr. White seconded the motion.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Executive Session of August 20, 2003: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, August 20, 2003, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 9:50 p.m. in the Multipurpose Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(3) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consider the acquisition of real property for public use and related matters. 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 August 27, 2003: Council agreed with Mr. Turnbull's request that these minutes be revised for greater specificity and be placed on the next meeting's agenda.

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced the final FY 2004 budget document was now available. He also stated that Senator Pinsky had responded positively to the City's request for his support on pending Program Open Space funding and that staff was drafting a letter for his signature. A response from Audrey Scott was being awaited.

Mr. McLaughlin noted an e-mail that had been sent to Council regarding night work on Southway by the State Highway Administration. He said the City had asked some time ago for this work to be done.

Mr. McLaughlin also said a meeting had been held on the Community Center windows, which Mr. Roberts had attended. Mr. Roberts thanked Mr. McLaughlin for including him.

Mr. Roberts commented on presenting a proclamation at the 45th run of the Larry Noel 15K road race at the Labor Day Festival.

Mr. White asked Mr. McLaughlin to look into information regarding an appropriation for the proposed Beltway Interchange.

Mr. Turnbull asked for a report on the status of the skateboard park.

Mr. Roberts asked why the railing near the former ATM at the Center had disappeared again.

Mayor Davis reported on a dedication ceremony she attended at the Beltsville Agricultural Research Center. She thanked the Labor Day Committee and the Public Works and Recreation staffs for their work on the Labor Day Festival. She presented Council's letter of congratulations to Paster Edward Birner at the event celebrating the 50th anniversary of his ordination on August 31. She thanked the Planning and Community Development and Recreation Department staffs for conducting the City's first "pooch plunge" at the outdoor pool on September 6. She attended the Arts Advisory Board Open Forum on the City's art policy on September 7. She announced there would be an orientation to using the new darkroom at the Community Center on September 23 and said there is now a manager in place. County Executive Johnson held a meeting she attended this morning on the county's economic status. She noted the Greenbelt Interfaith Clergy Association's "call to be neighborly" as a commemoration of the September 11 anniversary this week and said American Legion Post #136 would hold a ceremony at Greenbelt Lake at 7 p.m.

LEGISLATION

A Resolution to Negotiate the Purchase and Installation of Lockers at the Aquatic & Fitness Center with American Locker Systems, Inc., of Jamestown, New York

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for second reading and adoption. Mr. Turnbull 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. 964, Book No. 8).

A Resolution to Repeal Resolution Number 862 and to Provide for the Number of Judges and Clerks of Election, Their Rate of Compensation, and the Rate of Compensation to Be Paid to the Chairman and Members of the Board of Elections for the 2003 Regular Election

The Mayor read the agenda comments. Mr. White introduced the resolution for first reading.

PRELIMINARY PLAN OF SUBDIVISION - FRIENDS COMMUNITY SCHOOL: Mayor Davis read the agenda comments. Terri Hruby, Senior Community Planner, told Council the

report from the Advisory Planning Board (APB) had been sent to the board of Westchester Park. She added that Westchester Park was receiving its own presentations from the school but that staff would keep them informed of City meetings or actions.

Mr. White asked if there would be any mandatory dedications. Ms. Hruby said there would not, since that was a function of increasing the residential base, which would not occur here. Mr. White asked if the City could do anything to restrict the use of the land if the school ceased to be there. She said, no, since the property would maintain its existing zoning status.

Lawrence Taub, the attorney from O'Malley, Miles, Nysten, and Gilmore representing the Friends Community School, said they intend to deal with the APB recommendations. He said they have met with representatives of the National Park Service and that both the school and Greenbelt Park are very enthused about working together as neighbors. Regarding the conservation easement, he said an issue is that the school wishes to use the wetlands as part of their educational program and that, in fact, they intend to restore wetlands on the property.

Tom Goss, Head of the Friends Community School, spoke about the Quaker philosophy and introduced Peter Curtis, an engineer and Greenbelt resident who serves as clerk of the school's building committee. Peter Doo, chief architect for the building, described the plans for the facility as a "green building."

Mr. Roberts said he was surprised that they were choosing to build a one-story building, which would have a larger footprint and environmental impact than the two-story building he believed they had previously described. He said they had also previously said they would preserve seven acres of land, and the current plan indicated only six acres. He said if the school wanted his support, they would need to reduce the footprint of the building and increase the acreage for preservation. Mr. Doo explained that it is preferable for elementary school children to be able to exit the facility at grade. He added that although the school may eventually add seventh and eighth grades later to the existing K-6, it would be too disruptive to add a second story to the initial structure later. Mayor Davis asked the size of the intended addition and was told 8,000 square feet. Mr. Doo also said the need to do the building in two phases was financially based.

In response to a question about the temporary structures, Mr. Taub assured Council they were truly to be only temporary to meet a gap in construction if they decide to add the seventh and eighth grades.

Mr. Putens said he agreed with Mr. Roberts and was also disturbed by the plan to build a one-story structure. He, too, thought the plan was to be for a two-story structure. Taub said the important thing to remember was that the school was going to occupy only 3% of the allowable space versus the 60% they could choose to occupy. He said the school strongly believes it is approaching this in a fashion that is environmentally sensitive.

Mayor Davis reminded everyone that the only topic under review tonight was the subdivision, while many of the other concerns would be more appropriately raised in conjunction with the detailed site plan.

Mr. Roberts said they would occupy more space than just that of the building, if parking lots and other areas were taken into account. He said "environmentally friendly" is a relative term and that while he would like to get past the issue of the purchase of the property for development by the school, he thought the school needed to "put its money where its mouth is" and not make a decision to build a one-story facility on grounds of the cost. Mr. Taub said they were noting Council's concerns but that these were issues to be discussed with the detailed site plan.

Mayor Davis said that as a former teacher she knew that a one-story building was better for the students.

Bob Crecco, president of the Westchester Park Civic Association, spoke to say they were in agreement with the APB report but also had raised two specific issues of their own. One was that having the road from the school join the Westchester Park traffic on the circle by the traffic light at Kenilworth would create too much congestion. The other was concern that having the playing fields on the northern edge of the property might create noise problems for the residences across the street. He noted that the original developer of Westchester Park had planned for a school to be built but with a road exiting that side of the property farther east. He added that Westchester Park was disappointed not to see more proposals and alternatives on which they might have commented.

Mr. Taub said the school had thought because the circle provides traffic-calming, it would inherently be the safer place to have the school traffic enter. In response to a question from the Mayor about public transportation, he said they did not envision much use of public transportation and that most families carpooled.

Mr. White asked if the APB had discussed Westchester Park's concerns. Ms. Hruby said the APB thought the circle could absorb the traffic and that, especially since the playing field would front on the access road, landscaping would be adequate to absorb noise. Mr. Goss added that, as an elementary school, they would not be using the playing fields nights or weekends.

Mr. White also asked about use of geothermal or other alternative fuels. Mr. Doo said budget limitations prohibited this.

Mr. Curtis said this space was used for surface mining in the 1920s and that a smaller footprint for the building would not preserve any woodlands and that the land had been abused by humans a long time ago.

Mr. Turnbull noted a concern expressed by the APB regarding interaction at the perimeter with Greenbelt Park. He asked if the National Park Service had identified any concerns about this. Mr. Taub said these were detailed site plan issues again and that the school would be talking more with both Westchester Park and the National Park Service about these questions. Ms. Hruby said one member of the APB, in particular, had been concerned about plans to use the trail system. Mayor Davis commented that school groups already use the trail system.

At this time, Mr. White moved Council support for the Friends Community School Preliminary Plan of Subdivision and associated variation request, with the condition that

the undevelopable portions of the site be placed in a conservation easement to protect them from future development. Mayor Davis seconded the motion.

Pointing out that the City has no role except an advisory one and thus cannot affect the outcome, Mr. Turnbull said he would prefer that the City take no position on the application. He said that given that the City had a much different desire and plan for this property, he saw no reason for the City to turn around now and support the school's plan to develop the it. Mayor Davis asked him if he still wanted to see the Detailed Site Plan. When he said he would, Mayor Davis asked if he would take no position on that. Mr. Turnbull said that would depend and that comments can always be sent even if no position is taken.

Mr. White said that if the property is to be used for a school, then what the Friends Community School is proposing is a fairly sound concept. He said Council should not let the history of the "unfortunate acquisition" of the property by the school influence its review of the plans or its ability to work with the school in its planning process. Mayor Davis added once again that it was only the plan for subdivision that was before Council.

Mr. Roberts said he could not easily separate the plans, nor could he offer positive support for the only plan on which Council was being asked to comment. He said if the school wished to "hold itself up as an environmental steward, then it must be judged on that." Mr. Putens said it was this plan that would allow them to join two lots to enable a buildable lot. He said it disturbed him that the decisions that were being made were about money.

Mr. Goss spoke to say that the school had never said it would build a two-story building and that he did not know where this suggestion had come from.

When the vote was taken, the motion failed 2-3 (Putens, Roberts, Turnbull).

Mr. Turnbull then moved that Council convey its neutrality along with its support for the APB recommendations and the easement requirement. Initially, this motion died for lack of a second. Mr. White asked what staff's sense of the feasibility of Mr. Turnbull's motion was, and Mr. McLaughlin responded that there was precedent for this type of action. Mr. White then seconded the motion. Mayor Davis said she would support it but she was not happy with Council's unwillingness to support the plan. Mr. Roberts said he still wanted to see a two-story building and an increase to the conservation easement. The motion passed 3-2 (Putens, Roberts.)

LICENSING AND REGULATING OF TOWING COMPANIES IN GREENBELT: Mayor Davis read the agenda comments. Mr. Putens said he had received numerous complaints from Springhill Lake, University Square, and Hunting Ridge regarding the aggressiveness of towing companies in removing cars from parking lots. As an example, he said a Domino's pizza delivery car had been raised for towing while stopped briefly to deliver, and cars had been towed for minor infractions such as having tires touch the white lines. Mayor Davis suggested referring the question to the Public Safety Advisory Committee and to Code Enforcement staff, as well as directing staff to find out what regulations the various complexes or HOAs have. She said she would also like to know what county regulations apply, for example, to the levels of fines that may be set. Mr.

White said this issue involves private property and should be within the right of the HOAs or condo boards to change. He asked, if this is a problem, why don't they just do something about it? Mayor Davis responded that that this is precisely the reason staff should look at the associations' own rules. She said residents complain, but they are out of compliance with their own rules. It was moved by Mr. Putens and seconded by Mr. Turnbull that this matter be referred to the Public Safety Advisory Committee, Planning and Community Development Department staff, and the City Solicitor for review. Mr. Turnbull added the caveat that no intention to regulate was intended by Council and that this was merely an information-seeking effort. The motion passed 5-0.

PROPOSED PLANNING AND ZONING LEGISLATION FOR 2004: The Mayor read the agenda comments. Mr. White suggested the need for broader county sponsorship beyond Greenbelt and Bowie. Mayor Davis agreed but said it would be preferable for Delegate Gaines to make her own determinations of the best co-sponsors. Mr. White encouraged open communication with the other cities involved, and Mayor Davis requested that the bill be sent to Berwyn Heights immediately, as well as to the Prince George's County Municipal Association. She added she thought that rather than inviting other cities to come to Greenbelt, the City should be prepared to make presentations in other municipalities. It was moved by Mr. Roberts and seconded by Mr. Turnbull that Council authorize staff to request that MC/PG 108 as amended be reintroduced for the 2004 Session. The motion passed 5-0.

AUTHORITY FOR CHANGING JOB CLASSIFICATIONS: Mayor Davis read the agenda comments. There was consensus among members of Council that whether the City Charter and Code should be revised to authorize the City Manager to make changes to job classifications without Council approval was not a high priority at this time and should wait for both the new Council and for any further discussion by Council of the existing compensation plan. At the appropriate time, it would be brought to work session.

MEETINGS: Council reviewed the schedule of meetings. It was moved by Mr. Turnbull and seconded by Mr. Putens that the second meeting in September be rescheduled to September 29. The motion passed 5-0. Mr. White asked that there be publicity on the upcoming work session on the proposed greenlands ordinance. Regarding the October 22 work session on the theater, Council agreed that theater programming should not be bumped for the meeting and suggested that a tour of the facility by the architect could be scheduled prior to opening on a weekend day.

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 September 8, 2003, at 11:35 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 September 8, 2003."

Judith F. Davis
Mayor