



REGULAR MEETING OF GREENBELT CITY COUNCIL held Monday, February 11, 2002.

Mayor Davis called the meeting to order at 8:05 p.m.

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

ALSO PRESENT were Michael P. McLaughlin, City Manager; John Shay, City Solicitor; David E. Moran, Assistant to the City Manager; and Kathleen Gallagher, City Clerk. At about 10:45 p.m., Mr. Shay left and Robert A. Manzi, City Solicitor, arrived.

Mayor Davis asked that everyone observe a moment of silence, and she reminded Council of the recent death of William A. Devine, member of the Town Council of Capital Heights. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: A motion to approve the consent agenda was made by Mr. Turnbull and seconded by Mr. White. The motion passed 4-0.

Council thereby took the following actions:

MINUTES

- Work Session, January 23, 2002
- Interview, January 28, 2002
- Work Session, February 4, 2002

Approved as presented.

COMMITTEE REPORT - Advisory Planning Board #02-01 (Local Historic District Designation). Council received this report on the consent agenda for consideration with the staff briefing on this topic later on the agenda.

LEGAL COSTS RELATED TO GREENBELT STATION: Council authorized use of monies from the Greenbelt Station litigation reserve fund to pay for the City Solicitor's additional work in filing appeals related to this matter.

REAPPOINTMENTS TO ADVISORY GROUPS: Council reappointed Dorothy Bates to the Board of Appeals and Elizabeth Roslewicz to the Advisory Committee on Education.

APPROVAL OF AGENDA: Mr. Turnbull moved approval of the agenda. Mr. White seconded the motion, which passed 4-0.

PRESENTATIONS: There were none.

PETITIONS AND REQUESTS: There were none.

ADMINISTRATIVE REPORTS: Mayor Davis announced that Greenbelt Middle School held opening events today for their Peace Week. MPO Marty Parker presented a proclamation on behalf of the Mayor and Council, and Bill Phelan, Assistant Director, Public Works, assisted them in the development of a Peace Garden. Mayor Davis also announced the receipt of a letter of response from County Executive Wayne Curry, saying the county does not intend to surplus the two pieces of school board property located in Greenbelt. Mayor Davis also encouraged entries to Maryland Municipal League's "If I Were Mayor . . ." essay contest and announced an April 30 deadline for applications for scholarships from the Prince George's County Municipal Association for undergraduate and graduate students.

LEGISLATION

An Ordinance to Amend Chapter 2, "Administration," Article IV, "Ethics," of the Greenbelt City Code for the Purpose of Modifying the Requirement for Filing Reports under Oath: Mr. Turnbull introduced the ordinance for second reading and adoption. Mr. White seconded.

ROLL CALL

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1207, Book 11).

A Resolution to Negotiate the Purchase and Installation of an Animal Control Transport Conversion Package from Harford Systems, Inc., of Aberdeen, Maryland: Mr. Putens introduced the resolution for second reading and adoption. Mr. Turnbull 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. 943, Book 8).

A Resolution to Negotiate the Purchase and Installation of Equipment for the Buddy Attick Park Playground with Taylor Sports & Recreation of Huntingtown, Maryland: Mr. Roberts introduced the resolution for second reading and adoption. Mr. Putens seconded. Mr. White said he appreciated the more detailed accounting provided by staff. He asked about equipment to be removed at this site, and Mr. Phelan said since this area had been cleared previously, at this point there is only one piece of equipment to be removed. In response to a query from the Mayor regarding accessibility for the disabled, he said parts of the playground will be accessible to wheelchairs, but other parts would require too long a rise for the space available.

ROLL CALL

Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 944, Book 8).

Revision of the Procedures for Appeals and Grievances by City Employees: Mayor Davis read the agenda comments for the following ordinance and charter amendment resolutions.

A. An Ordinance to Repeal and Re-enact with Amendments Article VI, "Employee Appeals," of Chapter 13, "Personnel," of the Greenbelt City Code for the Purpose of Revising the Requirements and Procedures for Employee Appeals and Grievances: Mr. White introduced the ordinance for first reading.

B. A Resolution of the City of Greenbelt, Adopted Pursuant to the Authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (2001 Replacement Volume as Amended), Title, "Corporations-Municipal," Subtitle "Charter Amendments," to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Repealing and Re-Enacting with Amendments Employee Relations Board Section 12(d), Titled "Powers": Mr. Roberts introduced the resolution for first reading.

C. A Resolution of the City of Greenbelt, Adopted Pursuant to the Authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (2001 Replacement Volume as Amended), Title, "Corporations-Municipal," Subtitle "Charter Amendments," to Amend the Charter of the City of Greenbelt Found,

in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Repealing and Re-Enacting with Amendments Section 36, Related to the City Manager, Titled "Same-Powers": Mr. Turnbull introduced the resolution for first reading. Mayor Davis noted one instance where the phrase "reduce, remove or suspend" needs to be corrected, which will be done prior to second reading.

RFP FOR VISUAL ARTS PROGRAMMING IN THE COMMUNITY CENTER: Mayor Davis read the agenda comments. Mr. White said he appreciated the more detailed information provided by staff in response to his request at the work session, but he said it indicated that the number of programs run was fewer than had been thought. He said he was not ready to declare the first six-month period a success and that he would describe it as "uneven at best." He added that there had been a reduction in the number of programs for children and that this had been one of his concerns last year. He said he remained convinced that the City should issue a Request for Proposals (RFP) for the arts education (i.e., classroom) programs.

Mr. McNeal responded that the Recreation Department believed it was providing a diverse set of programs for young people, citing in particular programs for home-schoolers and for disabled children. Nicole DeWald, Arts Coordinator, provided some information on youth programs in the spring schedule.

Mayor Davis said although she thought staff was doing a good job with the arts programming, and although she recognized the problems that going through another RFP process would create for the City, she thought a promise had been made to open the process up again, and she thought this should be honored.

Mr. Putens asked why staff was proposing that a year-end report not be submitted until October-December for a year that will end in June. Mr. McNeal agreed this could be done by September.

Mr. Turnbull offered Barbara Simon, president of the Greenbelt Association for the Visual Arts, the opportunity to make a presentation of the letter she had provided to Council. He also asked that everyone keep in mind that evaluating the programming was not just a matter of counting numbers of enrollments and classes but also of determining whether the community's needs were being met.

Referring to the questionnaire distributed at biennially at the City Council election, Sylvia Lewis, 2-C Gardenway, said she believed the evaluation scale for City services was inappropriately skewed in a positive direction and would not produce as useful information as possible about programs such as the arts education programs.

Ms. Simon apologized for submitting her letter to Council so late, but she said she did not have access to the Recreation Department's figures until the work session. In response to questions from Mr. Roberts and Mr. White about figures presented in the staff report or her letter, Ms. Simon said that many factors go into the kind of cost and fee-structure analysis Council was seeking and that she was reluctant to comment without having more opportunity to study the matter.

Mr. White moved that Council direct the City Manager to submit a revised RFP to Council for review and move forward with the process of issuing an RFP. Mayor Davis seconded the motion.. Mr. Roberts said he still could not see a purpose to issuing an RFP now; he asked, "Are there programs we want to provide but are not?" Mr. Putens said the Recreation Department had been doing the programming for only six months and that Council needed a longer time period than that to evaluate. Responding to Mr. Putens, Mr. White said that by the time the responses to the RFP were considered, there would be more than six months of programming to evaluate. To Mr. Roberts, he said one reason for issuing an RFP was to find out if there were ideas and programs available that had not been considered. Mr. Roberts then asked if the City was open to people bringing in new ideas and offering programs in cooperation with the City. Mr. McLaughlin said the City was open to this, but Mr. White said he had heard of instances where the City had not been responsive to such suggestions.

Mayor Davis said she wanted to say again that her intention to vote for issuing an RFP did not reflect any dissatisfaction on her part with the work of the staff, but that it was something she had personally promised people would occur. When the vote was taken, the motion failed 2-3 (Putens, Roberts, Turnbull).

GHI GRANT APPLICATION - REQUEST FOR SUPPORT LETTER: The Mayor read the agenda comments. Gretchen Overdurff, general manager of Greenbelt Homes, Inc. (GHI), stated that although GHI would not be looking at this level of tree removal and replacement were it not for the availability of the grant, residents have raised concerns regarding both the appearance and the safety of the trees. Mr. Turnbull asked that the letter be strengthened and suggested mentioning the City's Advisory Committee on Trees and its Tree City USA status. Mr. Putens also asked that it be copied to County Councilwoman Audrey Scott. Mr. Putens made a motion that Council authorize the sending of the revised letter of support for GHI under the Mayor's signature. Mr. Roberts seconded. The motion passed 5-0.

LOCAL HISTORIC DISTRICT DESIGNATION - BRIEFING: Mayor Davis read the agenda comments. Celia W. Craze, Director, Planning and Community Development, briefed Council on this topic based upon the February 7, 2002, revision of the staff report. She said Greenbelt has a number of layers of historic preservation already in place, so the question is what having historic district status would achieve beyond that. She said although it would add another layer of protection at the county level and provide tax credits to owners, it would also enhance zoning control at the county level at a time when the City is otherwise attempting to extricate itself from county planning and zoning authority. In addition, there are many problems with the guidelines document, including ambiguous terminology. She said it is possible to expand the area of a local historic district, but it would not normally be contracted once established, which is an argument for starting out conservatively. She said this issue initially came to the City from GHI with regard only to GHI but the scope had subsequently expanded. The guidelines, however, deal almost entirely with GHI.

In response to a question from Mayor Davis, Ms. Craze said City streets typically would not be included if GHI were to seek designation on its own.

In response to a question from Mr. White, Ms. Craze said all the non-GHI owners were sent a letter and invited to meet with City staff. With regard to the problems of the

guidelines document, she said the Park and Planning office had expressed unwillingness to consider revision of it without the participation of the GHI Ad Hoc Committee that had worked on it initially.

Mr. Putens and Mr. Roberts questioned a statement Ms. Craze had made in her briefing that GHI might not be able to do the tree plantings discussed in the previous agenda item under historic district status. Mr. Roberts also asked about the reasons the county would not look favorably upon the rest room buildings proposed for Buddy Attick Park, saying he would not necessarily consider critique from the outside to be a bad thing. He went on to say that he agreed the document needs work but that overall he is supportive of it. He said he did not think the staff was being fair. He added that he believed that if the City could otherwise acquire planning and zoning authority, it would also get control of the historic district. Mayor Davis said she thought Ms. Craze's point had been that the City would be sending mixed signals about getting out from under county control. Mr. Roberts responded that the two issues were in entirely different categories and, in his opinion, did not compete with one another. Ms. Craze agreed that if the City was granted local zoning authority, it would include authority over the local district.

Mr. Turnbull also questioned the statement about the tree re-planting, and Ms. Craze clarified that the point was that it would require a historic area work permit and possible negotiation with county Historic Preservation Commission staff. Mr. Turnbull responded that such discussion might be for the good, adding that he agreed with Mr. Roberts that he would have been pleased to have had the benefit of additional, external expertise about the design for the rest room facilities. He said more information is needed regarding the relatively new Rehabilitation Tax Credit Program, as well as on the likely property tax impact on the City.

Mr. Putens asked why the GHI Board took no vote. Julia Eichhorst, 3-P Research Road and president of the GHI Board, responded that the GHI Board had decided it was preferable to put the question to a membership vote, which would be comparable to a referendum.

Mr. Roberts made a motion that Council support option #1 in the staff report—to pursue full designation as a local historic district, with the understanding that staff's concerns or differences with the county would be addressed first. After ascertaining that Mr. Roberts' motion was intended to include the condition that an improved guidelines document would be produced and come to Council for approval, Mr. Putens seconded the motion.

Mayor Davis said she had a serious concern about the role of the City and City-owned property in this, as well as the lack of involvement of the owners of the non-contributing properties. She said she expected there would be a public hearing if this were to move forward.

Mr. Turnbull said he ultimately wanted to see this succeed but that a motion to pursue historic district designation was premature at this point and that a Council action was needed that would result in the substantial revision of the documents and a renewal of public involvement, especially non-GHI involvement, in the process. He added that for historic district status to be meaningful, it was necessary not only that all of the original

government-built town be included but also that it be "happily included." Mr. White agreed the motion was flawed and said he thought option #4 with additions would be closer to what is needed. Mr. Putens at this point withdrew his second.

Mr. Roberts said he was concerned that Mr. Turnbull's proposal would put the matter back into staff's lap when the staff already has a greater workload than it can handle. He said he thought the GHI Board had "sidestepped the issue." He suggested the possibility of a City referendum, adding that he did not want the issue to languish for another five years. Mayor Davis said the idea of doing this was very attractive when it was first proposed but that the process had revealed many problems and pitfalls that must now be addressed. She said the staff's concerns must be addressed, and all the necessary property owners must be informed and have the opportunity to address it. Mr. Roberts responded that, in fact, a substantial amount of work had been done on this prior to its being returned to the City for action and that the county staff had done a great deal of outreach and education.

Mr. Putens said the staff needed to do the work included in option #4 of the staff report (to defer action), in addition to clarifying the designation of local historic district status as it applies to the City as a whole and to City properties.

Mr. White moved option #4 in the staff report, deferral, with the inclusion of the following: 1) City staff issues will be addressed, including the need to revise the guidelines; 2) alternative programs, such as the tax programs, will be researched; 3) potential City-HPC conflicts will be resolved; and 4) the fiscal impact on the City will be evaluated. Mr. Putens seconded the motion. A fifth component was subsequently added, as described below.

Noting Mr. Roberts' concerns regarding how quickly this could be handled given the staff workload, Mr. Turnbull said perhaps the matter should be turned over to a citizen task force. He stressed that he thought it essential to reach out and include such parts of town as the Roosevelt Center and the apartment buildings. He offered an amendment to Mr. White's motion to establish a task force, which received no second. Mr. White said he would incorporate into his motion, however, Mr. Turnbull's concern with reconciling the contributing and non-contributing groups and ensuring that all parties involved be consulted with appropriately.

In response to a question from Mr. White, Ms. Craze said it would take her office a year to accomplish this work.

Mr. Roberts objected to one item listed under option #4 in the staff report, in which it is the City that determines which City structures would be exempt.

Sheldon Goldberg, 7848 Jacobs Drive, chair of the Advisory Planning Board, said it was not advisable to go back to the beginning and form a citizen committee. The original citizens' report of 1994 had identified all the players. Initially, many people saw this as being only for GHI. As a result, the reason for the heavy GHI orientation of the guidelines was that, since there was no point in even thinking about local historic district designation if something could not be developed that would satisfy GHI, that was the starting point.

Susan Ready, 30-C Ridge Road and member of the GHI Board, commented that the concerns Council was raising were many of the same ones that GHI struggled with. She stated that although this had already been a very long and time-consuming process, many of the parameters and assumptions had changed over the time period and thus required looking at again. For example, GHI was originally told by the county that this was an "all or nothing" proposition and that all the contributing properties had to be included. GHI had even discussed separating the original housing from the defense housing, but they were told that could not be done. She said her understanding had been that this project was not "by GHI, for GHI," but rather that the City had sent it to GHI, on the rationale that if GHI was not interested, there was no point in taking the discussion further. Since it was GHI's understanding that only the City could request historic district status, it was made clear to the membership that the vote was not on whether to seek historic district status, but to determine whether there was a strong enough interest on the part of GHI to justify sending it back to the City for the City to pursue. Lastly, Ms Ready said it was definitely not the case that financial benefits had been stressed with the GHI membership as a reason for seeking historic district status. GHI had been unable to determine whether historic district status would result in financial savings or not, and the membership had been advised to vote on that basis. Ms. Ready added that she believed that another big factor in the GHI review was the understanding that the existing historic protections would not prohibit the City from being razed and a sign posted saying "Here stood Greenbelt, a National Historic Landmark" and that many residents of GHI were looking for more protection than that for the community.

Mr. Putens asked Ms. Craze to clarify who had initially referred what to whom. Ms. Craze said it had started when Ray McCawley, who served on both the Advisory Planning Board (APB) and the GHI Board, asked the APB to consider it. The APB instructed Mr. McCawley to get a letter from the GHI Board asking the City to consider it. APB then said it should be considered for the whole community.

When the vote was taken on Mr. White's motion, it passed 4-1 (Roberts).

PENDING LEGISLATION: At the Mayor's request, Mr. Moran gave Council an overview of the three bills under consideration.

PG/MC 126 - Trash Transfer Station: It was noted that the Prince George's County Municipal Association has voted to support this local bill. Mr. Putens moved that Council support this legislation and convey its support to the appropriate elected officials. Mr. Turnbull seconded. The motion passed 4-0, with Mr. White not present for the vote.

House Bill 345 - Electric and Gas Aggregation by Counties and Municipalities: Mr. Turnbull moved that Council's support for this bill be communicated to the City's delegation. Mr. Putens seconded. The motion passed 5-0.

HB 555 - Public Service Companies - Systems Repairs: Mr. Turnbull moved that Council's support for this bill be communicated to the City's delegation. Mr. Putens seconded. The motion passed 5-0.

Senate Joint Resolution 8 - Restart of Environmental Impact Statement Process for Inter-County Connector: Mr. Turnbull moved that Council's "vehement opposition" to

this resolution be conveyed to the City's delegation. Mr. Putens seconded. The motion passed 5-0.

HB 587 - Video Surveillance in Facilities Treating or Training People with Mental Disorders: Delegate Anne Healey had called the Greenbelt CARES office today to request City support for this bill. Mr. Putens moved that Council's support of this bill be conveyed to the City's delegation. Mayor Davis seconded. Mr. Turnbull questioned the appropriateness of Council's taking a position on matters not related to municipal issues. When the vote was called, the motion passed 4-1 (White).

MARYLAND HERITAGE AREA AUTHORITY GRANT APPLICATIONS: Mayor Davis read the agenda comments. Mr. White moved Council authorization of the three grant proposals to the Redevelopment Authority and the Maryland Heritage Area Authority. Mr. Putens seconded. Mr. Turnbull asked if the order listed for the proposals was prioritized, and Mr. McLaughlin said in his opinion it was. Mr. Turnbull agreed with the priority order. The motion passed 5-0.

MEETINGS: Council reviewed the upcoming schedule of meetings. Mr. McLaughlin said it was his intention to present the FY 2003 budget to Council at the March 25 meeting.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. Turnbull. The motion carried 5-0. Mayor Davis adjourned the regular meeting of February 11, 2002, 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 February 11, 2002."

Judith F. Davis
Mayor