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**REGULAR MEETING OF GREENBELT CITY COUNCIL held Monday, March 25, 2002.**

Mayor Davis called the meeting to order at 8:00 p.m.

ROLL CALL was answered by Council members Edward V. J. Putens, Rodney M. Roberts, Thomas X. White, and Mayor Judith F. Davis. Councilmember Alan Turnbull arrived at 8:05 p.m. and left at 12:25 p.m.

ALSO PRESENT were Michael P. McLaughlin, City Manager; David E. Moran, Assistant to the City Manager; and Kathleen Gallagher, City Clerk. Robert A. Manzi, City Solicitor, arrived later in the meeting.

Mayor Davis asked for a moment silence in memory of residents Donald Noel Tucker and Andrew Feeney, Sr., and former resident Irma Majer. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mayor Davis asked that the minutes from the March 13 work session be removed from the consent agenda. A motion to approve the amended consent agenda was made by Mr. Roberts and seconded by Mr. Putens. The motion passed 4-0.

Council thereby took the following actions:

MINUTES

- Work Session, February 16, 2002
- Regular Meeting, March 11, 2002
- Interviews, March 18, 2002
- Work Session, March 18, 2002

COMMITTEE REPORT: Advisory Planning Board, 3/11/02 Memo (ACT Plan for Bradford Pears): Council accepted this communication from the Advisory Planning Board and will consider it at the work session to be scheduled with the Advisory Committee on Trees (ACT). Council directed staff to forward the memo to ACT and to the City Solicitor for their review prior to the work session with ACT.

APPOINTMENTS TO ADVISORY GROUP: Council appointed Donna Osler and Elizabeth Wellborn to the Arts Advisory Board.

APPROVAL OF AGENDA: Mayor Davis requested that four items be added to the agenda: Request from the New Deal Café for Support Letter to the IRS as #20;

Advisory Committee on Education Report #01-2002 as #21; Fire Department Staffing as #22; and Fire Department Interest in Land as part "C" of item #15. Mr. Roberts moved approval of the agenda thus amended. Mr. White seconded the motion, which passed 5-0.

## PRESENTATIONS

City Manager's Proposed FY 2003 Budget: The City Manager gave a presentation to Council on the proposed budget for FY 2003, which will cover the period July 1, 2002 to June 30, 2003. The Mayor reminded the public that there will be quite a few budget work sessions and two Public Hearings on the proposed budget, and she encouraged citizen participation. Mr. McLaughlin said copies of the budget would be available to the public early next week at the Municipal Building, as well as on line at the City Web site.

Mr. White asked if there were "unmet needs" not included in the budget. Mr. McLaughlin said that although some proposals previously identified as "unmet needs" had been included, there were still others that were not. Mr. White said he would like to have available for the work sessions a table or matrix of City facilities available for use by the public and their revenue-producing capacities, particularly, but not limited to, the Community Center, Springhill Lake Recreation Center, and Youth Center. Mr. McLaughlin suggested discussing this request following the first budget work session to be sure staff understood what was wanted.

PETITIONS AND REQUESTS: There were none.

## MINUTES OF MEETINGS

Work Session, March 13, 2002: Mayor Davis requested a correction of an error under "Other Business" to show that the board of the Metropolitan Washington Council of Governments had supported a resolution in favor of statehood for the District of Columbia. It was moved by Mr. Turnbull and seconded by Mr. White that the March 13 minutes, as corrected, be approved. The motion passed 5-0.

## ADMINISTRATIVE REPORTS

Mayor Davis asked for clarification on a March 29 Comcast negotiations deadline, which was provided by Beverly Palau, Coordinator of Public Information and Communication.

Mr. Roberts reported on participating in the most recent volunteer session to help construct the wetlands education area at Greenbelt Lake. He said the next session would be April 6.

Mayor Davis reported on: visiting Greenbelt Elementary School in connection with the selection of the school as a site for the 2002 Expeditionary Learning Outward Bound National Conference; participating in bond hearings at the House of Delegates with David Moran, Brian Butler, and a young resident of Springhill Lake; a County Women's History Month luncheon, at which an employee of the City's Recreation Department, Barbara Mechler, was honored; the County Executive's Chamber of Commerce

breakfast and State of the County address; and, together with Mr. Roberts, Mr. White, Mr. Putens, and Mr. Moran, the 47th anniversary banquet of the Fire Department

Mayor Davis also commented on the progress made by the State Highway Administration (SHA) on sidewalks west of Greenway Center and asked if Council would support a letter thanking the SHA for work done, looking forward to work still anticipated, and complimenting Charlie Watkins on the good job he is doing. Council agreed, and Mr. Putens suggested copying the letter to the Governor and elsewhere as appropriate.

## LEGISLATION

An Ordinance to Amend Chapter 2, "Administration," Article IV, "Ethics," of the Greenbelt City Code for the Purpose of Updating the Section on Financial Disclosure to Reflect the Adoption by the City of a New Position Classification System: Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for second reading and 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. 1210, Book 11).

BRIEFING ON MNCPPC GENERAL PLAN: Mayor Davis read the agenda comments and invited Tom Tyson of the Maryland-National Capital Park and Planning Commission (MNCPPC) to make a presentation. Mr. Tyson introduced several other members of the MNCPPC staff and gave an overview of the plan. He said there would be a joint Planning Board-County Council public hearing tomorrow night and that, in lieu of attending, the City could send written comments to the chair of the Planning Board by close-of-business on April 5. The Planning Board will hold work sessions during April, with the board's recommendation going to the County Council in early May. The County Council will hold work sessions in June and approve the plan in late June or early July.

Mayor Davis asked why there is little visibility for municipalities in the plan. She said her impression was that the interests of municipalities had been too much subsumed in the plan's emphasis on the common good of the county. Mr. Tyson said they received relatively little municipal response to their invitation for participation. The Mayor also asked about the possible conflict between the general plan and area plans. Mr. Tyson responded that, according to county zoning law, area plans automatically amend the county's general plan. A general plan will amend an area plan only if such is specifically

stated at the time that the general plan is adopted by the County Council. Mr. Turnbull expressed concern with the way the three tiers of development seemed to be defined; in particular, there seemed to be too little detail of distinction between the "developed" and "developing" tiers and too much detail at the margin between the "developing" and "rural" tiers. Mr. White questioned the plan's orientation toward the county's economic development policy. Celia Craze, Director, Planning and Community Development, said the comments in her memo, included in Council's packet, represented the comments given to Mr. Tyson and the MNCPPC staff when they met earlier. She said she still believed it to be the case that there is not sufficient recognition of the role played by municipalities as service providers within the multi-layered structure of service provision within the county. And she said she still has concerns about the relationship among the area plans and the general plan.

Mr. White said he agreed with Mr. Turnbull about the arbitrariness of the definitions of the tiers said he thought the City should comment by the April 5 deadline.

Mayor Davis asked how the plan would deal with neighborhoods of historic significance. Mr. Tyson said he believed that only areas with county historic district status would appear on the radar screen, but that preserving community character was a component of the plan. He suggested Council might ask MNCPPC to strengthen this component.

Mr. Putens made a motion to send the staff's comments with modifications to meet the deadline of April 5. Mr. White seconded. In addition to the item related to preserving neighborhood character, Mr. Turnbull said he would like to suggest that they expand the area characterized as "rural." Sheldon Goldberg, 7848 Jacobs Drive, asked for additional information on a map depicting fire stations. When Mr. Tyson explained that the only stations shown on the map were ones recommended to be relocated or consolidated, it was generally agreed that this map needed clarification. The motion passed 5-0.

RESULTS OF FISCAL YEAR 2001 AUDIT: Mayor Davis read the agenda comments. Daniel J. Kenney presented the results of the City's 2001 audit on behalf of Reznick Fedder & Silverman. It was mentioned that although there have been written recommendation on some prior audits, none was required this year. Council thanked Mr. Kenney for the presentation.

ORDER OF BUSINESS: It was moved by Mr. Putens and seconded by Mr. Turnbull that item #21, the report from the Advisory Committee on Education, be taken up at this time. The motion passed 5-0.

ADVISORY COMMITTEE ON EDUCATION REPORT #01-2002: Leta Mach, chair of the Advisory Committee on Education (ACE), said this report was in response to a referral from Council asking ACE's recommendation on whether the City should take a position on the proposal of the Thornton Commission to increase the funding for schools. The committee recommended that the City take a stand in support of the commission, even though the time left for comment was very limited. Mr. White moved and Mr. Roberts seconded that the City 1) write its delegates in support of the commission's recommendation and 2) join the Prince George's County Education Equity and Excellence Coalition. The motion passed 5-0.

CVS PHARMACY, GREENWAY CENTER - DETAILED SITE PLAN: The Mayor read the agenda comments. She added that she appreciated the county's requiring City review of this matter and hoped that could be conveyed to the county. Kristen Ward, intern with the Planning and Community Development Department, said CVS had submitted a revised site plan that addressed almost all of the initial concerns, and she described some of the modifications that had been made with regard to landscaping, stacking space for cars at the drive-in window, the location of the dumpster, and signage. Mayor Davis noted that based on previous experience with the other CVS in Greenbelt, the City should require strong language on maintenance of landscaping. In response to questions from Council members, David Duff, with STV, Inc., consulting engineer for CVS, elaborated on several points. He said the loading dock has adequate space for delivery and traffic and was the use originally approved for that space. He described the proposed landscaping and said the screen for the dumpster would be masonry blocking with a brick veneer. He said this area is a challenging one for landscaping because the sewer and underground utilities at that location prohibit any planting with deep roots. He added that CVS would provide irrigation for the landscaping, including at the dumpster. Ms. Ward also presented the sign plan.

Citing the environmental impacts of drive-in windows, Mr. Turnbull asked why CVS needed one, given the light anticipated use described by Mr. Duff. Danny Laycock, representing the developer, said he could not answer the question definitively but that his understanding was that it was intended not for high volume but as an aid, for example, to parents with sick children who could call in requests and pick them up without having to get out of the car. Mr. Roberts asked if the store would be open 24 hours, and Mr. Laycock said he did not think so.

It was moved by Mr. Putens and seconded by Mr. Roberts that Council approve the CVS Detailed Site Plan with the following conditions from the staff recommendation: 1) The applicant provide clarification on the terms of the joint easement with the property owner of the adjacent parcel (where AllFirst Bank is located) to show that a dumpster and screen wall may be placed on parcel "A"; and 2) the applicant adhere to the Exterior Elevations plan-Sheet Number A4.1 (sign plan) submitted to the City dated February 27, 2002, when applying for county and City sign permits. In addition, language will be strengthened regarding the maintenance of landscaping and a commitment to provide irrigation for landscaping. The motion passed 5-0.

#### GOLDEN TRIANGLE PROPERTY (4.71 A)

##### Offer from the State of Maryland to the City to Purchase

Mayor Davis read the agenda comments. She asked Mr. Manzi if the price the state was putting on the land was fair. He said there was no way under the state statute that the state could offer a lower price, since this price was based on the purchase price plus interest. He added that if the parcel were to be offered for sale privately, the price would be at least twice as high. He also clarified that if the land is truly declared surplus, it must be sold, since the state originally acquired it by purchase, and that if it were sold to the City, the City could build on it for a public use. In response to a question from Mr. White, Mr. McLaughlin said he thought the April 1 deadline could be extended.

The Mayor asked Chief Randy Krob to address the possible use of the property by the Fire Department. Chief Krob said the problems with their current location are that they can build neither up nor out on the site and that, because of the proximity to the residential area, there are complaints about noise with nighttime response to calls. A location on Greenbelt Road would also increase their ability to provide first-response service to Greenbelt East and Springhill Lake. The department does not have the funds to build a new building at this time but has been saving toward that goal. There was some discussion of other possible sites on Greenbelt Road.

It was moved by Mr. Roberts and seconded by Mr. White that an extension of at least three months be requested from the state on the April 1 deadline, that Capitol Cadillac's conceptual site plan be sent to the Advisory Planning Board (APB) for review, and that a work session be scheduled with the Fire Department to discuss their long-term needs and plans.

### Proposal to Expand Capitol Cadillac

André Gingles, attorney for Capitol Cadillac, addressed Council to say that because Capitol Cadillac has a June 17 deadline before the county zoning moratorium, they would like to proceed with requesting the text amendment that would allow them to continue with their own expansion plans in the event that the City decides not to purchase the property and is willing for Capitol Cadillac to lease it from the state. Mr. Roberts asked if the state would have to initiate that request as the owner, and Mr. Gingles explained that the zoning is a matter of use, not the ownership. Mr. Roberts said that although he was appreciative of Capitol Cadillac's willingness to work with the City and that his motion was not intended to exclude any possibilities, he did object to this type of exception to the zoning law. Mr. Putens said he too appreciated Capitol Cadillac's patience with the process, adding that the problems that had recently surfaced about Fire Department coverage in Greenbelt meant that there were additional issues that Council had to work through.

When the vote was taken, the motion passed 5-0. Mayor Davis asked Ms. Craze to continue to work with Capitol Cadillac on the details that would affect the APB review and the draft Memorandum of Understanding (M.O.U.).

Regarding Capitol Cadillac's pursuit of the text amendment, Mr. Manzi said their request at the last work session had been that Council agree to take no position but that he did not think Council could do so without having a final M.O.U. He also went on to explain that he agreed with Mr. Gingles that Capitol Cadillac has no other way to pursue a change in zoning, largely because the county has not updated the 20-year-old master plan for the City. At this point, the only way to request a change of zoning through regular process of Maryland law is on grounds of either 1) an error in the prior comprehensive rezoning or 2) a substantial change in the character of the neighborhood, neither of which applies in this case. Mr. Gingles added that he wanted to be sure it was clear that Capitol Cadillac would move ahead and that they will say that the City Council has taken no position but may do so later. Mr. Roberts asked if there was not some other way to rezone the land provided that Capitol Cadillac was willing to go through the proper process and wait. Mr. Manzi said, no, that until the master plan was redrawn, there was in fact no way to do it. He said at the time of the master plan it was understood that this land would be used as an entrance to the

Baltimore-Washington Parkway, and no consideration was given to other use. Mr. Roberts said he wanted to make it clear that it was unlikely that he could ever support a request for a text amendment.

Mr. Turnbull suggested that the City convey to County Councilwoman Scott that at this time the Council has not taken any position.

ORDER OF BUSINESS: It was moved by Mr. White and seconded by Mr. Roberts that the item on staffing needs at the Fire Department be special-ordered and considered at this time. The motion passed 5-0.

FIRE DEPARTMENT STAFFING: Chief Krob reported on his meeting with representatives of the county, which confirmed that the county intends to remove the four career staff currently assigned to Greenbelt, as well as those assigned to Branchville. He said some of the county's statistics did not jibe with the Fire Department's. In addition, there was some implication that it was because Greenbelt has a strong volunteer staff that the county thought the City could get along without the career staff. Chief Krob also got the impression at the meeting that there was little awareness of the institutions (the large high school, the federal court house, BARC, parts of the beltway and the Parkway, etc.) covered by the Greenbelt Fire Department.

Mayor Davis reported on a conversation she had with County Chief Blackwell, in which he described the countywide shortage of funding and personnel that was evident from his perspective. He said he would be the one to make the ultimate decision and, at this point, he considers the proposal on the table to be preliminary. Mayor Davis said she would bring the matter up with other mayors, and she asked the City Manager to determine if there are other routes for following up on the situation. Mr. Putens said he thought the City should consider taking the Fire Department over if the City could compete for the same funding for which the county is eligible; he suggested the Four Cities might even work together on this.

Mr. McLaughlin suggested that a second letter might be written to the county, now that more specifics were available. This letter could be much stronger than the first letter. Mr. Putens so moved; Mr. Turnbull seconded. Mr. White suggested mentioning what Chief Krob had said about the institutions, high-risk areas, and businesses covered by Greenbelt. Mr. Roberts said we should oppose their proposed action but also offer to support them in finding additional funding. Mayor Davis agreed that we should acknowledge the countywide nature of the problems. The motion passed 5-0.

REPORT ON RED LIGHT CAMERA PROGRAM: Mayor Davis read the agenda comments. Chief James Crazes said he and Mr. McLaughlin agreed that the light on Kenilworth at Cherrywood should be removed, since there are few violations there. There are also adjustments to be made to the fees charged by the vendor, who has been charging different rates to different jurisdictions. Mr. White asked how everyone could have overlooked the fact that there is a \$2,500 per month per camera charge. There was also discussion of how the figures were presented in terms of the installation costs and other expenses. Mr. McLaughlin said the City had originally anticipated covering the installation costs in the first year, which it did, but at a loss to the projected revenues for this time period.

Mr. Putens said he agreed with Mr. White that it was inexplicable that the City could have missed the per camera charge while reviewing the terms of the contract. Chief Craze responded that the problem was not that he was unaware of these charges but that he thought, based on raw data, that the volume of citations would be such that the City would always be above the cut-off point where this charge would kick in. As it turned out, tickets have been issued in only 48% of the cases caught by the cameras, since the department is very conservative and gives people the benefit of the doubt. He said Greenbelt's handling of this is consistent with the practice of other jurisdictions.

Mr. Roberts and Mr. Turnbull agreed we should not remove any cameras yet, as long as the overall program is running in the black. Mr. Roberts said if a camera is not making money because people are not running the light, then the camera is doing its job. He said he had never supported the program to make money. While agreeing that the City is not out to make money on the program, Mr. White disagreed with the idea that the City should be spending more money than necessary on it. He said there are charges to the City in maintaining cameras at intersections that are apparently in compliance and that the City has much better use for those monies. Based on the data, he said up to three of the cameras seemed not be productive. He asked Chief Craze if there other locations where these cameras could be used. The Chief said there is no other intersection that is both practicable and needs a camera, and installing one elsewhere would require paying the installation fee again. Mayor Davis said she could support the removal of the camera on Kenilworth but thought the one at Greenbelt and Hanover should remain at this time. Mr. Roberts objected strongly to what he considered to be Mr. White's equating a camera's success with whether it was making money. Mr. Turnbull agreed with Mr. Roberts that the cameras should not each have to support themselves individually. He suggested that at least for now, one camera could subsidize another, and that they could be evaluated at the end of the first year. Mr. Putens agreed that the cameras are a deterrent even if they do not make money. Mr. White explained that in his view whether or not the camera was making money was, in effect, a proxy for whether there was a problem with red-light running at the intersection or not. He agreed that the City had not undertaken the program to make money, but he thought it was wasteful to be spending money where there was no identified problem.. He moved that the City remove camera #356 on Kenilworth. There was no second to the motion. Chief Craze agreed to have a first-year report subsequent to July for purposes of discussion prior to the expiration of the contract in December.

COUNTY LEGISLATION (CB-2-2002): Mayor Davis read the agenda comments and noted that the Prince George's County Municipal Association had gone on record in support of the bill. Mr. Putens moved that Council support CB-12-2002 and convey that support to County Council. Mr. Roberts seconded the motion, which passed 5-0. The Mayor asked Mr. Moran to give an update on the status of all the bills he had been tracking, and he did so. Mr. White asked Mr. Moran to provide Council with information on the "grab bag" bills on homeland security issues that have been introduced into the state assembly so that Council could consider taking a position.

MAGLEV TRAIN - COMMENTS TO MARYLAND TRANSIT ADMINISTRATION: Mayor Davis read the agenda comments. She agreed the City should oppose the whole project but said she thought it was essential that we state our strongest opposition to the route that comes through BARC. Mr. Putens said he thought it was important to oppose the whole project since the City was, in effect, being asked to choose among three bad



things. Doug Love, representing Citizens to Conserve and Restore Indian Creek, said that group had voted unanimously to oppose the Greenbelt alignment of the train, though many agreed that they should oppose the entire project. Mr. Roberts moved Council authorize the sending of an amended letter opposing all three proposed routes for the Maglev, with especially strong opposition to the Greenbelt route. Mr. White seconded. The motion passed 4-0.

REQUEST FROM NEW DEAL CAFÉ: The New Deal Café submitted a letter requesting a letter from the City giving information on the value of the Café to the City that would support them in their effort to negotiate the amount of payment and payment terms for the money they owe the Internal Revenue Service. Mr. Roberts moved authorization of the letter. Mr. Putens seconded. Mr. White asked Mr. Manzi if there were any problems with doing this, and he said not if the letter did not advise the IRS what to do. The motion passed 4-0.

MEETINGS: Council reviewed the upcoming schedule of meetings. The April 1 work session was moved to April 3. Mr. White asked that the May 6 work session be rescheduled to May 7 so he could attend. He also suggested moving the first public hearing on the budget to the April 22 meeting. There was brief discussion of these changes, but it was agreed to discuss them at the April 3 work session so that Mr. Turnbull could be present.

ADJOURNMENT: A motion to adjourn was made by Mr. White and seconded by Mr. Putens. The motion carried 4-0. Mayor Davis adjourned the regular meeting of March 25, 2002, at 1:00 a.m. on March 26.

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 March 25, 2002."

Judith F. Davis  
Mayor