



REGULAR MEETING OF GREENBELT CITY COUNCIL held
Wednesday, October 11, 2000.

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

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

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

Mayor Davis observed a moment of silence for former residents James Fletcher and Joan Jett and for former resident and Greenbelt Pioneer Frances Cassidy. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mayor Davis asked that the minutes from the September 6, 2000, work session be removed from the consent agenda. Mr. Putens moved approval of the consent agenda with this amendment. Mr. Turnbull seconded. The motion passed 5 to 0.

Council thereby took the following actions:

MINUTES

- Work Session, August 30, 2000
- Interview for Advisory Group, September 6, 2000
- Regular Meeting, September 25, 2000
- Work Session, September 27, 2000

Approved as presented.

COMMITTEE REPORTS:

Park & Recreation Advisory Board Report #00-5: Review of Plan for Expansion of Public Works Facility: Council accepted this report.

Park & Recreation Advisory Board Report # 00-6: Review of Chesapeake Bay Trust Year 2001 Waterway/Watershed Restoration and Preservation Projects Proposal: Council accepted this report and noted the Board's request to be involved in further review of the site design as it evolves.

Assisted Living Task Force Final Report: Council accepted this report and directed that the scheduling of a work session with the task force be considered later in the meeting.

Renewal of Lease - Greenbelt Fire Department: Council approved renewal of the Fire Department's lease and authorized the Mayor to sign the lease on the City's behalf.

Resignation from the Advisory Committee on Education: Council accepted Andrew Levin's resignation with regret and directed staff to prepare write a letter of appreciation for the Mayor's signature.

APPROVAL OF AGENDA: Mr. Turnbull requested that "Advisory Board Appointments" be added to the agenda as #19. Mr. Putens moved that the agenda be approved with this addition. Mr. Turnbull seconded, and the motion passed 5-0.

PRESENTATIONS - NATIONAL COOPERATIVE MONTH: The Mayor read the agenda comments. Representatives were in attendance to receive the proclamation from Greenbelt Cooperatives: Greenbelt Homes, Inc., the Greenbelt Consumer Cooperative, Inc., the Greenbelt Internet Access Cooperative, the Greenbelt News Review, the Greenbelt Nursery School, the New Deal Café, and the Greenbelt Federal Credit Union. The Mayor read and presented them with a proclamation declaring October "National Cooperative Month." Council directed staff to prepare additional proclamation so that all of the co-ops could have an original.

PUBLIC HEARING - CONDEMNATION OF PROPERTY FOR POST OFFICE: The Mayor opened the public hearing and read the agenda comments. Robert Manzi, City Solicitor, gave a brief summary of the events leading up to the resolution for condemnation. Mr. Manzi said the City's involvement with the property is a long one. In the early 1980s, the then-owners of the property approached the City requesting zoning for a commercial shopping center (CSC) because they had the opportunity to use the property for a residence inn and corporate suite hotel and the CSC designation would not require a special exception. In 1988, the then-owners again approached the City, with the result that the covenants were renegotiated and "commercial office" was added as a second use acceptable to the City. In 1991, new owners placed a unilateral covenant on the property that would allow only commercial office development. The City learned of this covenant, which essentially denied the City's right to participate in decisions about other possible uses of the property, only when the Postal Service began to negotiate with the City about a new location. The City did go to court to have the covenant overturned, but a judge declared it "valid" without commenting on whether it was enforceable. The City now believes that the easiest way to permit the property to be used for a new post office is for the City to exercise its rights of condemnation, even though it is unusual to do so for a federal use. The present owner is agreeable to the condemnation, and the City is discussing terms with the owner ensuring that the City would be reimbursed for its costs, although the City will assume cost of the value of the covenant, if any. All the parties are in agreement except, presumably, the owners of the covenant. Mr. Manzi said he believes the covenant has little value, an opinion that is shared by a professional appraiser. The intention is to separate the issue of the condemnation from the potential issue of the value of the covenant, so that the Postal Service will be able to move ahead promptly even if court proceedings on the covenant are more extensive. There have been a number of public meetings in the past dealing with the site plan and architecture of the

facility, and the City believes it to be a good public use of the property. The City has talked with the Postal Service about reinstating the covenants, which would limit use to the post office, a commercial office building, or a residence-suite hotel. Mr. Manzi expects it to take about a month before all the agreements being negotiated are in order and the resolution would return to Council for second reading and adoption.

Mayor Davis emphasized that retail postal operations would continue in the current facility in Roosevelt Center, with the advantage that the sorting facilities and trucks would move to Greenbelt East, freeing up some parking space behind the Co-op.

Sheldon Goldberg, 7848 Jacobs Drive, chair of the Greenbelt East Advisory Committee (GEAC), addressed Council to present letter indicating that GEAC had voted 4-0 at its last meeting to re-confirm its support for the proposed use of the land for a post office facility.

Charles Hendricks, 7850 Emily's Way, asked why the City rather than the Postal Service had to undertake the condemnation. Mr. Manzi responded that while it would be preferable for the Postal Service to do so, they have in fact not exercised their powers to condemn in more than 30 years. In response to some of Mr. Hendricks' other questions, Mr. Manzi repeated some of the information he had provided in his presentation. Mr. Hendricks expressed concern over the City's assumption of responsibility for the value of the covenant, since this burden should be assumed by the Postal Service, and encouraged the Council to be cautious in assuming this burden of unknown cost.

The Mayor emphasized that Council has been very cautious, as witnessed by the long time these negotiations have taken, including a number of Executive Sessions of Council. Mr. Roberts supported what the Mayor said, adding that it was as a further precaution that Council brought in an appraiser to evaluate the covenant independently. He said that although there are some reasonable concerns, he is more concerned with the need to move ahead. Mr. Turnbull said that although he appreciated Mr. Hendricks' cautions, he believes they are outweighed by the advantages to the City of locating the postal facility on this property, as well as having some sway with the Postal Service in terms of their commitment to remaining in Roosevelt Center. Mr. Putens agreed and assured Mr. Hendricks that it was because of Council's caution that this process has taken so long. He said he believes the City could have the covenant removed on appeal, but this would take much longer than the condemnation. Mr. White expressed his concern with the Council's taking on an undefined risk, adding that his understanding was that certain agreements were to be reached. Mr. Manzi assured him that all such agreements would be in effect prior to any request to Council to move forward with the resolution.

Council directed that two revisions be made to the resolution and that the revised resolution be brought to the next meeting for first reading. Mr. White suggested that the need for a continued presence of retail postal services at Roosevelt Center be linked in the resolution to the City's support for the new facility. Mr. Turnbull asked that the fact that the Postal Service has outgrown its space in Roosevelt Center be stated in positive rather than negative terms. The Mayor then closed the Public Hearing.

PETITIONS AND REQUESTS: There were none presented.

MINUTES OF MEETINGS: The Mayor noted three corrections to be made to the minutes of the September 6, 2000, work session on the Goddard master plan. Mr. White moved that the minutes be approved with these changes. Mr. Turnbull seconded, and the motion was approved 5-0. Mayor Davis asked staff to follow up on the materials mentioned in the minutes that the presenters had promised to send Council but which were not yet forthcoming.

ADMINISTRATIVE REPORTS: Mr. McLaughlin reminded everyone that SchromFest will be held Saturday, October 14, from 11 a.m. until 3 p.m., with the dedication of the Memorial Garden to occur at noon; and the appreciation dinner for advisory groups will be at 5 p.m. on Sunday, October 15. He and David Moran, Assistant to the City Manager, will attend the Maryland Municipal League Legislative (MML) Conference in Hagerstown Thursday and Friday of this week, as will several members of Council. He noted that Council was receiving this evening a memo from Mr. Moran regarding a letter the City received today about a focus group for a I-95/I-495 Metro Access Study. This will be placed on the next agenda for discussion. Mayor Davis announced that since she would be attending the MML conference, Mr. Turnbull would conduct the dedication of the Memorial Garden on Saturday.

Mr. Putens reported that a number of residents of Greenbelt East are worried about the Goddard master plan and that the impression had been given in some reports that Council had not expressed major concerns to Goddard at the work session. He said he wanted to make it clear that this was not true and that Council is waiting for additional information to consider further. A specific concern of residents involves the possibility of increased accidents on Greenbelt Road, and Mr. Putens asked the City Manager to get a report from the State Highway Administration on accidents on the stretch of Greenbelt Road from Hanover Parkway east to NASA.

Mayor Davis reported that she had attended the Prince George's County Beautification Committee Awards 2000. She encouraged everyone to visit a number of new exhibits in town, including: quilts at the Community Center; an exhibit of the works of 20 Greenbelt artists at the U.S. District Courthouse, for which a number of Council members had attended the opening reception; a new exhibit at the Municipal Building; and the addition of videotaped interviews to the exhibit on children's play in the Museum space of the Community Center. Mayor Davis also attended the Open House of the Greenbelt Volunteer Fire Department during Fire Prevention Week. She asked Mr. McLaughlin to have Public Works look into the erosion problem the Fire Department is having at the side of the building. The Mayor also summarized information that was presented at a Council of Governments board meeting on the West Nile Virus, regarding both the spraying of insecticides and the prevention measures that can be taken by property owners. In the latter category, residents with City refuse service can have old tires, which hold standing water, picked up by Public Works, which can also suggest alternatives to those who do not have City refuse service.

LEGISLATION:

. A Resolution to Negotiate the Purchase of Mechanical Equipment for the Greenbelt Aquatic and Fitness Center from Pool Pak of York, Pennsylvania, in the Sum of \$18,500: Mayor Davis read the agenda comments. Mr. Putens introduced the Resolution for first reading.

BUDDY ATTICK PARK - PRELIMINARY PLANS FOR RESTROOM FACILITY: Mayor Davis read the agenda comments. Celia Craze, Director of Planning and Community Development, reviewed the site plan and the building plans. She noted that this is the 20% plan and that such items as colors, textures, landscaping, etc., will come back to Council for further review. The park ranger station attached to one of the buildings was discussed, with Council agreeing that the intention had been for the station to be used for storage and for telephone contact, not as an office in which rangers would spend long periods of time. Mr. Turnbull raised concerns about the architecture and materials being presented, since he thought there had been some agreement at the prior work session that a more rustic appearance, such as that originally intended by the federal government, would be attempted. Mr. White said he had thought that the siting, which this plan addressed, was the major issue and that the rest of Council had not shared Mr. Turnbull's view on the materials. Mr. Roberts added that he had thought a wider selection of facing materials would be presented to Council. Ms. Craze said that the suggested facing materials were in response to a desire to have surfaces that would require little maintenance and discourage graffiti. Mr. Turnbull said he did not think those considerations should ultimately drive the choice, and he also questioned whether the proposal was consistent with the master plan for the park. Mr. Putens said he appreciated the maintenance issues but nevertheless was not enthused about the appearance of the buildings from the drawings. Council members also asked about other options for roofing, including slate. Ms. Craze suggested that rather than going to wood or a natural material with a life cycle, exploring different facings for the CMU would be more practical and still present a low-maintenance interior. She emphasized, however, that if Council wished to see a different building type, that should be clarified for staff, since it would affect the structure. She said that staff would bring back to Council some options on different facade and roof treatments, as well as color possibilities. At this time, Mr. White moved that Council approve the 20% design for the restroom project and authorize completion of design, on the condition that the design will be returned to Council for review of the further selection of colors, finish materials, and site details. Mr. Putens seconded the motion. Mr. McLaughlin clarified that the original staff motion implied that plans would not return to Council until they were at about the 90% level but that tonight's discussion suggested that a return was needed at an earlier stage. Some members of Council thus felt that approval of the 20% plan would be premature, and when the vote was called, the motion was defeated 3-2 (Putens, White).

ACCEPTANCE OF STREETS FOR CITY MAINTENANCE - GREENSPRING II: Mayor Davis read the agenda comments. Mr. Putens moved that Council authorize the release of performance and payment bonds for City of Greenbelt construction permits 93-431, 95-432, 93-433, and 95-434, covering the construction of Green Crescent Court, Spring Manor Drive, Springshire Way, Green Walk Court, and Springcrest Drive; and accept for City maintenance the referenced streets, including sidewalks, curb, gutter, street trees, street lights, signage, and pavement markings. Mr. White seconded the motion. Mr. White asked about the inclusion of aprons. Ms. Craze explained that aprons are excluded from acceptance, consistent with past actions, until the policy is formally revised. Mr. McLaughlin said the revision should be ready within a month or two. Mr. Roberts asked for clarification on how the City determines the quality of the roads during the construction process. Ms. Craze said the City does its own inspections and described the procedure and standards the on-site City inspectors employ. She assured Council there was no doubt about the quality of these roads. The motion carried 5-0.

GREENBELT NEW YEAR COMMITTEE - REQUEST FOR ADDITIONAL FUNDS: The Mayor read the agenda comments. Mr. Roberts said he had thought that last year's Millennium fireworks for New Year's were a one-time event and asked why the City should do this again. Patti Brothers, 37 Lakeside Drive, representing the New Year's Committee, said that many people think the Millennium should be celebrated this year, and the committee hopes that, with Y2K fears abated, more people will come out for the New Year's celebration. Moreover, the fireworks were very successful last year. Mayor Davis added that the fireworks also served to get people outdoors who then were more willing to stay outside and visit other venues. Mr. White moved that an additional \$3,000 from the Reserve Appropriation line item in the City's budget be allocated for support of the Greenbelt New Year's celebration. Mr. Putens seconded the motion. Mr. White suggested pursuing external funding in support of the fireworks, and Ms. Brothers confirmed that the Recreation Department was doing so. Mr. White also said he would be amenable to the possibility of making a donation again this year himself, for which Ms. Brothers thanked him. The vote was then called, and the motion passed 5-0.

PRINCE GEORGE'S COUNTY GOVERNMENTAL POOL TO PURCHASE ELECTRICITY: Mayor Davis read the agenda comments. Mr. White moved that Council authorize a non-binding expression of interest on the part of the City in the County-sponsored electricity pool and the release of account information. Mr. Putens seconded the motion. Mr. Goldberg asked for clarification on aggregation by governments to purchase electricity, which he had thought was not allowed. Mr. Moran explained that this plan does not involve residential electric use but only electric use by the governments themselves. The motion carried 5-0.

ADVISORY GROUP APPOINTMENTS: Mr. Turnbull moved that Robert Shafer and Pauline Grant be appointed to the Arts Advisory Board and that staff prepare the appropriate appointment letters. Mr. Putens seconded the motion, which carried 5-0.

MEETINGS: The calendar was reviewed. Mr. Turnbull stated he did not think a Public Hearing should be held in the Community Center because of the inability to televise. Mr. Putens agreed that Public Hearings should be held in the Council Room in the future. Mr. McLaughlin said the upcoming hearing on the Greenbelt Theatre will at a minimum be videotaped for cable broadcast the next night and will possibly be broadcast live if efforts are successful to get a live feed into the room.

ADJOURNMENT: Mr. Putens moved that the meeting be adjourned. Mr. Turnbull seconded the motion, which carried 5-0. Mayor Davis adjourned the regular meeting of October 11, 2000, at 10:42 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 October 11, 2000."

Judith F. Davis

Mayor