



**REGULAR MEETING OF CITY COUNCIL
HELD MONDAY, September 11, 2000**

Mayor Davis called the meeting to order at 8:04 p.m.

ROLL CALL was answered by Council members Edward V.J. Putens, Rodney M. Roberts, 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 residents Paul J. Barber and Jack Crossman Taylor. She then led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Putens moved approval of the consent agenda. Mr. White seconded. The motion passed 4 to 0.

Council thereby took the following actions:

MINUTES

- Work Session, August 7, 2000
- Regular Meeting, August 14, 2000
- Work Session, August 16, 2000
- Interviews, August 21, 2000
- Work Session, August 21, 2000
- Work Session, August 28, 2000

Approved as presented.

COMMITTEE REPORTS:

Council accepted the following committee reports and took other actions as indicated below:

Community Relations Advisory Board Report #2000-3, Request from Bertram Donn: Council directed that a copy of the report be sent to Mr. Donn and that no other action be taken at this time.

Community Relations Advisory Board Report # 2000-4, Juvenile Curfew Law: Council will consider this report at the work session to be scheduled with the Public Safety Advisory Committee on the proposed curfew law.

Advisory Committee on Education Report #2-2000, Overcrowding at Greenbelt Middle School: This matter was further considered later on the agenda as item #16.

Advisory Planning Board Report #00-01, Preliminary Plat of Subdivision, Jaeger Property: This matter was further considered later on the agenda as item #17.

AWARD OF PURCHASE - REFUSE TRUCK: Council authorized the purchase under the Replacement Fund of a new refuse truck from GranTurk Equipment Company of Baltimore, Maryland, at cost of \$108,223, plus \$800 for a City radio, for a total of \$109,023. Although there was a lower bid, the truck from GranTurk is preferred because it has a Leach rather than a Heil refuse body.

ATTENDANCE AT MARYLAND MUNICIPAL LEAGUE BOARD RETREAT: Council approved City reimbursement of the Mayor's expenses in attending the upcoming Board Retreat of the Maryland Municipal League.

APPOINTMENTS TO ADVISORY GROUPS: Council appointed John Winfrey to the Advisory Planning Board and Ruth K. Edwards to the Senior Citizens Advisory Committee and directed staff to send out the appropriate letters of appointment.

NOMINATIONS TO THE MARYLAND BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE: Council agreed to nominate Fred Gasper and Don Comis to be pedestrian advocates to the Maryland Bicycle and Pedestrian Advisory Committee. Council directed staff to prepare their nominations to be sent to the Maryland Department of Transportation for their consideration and forwarding to the Governor.

APPROVAL OF AGENDA: Mr. Turnbull had sent a request to Council, via the City Clerk, to defer agenda item #21 (Approval of Use of Reserve for Compensation Study) to the first regular meeting in October, since he would be absent from tonight's meeting and Mr. White expects to be absent from the next regular meeting on September 25. Mr. White having indicated that he would not request deferral of the item if placed on the September 25 agenda, Mr. Putens moved to defer the item to the next regular meeting. Mr. Roberts seconded. The motion carried 4-0.

Mr. White requested that item #15, Community Relations Advisory Board Report #2000-2: Memorialization of Individuals, be deferred until later on the agenda if Charlene MacAdams of the Greenbelt East Advisory Committee had not arrived at the time it would normally come up.

Mr. White then moved that the agenda be approved with these changes. Mr. Putens seconded. The motion passed 4-0.

PRESENTATIONS:

National League of Cities: National Undoing Racism Day: The Mayor read the agenda comments. She recalled that in 1997 incidents occurred in the City that caused Greenbelt to develop a public pledge against racism that was signed and published by a number of residents. She suggested that support of "Undoing Racism" Day on September 20 would provide the

opportunity for a reaffirmation to community diversity and harmony. She presented a proclamation to that effect to Kevin Hammett and Booker Hughes of the Community Relations Advisory Board and asked that staff send copies to local press and to the National League of Cities.

PETITIONS AND REQUESTS: Gerald Madison, 438 Ridge Road, appeared on behalf of the Senior Citizens Advisory Committee (SCAC) to extend an invitation to Council to the annual Senior Citizens Open Forum, to be held Saturday, September 23, from 1-3 p.m., in the Community Center. He also extended the Committee's thanks to Mr. White for agreeing to serve as Council liaison to SCAC. He also noted that he had checked with the City Manager's office on the status of several items that had been raised at prior meetings, including the usage survey of handicapped parking spaces and the issue of doing more in-depth advertising of vacancies on advisory groups that have a chronic need for new members.

Officer Gordon Pracht, representing the Fraternal Order of Police (FOP), requested that Council not wait longer than until the next regular meeting to resolve the issue of the approval of the 2% increase. He said that many members of the Police Department and other employees feel that Council is delaying action. Mayor Davis explained that such a deferral was a courtesy Council members granted to one another and assured him that the item would be dealt with at the next meeting. Mr. Putens offered further assurance. Mr. White reminded Officer Pracht that both he and Mr. Turnbull had spoken against the across-the-board increase because they believed it was not equitable to those employees whose salaries are most in need of increase; he said the FOP's assertion that police salaries are 10% behind is a case in point.

MINUTES OF MEETINGS:

Executive Session, August 7, 2000: Mr. Roberts moved that the minutes of the Executive Session of the City Council held August 7, 2000, be approved with the corrections offered by Mr. White. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 7:30 p.m. in the Municipal Building Library and that Council held this closed meeting in accordance with Section 10-508 (a)(8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff, consultants, or other individuals about pending litigation. Mr. White seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. White - yes
Mayor Davis - yes

Executive Session, August 28, 2000: Mr. Roberts moved that the minutes of the Executive Meeting of the City Council held August 28, 2000, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 8:00 p.m. on August 28, 2000, in the Municipal Building Library and that 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 discuss the acquisition of real property. Mr. White seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes|
Mr. White - yes
Mayor Davis - yes

ADMINISTRATIVE REPORTS: Mr. Moran attended the Maryland Municipal League's Legislative Committee meeting to review recommendations for the 2001 Maryland Assembly. None of Greenbelt's proposals were among those selected this year. The selected issues will be brought to the membership at the Fall Conference in October. Mr. White reported on attending a performance of MacBeth in an abbreviated "Shakespeare on the Green" format at the Community Center and congratulated the Greenbelt Arts Center and the Recreation Center on their work. Mayor Davis described some of the highlights of the Labor Day Festival, including a tribute to John Del Homme by the Concert Band. The City Council will also be planting a tree in his honor at the Lake. Seven interpretive panels developed by the Friends of the Greenbelt Museum were dedicated to address the historical significance of key places in the City. Leta Mach, chair of the Advisory Committee on Education, was named Outstanding Citizen for 2000. The Mayor thanked the Labor Day Festival Committee and the Public Works, Recreation, and Police Departments for their work over the holiday weekend. Mayor Davis also reported on attending a LGIT workshop on risk management, where she was pleased to meet up with city staff from the Greenbelt Employee Safety Team. She noted that last weekend had been the first of a series of Artful Afternoons developed by Nichole DeWald, the Arts Coordinator, and the Recreation Department. Finally, the Mayor asked the City Manager to pass on her compliments to the Planning Department and Public Works for their good job in extending the parking capabilities at Green Ridge House. She also asked the City Manager to report back on the current number of parking permits at Green Ridge House.

LEGISLATION: The Mayor read the agenda comments.

An Ordinance to Amend Chapter 4, "Buildings and Building Regulations," of the Greenbelt City Code for the Purpose of Revising Regulations Relating to the Administration of the Property Maintenance Program and in Order to Adopt the Latest Edition of the International Code Council (ICC) International Property Maintenance Code: Mr. White introduced the above-titled ordinance for second reading and adoption. Mr. Putens seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1195, Book No. 11.)

An Ordinance to Amend Chapter 10, "Licenses, Permits and Miscellaneous Business Regulations," of the Greenbelt City Code for the Purpose of Revising Requirements for the Installation, Operation and Permitting of Burglar and Hold-Up Alarm Systems and to Add Requirements for the Regulation and Licensing of Burglar Alarm Companies Transacting

Business in the City: The Mayor read the agenda comments. Mr. White introduced the above-titled ordinance for second reading and adoption. Mr. Roberts seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1196, Book No. 11.)

An Ordinance to Amend Chapter 14, "Planning and Development," of the Greenbelt City Code by Updating Requirements of the Sediment and Erosion Control Program: The Mayor read the agenda comments. Mr. Putens introduced the above-titled ordinance for second reading and adoption. Mr. White seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1197, Book No. 11.)

An Ordinance to Amend Chapter 18, "Streets and Sidewalks," of the Greenbelt City Code by Adding Requirements and Penalties Relating to the Mandatory Posting by a Permittee of Certain Bonds and Sureties to Guarantee Performance Under Construction Permits: The Mayor read the agenda comments. Mr. Roberts introduced the above-titled ordinance for second reading and adoption. Mr. Putens seconded the motion.

ROLL CALL: Mr. Putens - yes
Mr. Roberts - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1198, Book No. 11.)

A Resolution to Revise Fees for Non-Residential Occupancy Licenses Relating to the Property Maintenance and Code Enforcement Program of the City of Greenbelt, Maryland, as Described in Chapter 4 of the City Code: The Mayor read the agenda comments. Mr. Putens introduced the above-titled ordinance for second reading and adoption. Mr. White seconded the motion.

Kap Kapastin of Quantum Management spoke against the increase in fees. He described the many improvements they have made at Beltway Plaza and said their fees have increased more than five-fold since 1996. Mr. Kapastin also said that a comparison of the rates paid by different owners reveals an inequitable fee structure on the part of the City, with a large owner like Marriott paying only a \$600 fee in 2000, while Beltway Plaza paid over \$15,000. He said that Beltway Plaza's share of all fees had increased from 11% in 1997-98 to 30% in 2000, to 35% as

proposed for 2001, raising questions of fairness and proportional equity. He said that they would like to take on some additional responsibility from the City and be more self-regulating in the inspection of their tenants. In response to a question from Mr. Putens, Mr. McLaughlin explained that the reason Marriott's fees are so much less is that only one owner is involved versus the 100 that make up Beltway Plaza, and the fee structure includes a minimum square footage. Mr. White gave some historical perspective on the development of code enforcement and licensing in Greenbelt and noted that only now is the City approaching the break-even point. He said perhaps Mr. Kapastin's proposal to take back some of the responsibility for regulation could be entertained but that it would require substantial discussion. Mr. Roberts queried Mr. McLaughlin about the nature of the inspection that is done; Mr. McLaughlin said he would have to refer some of the questions to Planning and Community Development. Mr. Roberts indicated that he thought there might be inequities in the current fee structure and that he would not vote for the Resolution at this time. He would like a work session to be held. The other members of Council were comfortable enough with the structure to proceed but agreed that a work session to delve deeper into the issues that had been raised would be valuable. Mr. Kapastin said that he would come up with a proposal for a work session.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - no

Mr. White - yes

Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 918, Book No. 7)

At this time, the Mayor confirmed that most of the people attending the Council meeting were there for the items numbered 13, 14, 15, and 20. Mr. Putens made a motion, which was seconded by Mr. Roberts, to take these items out of order. The motion carried unanimously.

A Resolution to Repeal Resolution 774 and Establish New Memorial Guidelines for the Purpose of Commemorating and Honoring Individual Citizens Who Have Made Significant Contributions to the City of Greenbelt and to Provide for Their Recognition on the Greenbelt Wall of Honor: The Mayor read the agenda comments. Mr. White introduced the above-referenced resolution for first reading.

COMMUNITY RELATIONS ADVISORY BOARD (CRAB) REPORT # 2000-1: BENCH DEDICATION: Mayor Davis read the agenda comments. Barry Petroff, of Columbia, was present to represent his mother, Betty Petroff of 20 Lakeside, and addressed Council at the Mayor's request. He noted the importance of the benches at the Roosevelt Center to Greenbelters in the early years and particularly to his father in his later years, whom Betty Petroff wishes to honor through a bench dedication. Mr. White articulated a distinction, which the other members of Council later expressed agreement with, between the type of memorialization or remembrance that would be done by a family member or friend on behalf of any individual, with no need to City Council's approval, and the type of memorialization that would be done by action of Council on behalf of the City to honor someone who had made a particular contribution to the City. After further discussion, it was clarified that the reason for limiting benches to one per memorialization was merely that the supply of benches will be more limited than the supply of

trees. Mr. Petroff said that his family would be perfectly satisfied with being able to dedicate one bench instead of the four originally requested. It was further clarified that the intention of the CRAB recommendation was not to amend the City's memorialization guidelines but simply to add an adopt-a-bench program to the pamphlet describing the various options for remembrance within the City. Mr. Roberts moved that an adopt-a-bench program be established as outlined in the CRAB report, that the program be added to the brochure. Mr. Putens seconded the motion, which then passed 4-0. Staff were directed to proceed with the Petroff request and to return to Council with draft language for the brochure.

COMMUNITY RELATIONS ADVISORY BOARD REPORT #2000-2: MEMORIALIZATION OF INDIVIDUALS: Mayor Davis read the agenda comments and then asked Charlene MacAdams of the Greenbelt East Advisory Committee (GEAC) to speak. Ms. MacAdams said the issue was the same as that in the discussion of benches: that although GEAC had asked the City for assistance in locating the memorial, the intention was that these be family or personal memorializations, not officially sanctioned City memorializations. Mr. Hammett confirmed that in reviewing this referral, CRAB had indeed been under the misunderstanding that it was City memorialization that was being discussed. Mr. Roberts expressed some reservation that the Memorial Garden at Schrom Hills, being built and maintained by the City, might give the impression of being City-sponsored, regardless of the intent. Dorothy Pyles of 8013 Mandan Rd., and Ms. MacAdams both argued against the idea that this comprised City sponsorship. It was generally agreed that the situation of the City's having paid for the Memorial Garden did make this situation a bit different from the situation in which trees and benches are being purchased by the donors. Mr. McLaughlin said he believed that there was enough separation between the City plaque on the rock in the park and the small plaques that would be placed on pavers in the surrounding area by individuals. Council directed staff to proceed with developing language for policy to be added to the brochure for an "adopt-a-paver" or "adopt-a-brick" program for the Memorial Garden of Schrom Hills Park.

CONSIDERATION OF ACQUISITION OF THE GREENBELT THEATRE: The Mayor read the agenda comments. Council members acknowledged the significance of this topic to many parts of the community and the importance of the theater to Roosevelt Center, which has only recently been rededicated by the City, but also recognized that the subject will require close financial evaluation. The Mayor noted that there will need to be more than one work session or public hearing to incorporate all the factors that need to be considered. Konrad Herling, 11-B Ridge, recommended that Council not limit its investigation to the purchase of the theater but also consider the whole Center. Susan Jones, 33-J Ridge, said the Friends of the Old Greenbelt Theatre (FOGT) had been working to make the theater profitable and encouraged the City to look at this as an opportunity. The Mayor said Council appreciated the work of FOGT and said they would be invited to participate in the deliberations. Dennis Jelalian, 23-K Ridge, volunteered to provide information on the equipment needed by the theater to bring it up to par. Gwen Vaccaro, of Pleasant Touch at 143 Centerway, expressed the pleasure of the merchants of the Center at the idea of the City's acquiring the theater. She also advised Council to be cautious about becoming dependent upon the other parts of the building of which the theater is part. Mr. Putens moved that the staff report be accepted. Mr. White seconded. The motion carried 4-0.

At this time, because staff were waiting, Mr. McLaughlin asked Council to consider items 17 and 18 before returning to the original order of the agenda. Mr. Roberts so moved; Mr. White seconded, and the motion passed unanimously (3-0).

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION - PRELIMINARY PLAT OF SUBDIVISION, JAEGER PROPERTY: The Mayor read the agenda comments. Terri Hruby, Community Planner, told Council that the applicant had not been able to attend the meeting but agreed to comply with all the City's conditions, though they would prefer the City's review not to be "mandatory." The application for subdivision gives only general information; development would most likely be at the level of garden-apartments. Mr. Roberts asked if an effort had been made to notify Westchester Park's homeowners' association about the City's review and Advisory Planning Board meeting. Ms. Hruby said we had not gone outside of our usual advertising to notify them. She also said she knew they had met with the developer on more than one occasion. Mr. Roberts also questioned the reason for needing to comment on the plan. Ms. Hruby responded that it was primarily to establish an interest in what happens, since this is an unincorporated area. Mr. White agreed that it was valuable for the City to register an interest in the proceedings by commenting. Particularly because of the eventual involvement of the lower section of the Jaeger property, Mr. Putens thought it would be important to engage Westchester Park and eventually the other surrounding communities, in discussion. Mayor Davis agreed that commenting on this was important for further comment on the site plan, as well as to establish a beachhead of credibility for the City's eventual involvement in planning for the other section of the Jaeger property.

Mr. Putens moved that Council approve the preliminary plat of subdivision with the conditions stated in the agenda comments. Mr. White seconded the motion. The motion passed 3-1 (Roberts). Mr. Roberts stated that he was opposing the motion because staff should have made a more explicit effort to involve Westchester Park in the deliberations and to give them the opportunity to comment on the intended staff recommendation. Council directed staff to send a copy of the approval letter to the Westchester Park Homeowners Association and to set up a work session with Westchester Park.

CHESAPEAKE BAY TRUST - YEAR 2001 WATERWAY/WATERSHED RESTORATION AND PRESERVATION PROJECTS PROPOSAL: Mayor Davis read the agenda comments. Mr. White moved that Council approve the submission of the proposal, with the understanding that the proposal will be referred to the Park & Recreation Advisory Board and the Recycling & Environment Advisory Committee for review. Mr. Putens seconded. Most of the discussion focused on the project involving Greenbelt Lake. It was clarified that the part of the shore in question would start at the location of the former concession and stand and move east. Mr. Roberts asked about the size of the boardwalk, which Ms. Hruby said to be about 8' x 115'. Mr. Roberts said he thought this was too big and would have too drastic an impact. There was considerable discussion of the plan. Mr. Roberts continued to question whether this type of development and use of the Lake was advisable and said he thought this type of plan required considerably more analysis and discussion than was possible on such short notice. Mr. White thought that question could be better evaluated subsequent to the advisory group review that would be sought as the proposal was being submitted. It was further discussed that this design, though fairly specific, is in fact conceptual and will receive further review from Council if the

City is offered the grant. There was general agreement among Council members that submission of the proposal did not imply their approval of the entire plan and that the specifics would be revisited later. Two residents spoke in favor of the plan. Mr. Madison noted that the boardwalk structure would allow individuals with limited mobility the opportunity to approach the shore of the Lake safely for the first time. Sylvia Lewis, 2-C Gardenway, supported the idea of education about wetlands; her initial concern about the width of the boardwalk was allayed by the information that the walking path would not be affected.

Mayor Davis made some suggestions to Ms. Hruby about incorporating various groups and organizations into the Springhill Lake Stream Clean-Up. She also suggested that this plan might serve as a model for City activity surrounding other small waterways in the City. When the vote was called, the motion passed 4-0.

AN ORDINANCE TO AMEND CHAPTER 10, "LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS," OF THE GREENBELT CITY CODE FOR THE PURPOSE OF REGULATING AND LICENSING NEWSPAPER VENDING BOXES ON PUBLIC RIGHTS-OF-WAY IN THE CITY OF GREENBELT: Mayor Davis read the agenda comments. Mr. Putens made a motion to withdraw the old ordinance (#1135), which was seconded by Mr. White and passed 4-0. Mr. Putens then introduced the new ordinance for first reading. Mr. Manzi suggested that second reading not be scheduled for the next meeting, but rather that time be provided for citizens and civic associations, as well as the owners of the news racks, to review the proposed ordinance. He will continue to discuss this with the newspaper representatives. Mr. Manzi also explained that the law has not changed in this area, and the issue is really the extent to which the legislation is "content neutral." The model ordinance developed by the National Institute of Municipal Law Officers, which he has modified for Greenbelt use, is about as content-neutral as possible. There was also discussion of the provision of uniform boxes by the City for use by newspapers and advertising papers. Ms. Lewis asked that staff be sure to notify Greenbelt Homes, Inc., when there is to be any discussion with homeowner associations.

OVERCROWDING AT GREENBELT MIDDLE SCHOOL: Mayor Davis read the agenda comments. Mr. White moved approval of the draft letter to be sent to the school board. Mr. Putens seconded the motion, noting a typographical error for correction. With this correction, the motion passed 4-0.

POSITION DESCRIPTION FOR MUSEUM CURATOR/DIRECTOR OF HISTORICAL PROGRAMS: The Mayor read the agenda comments. Mr. Putens moved that Council accept the job description and that it be placed on the agenda of the next meeting for adoption. Mr. White seconded, and the motion passed 4-0.

ENERGY PERFORMANCE CONTRACTING - AUTHORIZATION TO PROCEED: The Mayor read the agenda comments. Mr. White moved that the City Manger be empowered to sign the Authorization to Proceed. Mr. Putens seconded. Mr. White said the fact that this type of program had finally been developed was gratifying. The motion passed 4-0.

MEETINGS: The Mayor read the agenda notes.

Mr. McLaughlin explained that it was in order for staff to attend a conference on playgrounds that the suggestion was being made to postpone the second work session on the City's playgrounds until mid-October.

Mr. Putens moved that the regular meeting of October 9 be rescheduled for October 10 because of the conflict with Yom Kippur. Mayor Davis seconded the motion. It evolved that neither the 10th nor the 11th would be acceptable to everyone. This motion was defeated 3-1 (Putens). Mr. White then moved that the meeting be changed to Wednesday, October 11; Mr. Roberts seconded; the motion passed 3-1 (Putens).

Mr. Putens moved that there be one regular meeting held in December, on Monday the 18th. Mr. White seconded. The motion passed 4-0.

ADJOURNMENT: Mr. Putens moved that the meeting be adjourned. Mr. White seconded the motion, which carried 4-0. Mayor Davis adjourned the regular meeting of September 11, 2000, at 12:38 a.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 11, 2000."

Judith F. Davis

Mayor