



**REGULAR MEETING OF CITY COUNCIL HELD
MONDAY, AUGUST 9, 1999**

Mayor Pro Tem White called the meeting to order at 8:05 p.m.

ROLL CALL was answered by Rodney M. Roberts, Alan Turnbull and , Thomas X. White, Mayor Pro Tem. Mr. White noted that Mayor Davis was away from the City due the death of her mother. Mr. Putens arrived at 8:13 p.m.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert Manzi, City Solicitor; W. Bowman Ferguson, Senior Management Analyst and David E. Moran, City Clerk.

Mayor Pro Tem White observed a moment of silence for residents: Calvin Miller, Betty Ann Farrell, Helen Kostadinov and Gloria Gleason and former residents: Charles Collins, Wesley Bryan, and Dorairaj Benjamin, and Dorothy Fintak, mother of Mayor Davis. Then, he led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Roberts moved approval of the consent agenda. Mr. Turnbull seconded. The motion passed 3 to 0.

COUNCIL THEREBY TOOK THE FOLLOWING ACTIONS:

MINUTES:

- Regular Meeting, July 12, 1999
- Interviews, July 26, 1999
- Interviews, July 27, 1999
- Work Session, July 27, 1999
- Interviews, July 28, 1999
- Work Session, July 28, 1999
- Interviews, August 2, 1999
- Work Session, August 2, 1999
- Work Session, August 4, 1999

Approved as presented.

COMMITTEE REPORTS:

Arts Advisory Board Report #99-2: Council accepted this report and agreed to schedule a work session on this matter

COUNTY LOCAL BUS SERVICE - ROUTE 15: Council agreed to communicate its support for the revised Route 15.

APPROVAL OF REVISED JOB DESCRIPTION - COMMUNITY DEVELOPMENT INSPECTOR: Council approved the revised job description at this meeting.

ACCEPTANCE OF RECLASSIFICATIONS: Council accepted the following reclassifications:

Current Position Recommendation

City Clerk, GC-17 Assistant to City Manager, GC-18

Therapeutic Recreation Supervisor, GC-16 Therapeutic Recreation Supervisor, GC-18

Executive Secretary - Recreation, GC-11 Recreation Office Manager, GC-12

Recreation Supervisor, GC-16 Recreation Supervisor, GC-18

Foreman - Special Details Crew, GC-13 Foreman - Special Details Crew, GC-14

Crewman VI, GC-9 Crew Leader, GC-12

Auto Mechanic I, GC-10 Auto Mechanic II, GC-12

APPOINTMENTS TO CITY ADVISORY GROUPS: Council appointed the following individuals to the Assisted Living Task Force and directed staff to prepare the appropriate appointment letters:

Alexander Barnes, Sr. Voting Member

Audrey Barnett Voting Member

Edward Birner Voting Member

Maureen Callanan Voting Member

Helen Geller Voting Member

Cecelia Licerio Voting Member

Marjorie Owens Voting Member

Leonie Penney Voting Member

Betty Timer Voting Member

Sarah Mullaney Non-Voting Expert

Cassie Triplett Non-Voting Expert

Crystal Parker Non-Voting Expert

Mayor Davis Council Liaison

AWARD OF CONTRACT - STREET RESURFACING AND MISC. CONCRETE WORK : Council approved the City "piggy backing" on County Contract #699-H and award the contract for street resurfacing and miscellaneous concrete work to N.Z.I. Construction, Inc. in accordance with County Contract #699-H.

CONSIDERATION OF A HISTORIC DISTRICT FOR GREENBELT: Council authorized staff to send a letter to M-NCPPC requesting their assistance and Council endorsed the proposed time line for actions for the consideration of the Historic District proposal.

APPROVAL OF AGENDA: Mr. McLaughlin noted that Beltway Plaza has asked that the "banner proposal" item be postponed. With that change, Mr. Turnbull moved that the agenda be approved. Mr. Roberts seconded. The motion passed unanimously.

PUBLIC HEARING ON CAPITAL PROJECTS FUND: Mayor Pro Tem White read the agenda comments.

Mr. McLaughlin summarized the budget process. He listed each of the projects on the proposed ordinance. Mr. McLaughlin provided information on the funding sources, noting the \$325,000 State Grant for Community Center windows and a \$100,000 state grant for the Greenbelt Lake project. He also stated that several of the projects were carried over from previous years.

There being no public comment, Mayor Pro Tem White declared the public hearing to have been held.

PETITIONS AND REQUESTS:

Charles Kendall of 7 Greentree Place, asked the specifics on why he was required to repair the driveway apron in front of his house. Mr. Kendall noted there were 18 others who had been cited for defective driveways.

Mr. Kendall reported that the damage to his apron was caused by a fire truck using his driveway. He also stated that springs and various water situations had also caused damage. Mr. Kendall believed that anything damaged by water should be paid for by the County.

Mr. McLaughlin stated that city inspectors determined that there were 18 or 19 driveways which were in need of repair and were cited. He noted that the City erred in issuing a citation, the intended purpose was to inform residents of the need, not to penalize them. He stated that it had always been City policy for the homeowner to pay for driveway apron repairs. Mr. McLaughlin requested that if Council wanted to change the policy, to allow staff to research

Mr. Roberts asked if other residents of the City had been cited. He believed Mr. Kendall had a good point. Mr. McLaughlin responded that the City had the authority to cite.

Mr. Putens asked if there were residents who had their driveways replaced. Mr. McLaughlin responded that the contractor had ripped up certain driveways as a result of the Lakewood project and these driveways were replaced.. Mr. Putens expressed sympathy for Mr. Kendall's position. He noted problems with driveway aprons in his neighborhood.

Mr. Turnbull viewed the City's letter as an opportunity for the homeowners. He asked if the right-of-way was actually city property. Mr. Manzi responded that this was City property because it was dedicated to the City at the time of subdivision. Mr. Turnbull believed that the apron should be maintained by homeowner.

Mr. Kendall stated that the driveway was used by many people other than himself.

Mr. White noted that this was a petition that Council could not solve at this time.

Mr. White asked staff to provide information on the City policy, the County policy, the right-of-way, the homeowners who have taken advantage of the offer and previous experience with any citations.

Mr. Kendall noted that some of the backhoe work done by the contractor had created a crack in the foundation of his home. Mr. McLaughlin indicated that staff would be happy to investigate this again, but noted that staff disagrees with Mr. Kendall's assessment.

PETITION FROM RESIDENTS OF BOXWOOD VILLAGE: Mayor Pro Tem White read the petition. Mr. McLaughlin stated that Ms. Craze had been working with residents of Boxwood and would provide Council with a report.

MINUTES

Executive Session, August 4, 1999: Mr. Roberts moved that the minutes of the Executive Meeting of the City Council held Wednesday, August 4, 1999 be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 8:16 p.m. in the Municipal Building Library, and that Council held this closed meeting in accordance with Section 10-508 (a)(7) of the State Government Article of the Annotated Code of Public General Laws of Maryland (1995 Replacement Volume) to consult with legal counsel to obtain legal advice. Mr. Putens seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Nancy DePlatchet expressed concern that the artist studio license item had not appeared on the Arts Advisory Board agenda in advance of the meeting. She indicated that some members of the

Board wanted to delay consideration of the item, but were told by the staff liaison that the issue had to be addressed that evening. Ms. Deplatchet also stated that staff provided a list of new items in the lease since the Board had last reviewed it. However she noted that some things were omitted from this list.

ADMINISTRATIVE REPORTS: Mr. McLaughlin reported that the Community Building at Schrom Hills had been vandalized; a window was broken and a TV had been stolen. Mr. Putens noted that there had been vehicles appearing in the parking lot around dusk.

REPORT ON IMPACT OF WATER RESTRICTIONS: Mr. McLaughlin referenced the press release included in Council's packet which gave details on the restrictions. He stated that the City would make efforts to water young trees using the water bags and a hand held hose from a water tank. He noted that the pool would remain open and noted that the city's car wash vendor does recycle water.

Mr. McLaughlin stated that the City would enforce the restrictions using warnings initially. He urged residents to support the Governor's approach as being the best long-term approach.

Mr. Roberts suggested that the City communicate to the County that it should conserve as well.

Mr. Phelan reported that the city would water all trees 3 years old or younger. He noted they would discontinue watering trees older than 3 years. He indicated his crews would hand water plantings as needed, particularly new plantings.

Mr. Phelan noted homeowners could use gray water from baths and the final rinse cycle from the laundry. He noted that homeowners should water their plants, if they are wilted in the morning.

OTHER ITEMS: Mr. White announced that the City had opposed Federal efforts to allow communication towers in parks.

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF EXTERIOR SIGNAGE FOR THE GREENBELT THEATER

Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. Roberts seconded.

Mr. Turnbull asked about ownership status of the sign. He wanted to make sure that the sign would be covered by insurance and asked who be responsible for maintenance. Mr. Manzi believes the city would own the sign and suggested that the City add it to its insurance policy.

Mr. White asked if ownership issues had been discussed. Mr. McLaughlin responded not to his knowledge.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

The Resolution was declared adopted. (Resolution No. 900. Book No. 7)

Mr. Putens moved that staff investigate the ownership issues, including insurance and maintenance. Mr. Roberts seconded. The motion passed unanimously.

AN ORDINANCE TO AMEND THE CAPITAL PROJECTS BUDGET FOR FISCAL YEAR 2000

Mayor Pro Tem White read the agenda comments. Mr. Putens introduced the above titled Ordinance.

A RESOLUTION TO AMEND RESOLUTION 895

Mayor Pro Tem White read the agenda comments. Mr. Roberts introduced the above titled Resolution for first reading and suspension of the rules. Mr. Putens seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mr. Roberts introduced the above titled resolution for second reading and adoption. Mr. Putens seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

The Resolution was declared adopted. (Resolution No. 901. Book No. 7)

REQUEST FOR CITY LOGO USE - OUTSTANDING CITIZEN COMMITTEE: Mayor Pro Tem White read the agenda comments.

Rev. Birner, 13 Ridge Road and Chair of the Outstanding Citizen Committee, stated that the program had been going on for many years. He indicated that the Committee was hoping to use the City Logo as a watermark to create a nicer certificate.

Mr. Turnbull indicated support for the outstanding citizen program and the work of the Committee, but expressed concern that this was really an ongoing use of the logo. He also noted that since Council was not involved in the selection process, it was not appropriate for the award to include the logo.

Mr. White believed the request was a worthy one and indicated he would support it.

Mr. Roberts indicated he would support a one-time use, but might have a concern if they requested it in future years. He requested that a rendering of the certificate be shared with Council and staff.

Mr. Roberts moved that Council approve the one-time request, noting that staff and Council would review a rendering and the logo might include a stipulation that it was approved for a one-time use. Mr. Putens seconded.

Mr. Putens believed this was a good use of the logo. He believed the policy was in place to prevent abuse, particularly by non-Greenbelt groups.

The motion passed 3 to 1 (Turnbull).

BRIEFING ON RETIREMENT STUDY: Mayor Pro Tem White read the agenda comments.

Jeff Williams, City Treasurer, briefed Council on the results of the retirement study. He stated that the Committee had retained a consultant and the consultant reported that the City was getting a fair value for the resources it was putting in.

Mr. Williams stated that the Committee had considered the new contributory program being offered by the State. The committee concluded that this new program was a good value and could significantly increase the benefit to employees with minimal costs to the employee and the City.

He noted the recommendation that employees be able to draw the 2% contribution from their existing deferred compensation contribution.

Mr. McLaughlin noted that Council action was not needed at this time and stated that the City wanted to share this information with City employees. He indicated that following the employee briefings, staff would return with a recommendation

FAILURE OF GREENBELT METRO WETLAND MITIGATION SITE: Mayor Pro Tem White read the agenda comments. Mr. Roberts asked what recourse the City had to require that the mitigation site work.

Mr. Manzi suggested that the City ask Mr. Kelly for his advice. He also suggested that the City send a copy of Mr. Kelly's report to the Washington Metropolitan Area Transit Authority (WMATA). Mr. McLaughlin suggested copying the Maryland Department of the Environment (MDE) and the Corps of Engineers.

Mr. Putens expressed concern that no one was monitoring this situation and suggested that the City may need to pursue a legislative remedy.

Mr. Turnbull expressed support for contacting the appropriate regulatory agencies and thanked Mr. Roberts for raising the issue.

Mr. White suggested that the City determine the correct process and approach.

Mr. Putens moved that staff pursue the appropriate avenue to seek redress on the site. Mr. Turnbull seconded. The motion passed 4 to 0.

SUBMISSION OF LOCAL & BICOUNTY BILL: Mayor Pro Tem White read the agenda comments.

Mr. Putens expressed a desire to resubmit the three items from last year. Mr. Turnbull agreed particularly with items 2 and 3.

Mr. Putens moved that Council proceed with the 3. Mr. Turnbull seconded. The motion passed 4 to 0.

SUBMISSION OF NLC POLICY PROPOSALS: Mayor Pro-Tem White read the agenda comments. Mr. White asked staff to look at the Policy and assess if it adequately addresses the monopole issue. Mr. Putens suggested checking with MML to see if they were aware of any issues.

Mr. White suggested staff strengthen local input into monopole sitings if it was not covered. Mr. Turnbull suggested that the policy needed to speak against Federal preemption.

The motion passed 4 to 0.

SUPPORT OF LEGISLATIVE INITIATIVE - CITY OF NEW CARROLLTON: Mayor Pro Tem White read the agenda comments.

Mr. Putens moved that Council support the New Carrollton initiative. Mr. Turnbull seconded. The motion passed 4 to 0.

CAMPAIGN SIGNS ON PUBLIC PROPERTY: Mayor Pro Tem White read the agenda comments.

Mr. Putens moved that Council approve the program. Mr. Turnbull seconded. The motion passed 4 to 0.

MEETINGS: Council scheduled a work session on Standing Rules for 9/20 and a work session on studio artists license agreement for 9/28. Council scheduled an Executive Session on 9/1. They reserved 8/18 and 8/25 for stakeholder work sessions with NASA and Capital Office Park. Council scheduled a Kick-Off/Organizational meeting for the Public Safety Committee and Assisted Living Task force for 8/17.

ADJOURNMENT: Mr. Putens moved to adjourn the meeting. Mr. Turnbull seconded. The motion carried 4 to 0. Mayor Pro Tem White adjourned the regular meeting of August 9, 1999, at 10:48 p.m

Respectfully Submitted,

David E. Moran, CMC

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 August 9, 1999."

Thomas X. White

Mayor Pro Tem