



**REGULAR MEETING OF THE GREENBELT CITY COUNCIL held
February 12, 2007.**

Mayor Davis called the meeting to order at 8:13 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Edward V.J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

ALSO PRESENT were Michael P. McLaughlin, City Manager; John F. Shay, Jr., City Solicitor; David Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked that everyone observe a moment of silent meditation in memory of residents Edward Byrd and Richard A. Wilson. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as presented. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, January 10, 2007
 - Work Session, January 17, 2007
 - Interview, January 22, 2007
 - Regular Meeting, January 22, 2007
 - Work Session, February 7, 2007
- Approved as presented.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Tom Baker from the Arts Advisory Board.

REAPPOINTMENTS TO ADVISORY GROUPS: Council appointed Jacqueline Carrington and Henry Haslinger to new terms, respectively, on the Community Relations Advisory Board and the Senior Citizens Advisory Committee.

APPOINTMENT OF EMPLOYEE RELATIONS BOARD CHAIR: Council appointed Kevin Murphy acting chairperson of the Employee Relations Board, to be followed sequentially on a rotating basis by Coleen Chernikoff and Elizabeth Gaines, as cases are completed.

APPROVAL OF AGENDA: Mr. Putens asked to add to the agenda as item #17 "Appointments to Advisory Groups." It was moved by Mr. Herling and seconded by Mr. Putens that the agenda be approved as amended. The motion passed 5-0.

PRESENTATIONS: None.

PETITIONS AND REQUESTS: None.

MINUTES OF MEETINGS:

Executive Session of February 7, 2007: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, February 7, 2007, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:55 p.m. in the Senior Classroom of the Community Center. Council held this closed meeting in accordance with Section 10-508 (a) (1) of the State Government Article of the Annotated Code of Public General Laws of Maryland to discuss the appointment of a chairperson for a City Council advisory board. Mr. Herling seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced that today was the first collective bargaining meeting, with a second expected later this week. It will be proposed under meetings to schedule an executive session to brief Council following next week's work session. He said the concrete caisson had been poured today for the observatory at Northway. He commented on having participated in one of the small -group discussions introducing the Greenbelt Community Foundation. He then introduced to Council Anita Smith a full-time employee of Fairfax County who is also an M.S.W. student at the University of Maryland and undertaking an internship with the Assistance in Living Program.

Ms. Mach reported on her recent attendance at the Kaboom! U Play! Conference in New Orleans to learn more about the Playful Cities USA program. She noted the availability of challenge grants for playground equipment and for refurbishing fields and said the Park & Recreation Advisory Board should be briefed on the program. She said she had also attended a COG Meeting on Climate Change. She also announced that she had just been informed that she had been appointed to the NLC Human Development Steering Committee. Mayor Davis congratulated her and commented that with her own appointment to the Energy, Environment, and Natural Resources Steering Committee and Mr. Putens' ongoing participation in the Small Cities Steering Committee, Greenbelt was now represented on three NLC steering committees.

Mr. Putens commented on the PGCMA Legislative Reception in Annapolis.

Mr. Herling reported on attending a meeting held by Delegate Peter Hammen of Baltimore to discuss strategy on a container deposit bill he is sponsoring. He said the Utopia Film Festival had received a \$3,000 mini-grant from the Anacostia Trails Heritage Area at their annual meeting and that GATE would be presenting a series of 12 programs for Black History Month.

Mayor Davis also commented on the annual ATHA meeting. She attended a meeting led by resident David Lange to discuss development of plans for commemorating Martin Luther King Day in the future. She also attended the Maryland Mayors Conference and thanked the City for sponsoring her attendance. With David Moran and Capt. Thomas Kemp, she attended a meeting of the House Law Enforcement Subcommittee. She also attended the Springhill Lake Winter Carnival and introduced the "If I Were Mayor" contest at St. Hugh's School.

LEGISLATION

A Resolution to Repeal Resolution 1001 and to Establish Admissions and Amusement Tax Rates in the City of Greenbelt, Maryland, to Take Effect April 1, 2007

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for first reading.

COUNTY-PROPOSED UPDATES TO THE WOODLAND CONSERVATION ORDINANCE AND THE ENVIRONMENTAL SECTION OF THE SUBDIVISION REGULATIONS: Mayor Davis read the agenda comments. Terri Hruby, Assistant Director, Planning, announced that the City of Bowie had just completed its review and had made a recommendation she thought was worthy of support: to expand regulations to encourage options other than the fee-in-lieu option by proposing other means by which mitigation requirements can be met. Examples supported in the proposed legislation include increasing vegetative buffers along streams beyond the minimum required and allowing the use of public parkland that may not meet the minimum size requirements.

Mayor Davis asked why there were differences in fees and fines between Montgomery and Prince George's Counties. Ms. Hruby said it was because the amounts were based on land values, which are higher in Montgomery. The Mayor said that might justify a difference in fees but not fines. She said the fine was too low in Prince George's to act as a deterrent. Ms. Hruby agreed that this issue could be raised.

The Mayor also noted that in its 2005 letter, the City had asked to have green spaces in Greenbelt added to the county's green infrastructure map. Ms. Hruby said that had occurred. In response to a question from the Mayor, she also confirmed that the City's suggestion to improve water quality by two ratings rather than one had not been incorporated into the revision. Mayor Davis said she would like to include a copy of the City's 2005 letter with the current response.

Mr. Roberts asked if the new regulations applied equally to all properties regardless of use (e.g., industrial, residential). Ms. Hruby said there were different thresholds for mitigation depending on the zoning of the property. She said she believed these were unchanged and were possibly based in state law.

Ms. Mach asked to remind them of the suggestion the City Council made in 2005 to provide assistance in drafting green infrastructure plans to smaller municipalities that may be interested but not have planning staff who can undertake such projects.

Mr. Roberts commented that even the 75-foot stream buffer requirement was not adequate environmentally, let alone the 50-foot buffer required for the Developed Tier. He said increasing the requirement to 75 feet was the least that should be done.

It was moved by Mr. Putens and seconded by Mr. Herling that the City transmit a letter to the county's environmental planning staff conveying general support for the proposed legislative updates, particularly the expanded options other than fee-in-lieu for dealing with mitigation, but reiterating the City's opposition to not increasing the 50-foot stream buffer requirement in the Developed Tier, and requesting that the fine in Prince George's County be increased to match the \$9 fine in Montgomery County. A copy of the 2005 letter would also be included, with mention made of the other points raised in discussion tonight that had not been addressed in the revision. The motion carried 5-0.

PENDING LEGISLATION: Mayor Davis read the agenda comments for the following pieces of legislation and asked Mr. Moran for any comments.

PG 308 - Speed Cameras for Prince George's County: Mayor Davis commented that the staff recommendation to amend the bill was also PGCMA's recommendation. Mr. Moran added that he had learned that both Hyattsville and the Police Chiefs Association of Prince George's County were also supporting the bill with the suggested amendment. It was moved by Mr. Roberts and seconded by Mr. Herling that the City support the bill amended either to direct citation payments to the appropriate municipality or to require the county to remit the payments to the appropriate municipality. The motion carried 5-0.

PG 416 – School Surcharge Exemption for Redevelopment Projects: Mayor Davis said she had asked to put this on the agenda because it has received publicity in the press and had been introduced by a delegate whose district does not lie within the beltway. She said the surcharge was important to areas within the beltway, not only to assist in covering the costs associated with additional demands on the schools but also to give back to the community some of the heightened value of the redevelopment. She said she would move that the City take a very strong position in opposition to this bill. Mr. Roberts seconded. Ms. Mach and Mr. Putens emphatically expressed their agreement. The motion carried 5-0.

PG 314, PG 304 & PG 313 – Development District Liquor License & BLX Study: Joe Green, Linda Carter, and Marilyn Coolidge were present to represent Petrie, Ross. Ms. Carter, an attorney with Meyers, Rodbell, and Rosenbaum, said that simply amending the BLX regulations to allow for more licenses countywide would not address the problem because the BLX does not apply to smaller restaurants such as Chef's Secret, Jerry's Seafood, and Pasta Plus, which the county should want to promote. She said this problem is specific to Prince George's County and would not be an issue in Montgomery, Howard, or Anne Arundel Counties. She said another advantage to the bill they are supporting (PG 314) is that it would be restricted to establishments serving food to alcohol at a 51/49 ratio rather than the 40/60 minimum required by Prince George's County. She said that they want restaurants, not clubs or bars, in their developments.

Ms. Mach and Mr. Herling received clarification from Ms. Carter on a number of questions. Mr. Roberts said he would be willing to support legislation that would encourage the smaller

independent restaurants rather than encouraging more chains. Ms. Carter said this legislation would help both, though PG 313 would not. She added that they had found that the better known national chains were often beneficial to the smaller restaurants when they were located near one another.

Mr. Roberts moved Council support for PG 313. Mr. Herling seconded, and the motion carried 5-0. Mr. Roberts then moved that Council take no position on PG 314. The motion failed for lack of a second. Mr. Putens then moved Council support for PG 314, in view of the information that had been presented tonight. Ms. Mach seconded. The motion passed 4-1 (Roberts).

MC/PG 119 – McMansions: The Mayor said that although the City was on record as supporting this bill through PGCMA, she would also like to have a motion from Council to approve it for the benefit of the City's delegation. Mr. Putens so moved; Mr. Herling seconded, and the motion carried 5-0.

APPOINTMENTS TO ADVISORY GROUPS: It was moved by Mr. Putens and seconded by Ms. Mach that Theresa Bugg be appointed to the Advisory Committee on Education and Mark Walters be appointed to the Public Safety Advisory Committee. The motion passed 5-0.

MEETINGS: Council reviewed the meeting schedule.

EXECUTIVE SESSION: It was moved by Mr. Roberts and seconded by Mr. Putens that Council go into executive session following the regular meeting.

ROLL CALL: Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

ADJOURNMENT: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Herling. The motion carried 5-0. The Mayor adjourned the regular meeting of February 12, 2007, at 9:50 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 12, 2007.

Judith F. Davis
Mayor