*City of Greenbelt, Maryland*

***GREENBELT CITYLINK***

 **REGULAR MEETING OF THE GREENBELT CITY COUNCIL held November 27, 2006.**

Mayor Davis called the meeting to order at 8:00 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; Robert A. Manzi, City Solicitor; David Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked that everyone observe a moment of silent meditation in honor of residents Sean Patrick O’Donnell Lee and Miles Johnson; and former resident Stradley J. Brettell. 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, October 25, 2006
- Regular Meeting, November 13, 2006

Approved as presented.

**ADVISORY PLANNING BOARD, REPORT #06-07 (BIKE RACKS):** Council accepted the report and referred it and the Park & Recreation Advisory Board report on this topic to staff for further review prior to placing it on a Council agenda.

**ADVISORY PLANNING BOARD, MEMO, 11-21-2006 (SPRINGHILL LAKE PRELIMINARY PLAN OF SUBDIVISION):** Council received this report and agreed to consider it with this topic later on the agenda.

**EMPLOYEE SPECIAL HOLIDAY:** Council granted a floating holiday to employees for use during the remainder of FY 2007.

**REQUEST FOR USE OF FACILITIES**: Council approved a request from the Eleanor Roosevelt High School Grad Night Committee for use of the Youth Center and the Aquatic and Fitness Center the night of Friday, June 1, 2007. As in the past, the City will waive the facility rental fees, while the committee will remain responsible for all costs incurred for City personnel.

**APPROVAL OF AGENDA:** Mr. Roberts asked to add “Appointment to Advisory Board” to the agenda as item #17. It was moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved with this addition. The motion passed 5-0.

 **PRESENTATIONS**: None.

**PETITIONS AND REQUESTS:** Jette Brett, 9175 Springhill Lane, a resident of Springhill Lake, appeared to speak to Council regarding maintenance issues at the apartment complex. She said she had lived in Greenbelt for 20 years. She documented and presented photographs representing the conditions in around the townhouses she had recently rented. She said AIMCO, the owners and managers of the complex, had not been responsive, or had been very slow to respond, and had served her with an eviction notice last month although she had never been arrears in her rent. Mayor Davis said the conditions were evident from the pictures and asked Celia Craze, Director, Planning and Community Development, what the status of the City’s involvement was. Ms. Craze said that the City had two open cases now, one for Ms. Brett’s current residence and one for the prior townhouse. She said a return visit had been scheduled by the code enforcement officer today and that the next step would be to issue municipal infractions to AIMCO. Mayor Davis said that no one should have to live this way and that she had also been receiving complaints from other Springhill Lake residents. Mr. Putens thanked Ms. Brett for her effective presentation, and Mr. Roberts asked several questions about a letter she had received from AIMCO. Council thanked her for coming.

**ADMINISTRATIVE REPORTS**

Mr. McLaughlin said the Police Department had received its accreditation in Reno last week and that he and Mayor Davis had attended. He said the City’s Festival of Lights would begin this weekend.

Mr. Herling described an interdenominational service he had attended the Wednesday before Thanksgiving at the Community Church.

Ms. Mach was present for the Beltway Plaza parade that launched the Lions Club toy drive. She also attended a planning meeting for an alliance being formed to protect and preserve the Beltsville Agricultural Research Center (BARC).

Mayor Davis said she and Ms. Mach had attended a reception for the outgoing School Board. All of Council attended the Prince George’s County Municipal Association (PGCMA) legislative dinner. She recognized incoming County Councilmember Ingrid Turner in the audience and said Ms. Turner had also attended the PGCMA dinner. She added that Mr. Putens had also been presented with a plaque from the Maryland Municipal League in recognition of his service to the National League of Cities as chair of the Small Cities Council.

**LEGISLATION**

Resolution to Negotiate the Purchase of Citation Collection Services from Complus Data Innovations, Inc., of Tarrytown, NY

The Mayor read the agenda comments. Mr. Putens introduced the resolution for second reading and moved its adoption. Ms. Mach seconded the motion.

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

The resolution was declared adopted (Resolution No. 1009, Book 8).

**AWARD OF BID – PUBLIC WORKS DUMP TRUCK**: Mayor Davis read the agenda comments. She asked Kenny Hall, Director, Public Works, why he thought there was no response from the companies who said they provided alternative fuel vehicles. Mr. Hall said he assumed it was because they had nothing meeting the City’s bid criteria. Mr. Roberts said that he had asked to seek bids on a regular gas vehicle that the City itself could convert to bi-fuel. He said he had wanted to compare regular gas to diesel. Mayor Davis asked questions about other bids that had appeared low, but Mr. Hall said none of them came with the snow plow or spreader, so those costs would have to be added. Mr. Putens made a motion that that the City Council approve awarding Bid 2006-7 to Kip Killmon’s Tysons Ford of Vienna, Virginia, at a cost of $55,285. Mr. Herling seconded the motion, which passed 4-1 (Roberts).

**SPRINGHILL LAKE – PRELIMINARY PLAN OF SUBDIVISION:** Mayor Davis read the agenda comments. Terri Hruby, Assistant Director, Planning, and Tarek Bolden, Community Planner, gave summaries of presentations they had given in greater depth at the previous Council meeting: Ms. Hruby on the Preliminary Plan of Subdivision (PPS) and Mr. Bolden on concepts of Smart Growth and compact development. Mr. Roberts questioned how Council could approve a plan showing construction on the existing elementary school site without also giving its approval to the abandonment of efforts to have a centrally located, walkable school. Ms. Hruby said AIMCO could do nothing with the school property unless a school plan for Greenbelt West was approved by the City. Mr. Roberts said this was self-contradictory. He also raised the issue of the ball fields, saying that Ms. Hruby said the plan meets the requirements of the county without admitting that it does not meet the conditions set by the City Council. Ms. Hruby said that when Council voted not to support the PPS in May, the conditions it directed Council to provide the County Planning Board in the event of the board’s approval included the possibility of a number of combinations of public and private recreation space and facilities to meet this requirement, subject to Council approval. Other Councilmembers indicated that they thought they had reviewed this adequately in May. Mr. Roberts also said that he did not think that the proposed increase in overall recreation space would compensate for the proposed increase in density of population.

Mr. Herling asked Sgt. David Buerger about the impact of denser development on public safety needs. Sgt. Buerger said it was impossible to talk about density apart from other factors. He cited examples of places in Greenbelt where higher density did not in itself create problems. Mr. Herling said he thought that, properly done, the plan would serve to re-establish some of the connectivity that Springhill Lake had with the rest of the community years ago. He said there would still be a lot of work to do at the Detailed Site Plan (DSP) stage and that this was still just the beginning.

Joan Falcão, 114 Julian Court, said it was her impression that Council decisions were supposed to be made in an open forum and not secretly. She said she was therefore upset when she realized that the Council had “given away” one of the three ball fields in exchange for a play area. She said that Ms. Hruby had said that the substitution of the open space, referred to as Block R, for the third ball field had been approved by Council at the May 22 meeting. Ms. Falcão had reviewed the tape from the May 22 meeting, as well as the minutes of the meeting, and she said the topic was never discussed. She said it had been buried in the long list of conditions. She asked how this could be an “adequate level of public discussion.” She said that what was being offered would not satisfy the Park & Recreation Advisory Board (PRAB) or the people who play sports. She questioned whether Council had any idea what it was approving. She questioned whether the Mayor had read it before signing the letter to the Planning Board. She asked Mr. Manzi how this lack of public discussion could be consistent with the public meeting law. Mr. Manzi replied that this issue is not in any way related to open meeting law, which requires that certain meetings be open to the observation of the public. He said the Council could make whatever decisions it wished.

In response to a question from the Mayor, Ms. Craze clarified that there are three relevant documents involved: 1) the proposed staff conditions dated May 19, including #10, which requires AIMCO to provide three competition-sized field but goes on to say in #11 that if Block R is dedicated to the City, it will constitute one of the fields; 2) the conditions as modified at the May 22 Council meeting; and 3) the letter of May 24 conveying the conditions to the County Planning Board. She said these conditions had been proposed by staff, but AIMCO had not agreed to all of them, which had been one of the points of conflict. She said since then, staff and AIMCO had continued to discuss the conditions. She said she disagreed with the characterization being made that the fields shown on the PPS were “youth fields.” She said “competition sized” is a performance measure, and the size would depend upon the sport. She said that the entire recreation package would still eventually be subject to Council approval.

The Mayor asked Ms. Falcão to clarify whether she was speaking as an individual or speaking on behalf of PRAB. Ms. Falcão said she was speaking as an individual. She reiterated that she was disappointed that the list of conditions did not appear until very late in the May meeting and that there was no public discussion of them.

Mr. Roberts said he believed it was never Council’s intention to give up any of the three fields. He said there was a “disconnect” here and that he did not understand why staff was willing to accept less and negotiate for less than Council wanted. He asked, “What does staff not understand about ‘three fields’?” Ms. Craze replied that these are just options for the plan and that Council does not have to accept any of them. She added that any specific needs might change by the time the plan comes back in detail. This discussion continued for some time. Eventually, Mr. McLaughlin said he thought it was important to put the development of events at the May 22 meeting into context. He said Council was moving in the direction of opposing the PPS and that, as has happened in the past, staff provided a list of conditions to cover the possibility that the county might approve it. He said that the list was indeed pulled together at the last minute, for which staff apologized, but that up until that time, discussions were still taking place.

Mr. Herling asked if, assuming the PPS was approved tonight, there would still be the possibility of making changes or getting the three full fields at the Detailed Site Plan (DSP) stage. Ms. Craze said she thought that flexibility was there.

Mr. Roberts said the three fields were part of a deal with AIMCO to trade for density. He made a motion to remove item #11 from the list of conditions. There being no second, the motion died.

Mayor Davis said she thought that there was still flexibility in terms of the size of the fields but that she thought the open play space was a good thing and that not everyone wanted or needed regulated sports activity.

Ms. Craze asked the representatives of AIMCO how they interpreted #11. She asked if it was permissive or whether it woulc commit the City to the open play area on Block R. André Gingles, attorney for AIMCO, said that this idea had first been mentioned as an option at an Advisory Planning Board meeting, and that AIMCO’s understanding was that if the City accepted the dedication or lease of this parcel for programming, then Block R would count as one of the three fields. If the City should decide not to accept the area for programming, then it would not count as one of the three.

Mr. Roberts said he wanted the flexibility of having three full fields. He said then the City can always choose to use one of them as a free play field, but if the acreage is given up, so is the option.

Ms. Hruby said that in order to be sure that everyone understood it, she wanted to reiterate that if the City chose not to accept the dedication of Block R, then the City would still be entitled to three fields.

Kelly Ivy, 43 Lakeside Drive, commented that these fields would be worthless without lights, since adults play at night. He said if the lights were put in up front, then there would not be an issue later of getting the community to accept it. He said this was the perfect time to require it. Mr. Roberts asked him how many acres were needed for a field. Mr. Ivy replied that it depended on what the field was to be used for. He said he would estimate six acres for two multiple use complex fields but that he wanted to point out that having one lit field is like having two unlit fields. Ms. Mach commented that the corner location shown in the PPS would be a good location for lighting, since it is somewhat removed from residences.

Ms. Hruby said Mr. Manzi had suggested a language change to condition #11, which AIMCO had agreed to and which she thought might be more reassuring as to the itention. Instead of “as approved by the City of Greenbelt,” it would say “if approved by the City of Greenbelt.”

In response to a question from Mr. Roberts regarding the meaning of “equipped fields,” as specified by the county, Mr. Gingles said he would take that to mean whatever was basic to the playing of the sport (e.g., goals or a diamond).

Doug Love, 3-D Plateau Place, said that AIMCO is unwilling and unable to manage the property as it currently exists.

At the Mayor’s request, George Branyan, chair of the Advisory Planning Board, addressed the memo that had been sent by the board in response to their review of the revised PPS. Ms. Mach asked if both board members who reside in Springhill Lake supported the plan. He said they did. There was some discussion of the board’s wish that a pedestrian/bike crossing over the stream continue to be looked into in lieu of the second roadway, which was previously eliminated from the plan because of the environmental impacts.

Mr. Roberts suggested extending Edmonston Road through to Cherrywood Lane, opposite Metro Drive, as a way to avoid having it impact the forest and the wetland. There was a great deal of discussion on this topic. Ms. Hruby said there are mitigation areas there and that she could not evaluate the environmental impact on the spot. Ms. Craze said it was an intriguing idea but that she thought it would be very difficult to engineer. Mr. Roberts and Mr. Herling both wanted to delay the decision for the City to evaluate this option.

Mr. Gingles said they had already reduced the plan to the number of crossings and variation requests that they thought the reviewing agencies would approve. He said they had looked at many different options.

Mr. Roberts made a motion that his proposed road plan be further explored. Mr. Herling seconded.

Ms. Hruby said the PPS would have to be revised, since the environmental variation request must be submitted with the PPS. Ms. Craze added that she could see no pragmatic advantage to extending Edmonston and that the connection to the center of the project would be lost. Mr. Roberts said he thought that if the City could wait for school plans and fields, then it could wait to explore this proposal. The discussion continued. When the Mayor eventually called for the vote, the motion failed on a 2-3 vote (Mach, Putens, Davis).

Susan Barnett, 51-C Ridge Road, spoke in support of exploring connectivity with other towns and other parts of Greenbelt. She also emphasized the need for bike paths.

Lowell Owens, 119 Northway, said he did not see any language or percentages regarding affordable housing. Ms. Craze said that based on the 2000 Census, it is higher-end housing rather than affordable and workforce housing that Greenbelt is short on. She said this project should bring a wide range of types of units and that she would recommend that at the DSP stage, the City look very closely to be sure that this mix was being maintained. Ms. Hruby added that the CSP has a specific condition on this.

Mr. Roberts said he was concerned that units to be sold would not necessarily be owner-occupied. Ms. Mach asked how the “for sale” component would work and whether a group could buy a number of the houses—for example, as a cooperative. Patti Shwayder, a senior vice-president with AIMCO, said they would not get to this until the DSP but that she thought the possibility would exist for a group to buy. Ms. Craze said that for the existing City housing stock, the percentage of owner-rented housing stays steady at about 10%. She said that any rented units would be subject to the City’s rental licensing program and that, in general, the quality of owner-rented units in Greenbelt is higher than that of commercially rented units.

Robert Fireovid, 114 Julian Court, said that low-density communities can be sustainable while high-density urban communities are not. He said he thought this plan was worse than the one Council had opposed in May and that it was not ready for decision tonight. He said it is a two-step plan with only the second step defined. He questioned the existing standard of education at Springhill Lake Elementary School and Greenbelt Middle School. He said most of the parents he knew in Greenbelt with children of elementary and middle-school age did not have their children in public school. He said, “They avoid it like the plague.” He said that unless Council is willing to approve moving Springhill Lake Elementary School, it should require AIMCO to come to agreement with the School Board before approving this plan. He said the existing proposal can easily be interpreted to endorse moving the school, which he thought should remain in the center of the development. Mayor Davis asked him if he would prefer that nothing be done at Springhill Lake. He said something had to be done but not this plan. The Mayor asked him what he wanted then—single family houses? He said that or other lower-density housing.

Ms. Mach said that in fact she thought there was educational opportunity in this project. She said that both the elementary and the middle schools are in deplorable condition, but since they are less deplorable than most of the rest of the county, nothing will be done with them in the near future. She said that although there is still a question of making sure school facilities are sufficient, this is a way to get things moving. She and the Mayor also took issue with Mr. Fireovid’s characterization of the public schools in Greenbelt. The Mayor added that it was not the case that approving this plan would give Council’s approval to relinquishing the existing school site. Ms. Hruby explained again that the school would not be moved unless doing so was approved as part of the schools plan. Mr. Roberts said that this plan removes both the school and the site without replacing them. Other Councilmembers said the plan does not say that and explained once again that this determination would have to be made as part of the approval of the Greenbelt West schools plan. This was discussed for some time.

Ruth Kastner, 125 Hedgewood Drive, once again reopened the discussion of the use of the existing school site in the plan.. Ms. Hruby once again explained that AIMCO can neither use that property nor build the 2,900th unit until the plan for the Greenbelt West schools is approved. Considerably more discussion followed about what this meant.

Bill Orleans raised some issues regarding car traffic and transportation. He said he thought Greenbelt West could sustain this level of development but that this plan was not good. Susan Barnett spoke again to say that she thought the schools should be within walking distance of the project and that AIMCO should maximize use of low-impact development techniques. She said the City should not accept any situations that would create impossible traffic.

Ms. Falcão spoke again to say that PRAB had met jointly with the APB to be briefed on the PPS and she had done some preliminary research, including approaching the Boys and Girls Club directly and asked them what their needs were. She said she also knew there was a dearth of adult soccer opportunities. She gave other detailed information and opinions on fields, setbacks, and needs. Mayor Davis said Council was familiar with the Boys and Girls Club’s wishes for more fields. She said the specifics Ms. Falcão had brought up would be useful to consider at the DSP stage. Ms. Falcão said she opposed the plan and that anyone watching the video, as she did, of the May 22 meeting would see that there had been a big turnaround on what was essentially the same plan. Mayor Davis took issue with that, saying that on May 22 AIMCO had not agreed to the conditions, and now they have. She said this is a huge difference. Ms. Falcão said she objected to the lack of specificity and commitment in the plan.

Mr. Roberts added that since it is already known that two elementary schools will be needed, it is clear that the Middle School complex will not be enough.

Ms. Mach moved that Council support the Preliminary Plan of Subdivision for Springhill Lake with the revised conditions and communicate this support to the County Planning Board and the Board of Education, including emphasis on the City’s position on the schools issue. Mr. Herling seconded the motion, which carried 4-1 (Roberts). Mr. Putens then stated again how critical it was that AIMCO deal with ongoing maintenance issues of the complex.

**PROPOSAL TO MOVE TO NEW PENSION PLAN:** The Mayor read the agenda comments. It was moved by Mr. Putens and seconded by Ms. Mach that Council direct that the City move to the improved State of Maryland Pension Plan, formally known as the Alternate Contributory Pension Selection. The motion passed 5-0.

**APPOINTMENT TO ADVISORY BOARD**: It was moved by Mr. Roberts and seconded by Mr. Putens that Sandra Lange be appointed to the Arts Advisory Board. The motion carried 5-0.

**MEETINGS:** Council reviewed the meeting schedule. Ms. Mach asked to add mention of the new BARC alliance to the Four Cities agenda. Mayor Davis asked to add a meeting with the new School Board to the list of meetings to be scheduled.

**ADJOURNMENT**: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Putens. The motion carried 5-0. The Mayor adjourned the regular meeting of November 27, 2006, at 12:40 a.m. on November 28.

Respectfully submitted,
Kathleen Gallagher
City Clerk

"I hereby the certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held November 27, 2006.

Judith F. Davis
Mayor