

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, February 22, 2016.

Mayor Jordan called the meeting to order at 8:08 p.m.

ROLL CALL was answered by Councilmembers Judith F. Davis, Konrad E. Herling, Leta M. Mach, Silke I. Pope, Rodney M. Roberts and Mayor Emmett V. Jordan. Councilmember Edward V. J. Putens was unavailable to attend.

ALSO PRESENT were Michael McLaughlin, City Manager; David Moran, Assistant City Manager; Karen Ruff, Associate to the City Solicitor; and Cindy Murray, City Clerk.

Mayor Jordan asked for a moment of silence in memory of residents Regina Suter Wright and John O'Brien and former residents Joan Crompton and Betty Mavis Loeffler Fletcher. Ms. Mach then led the pledge of allegiance to the flag.

APPROVAL OF CONSENT AGENDA: It was moved by Ms. Pope and seconded by Ms. Davis that the consent agenda be approved. The motion passed 6-0.

Council thereby took the following actions:

Minutes:

Interview, January 28, 2016  
Regular Meeting, January 28, 2016  
Regular Meeting, February 8, 2016  
Approved as presented.

Committee Reports:

Forest Preserve Advisory Board, Report #2016-1 (Trail Condition and Maintenance – North Preserve): Council accepted this report and will consider it on the agenda of a future meeting.

Advisory Planning Board, Report #2016-1 (Greenbelt Auto & Truck – Modification to Non-Conforming Use Certification): Council accepted this report and will consider it on this agenda as Item #17.

Renewal of County Liquor Licenses: Council took no position on the renewals of all County liquor licenses up for renewal this spring.

Advisory Planning Board Report #2016-1 (Greenbelt Auto & Truck – Modification to Non-Conforming Use Certification): Council supported Greenbelt Auto & Truck's request to modify its non-conforming use certification to allow for the construction of a 12'Lx20'Wx12'H storage building on the subject premises with the condition that the Applicant agree to install landscaping along the rear of the proposed storage building and that the building is to be removed if the business ceases to operate.

Reappointments to Advisory Group: Council appointed Donna Hoffmeister and Damien Ossi to new terms on the Forest Preserve Advisory Board.

APPROVAL OF AGENDA: It was moved by Mr. Herling and seconded by Ms. Pope that the agenda be approved. The motion passed 6-0.

PRESENTATIONS:

Malcolm Augustine: Malcolm Augustine, the Prince George’s County representative to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors, provided an update on WMATA.

PETITIONS AND REQUESTS:

Brian Almquist, 112 Hedgewood Drive, read a petition requesting Council/City to: 1) stop advertising the Greenbelt Animal Shelter as a “No Kill” or “No Kill for convenience” organization; and 2) implement within Greenbelt Animal Control adequate record keeping policies and practices. (Copy of petition attached to minutes.)

MINUTES OF COUNCIL MEETINGS: None

ADMINISTRATIVE REPORTS:

Mr. McLaughlin announced that the Four Cities Video, which premiered Saturday at Greenbelt Theatre, was available on the City’s website and social media sites. He also announced that a Rain Garden Workshop will be held this Saturday from 10:00 a.m. to 2:00 p.m. at Public Works.

COMMITTEE REPORTS: None

LEGISLATION:

An Ordinance of the Council of the City of Greenbelt, Maryland to Make a Supplemental Appropriation in the General Fund in the Amount of Two Hundred Thousand Dollars (\$200,000) for the Acquisition of Certain Real Property Known as 10-A Crescent Road, Greenbelt, Maryland

Mayor Jordan read the agenda comments.

Ms. Mach introduced the ordinance for second reading and adoption. Ms. Davis seconded.

In response to a question from Ms. Davis, Mr. McLaughlin said the future use of the current Museum office space at the Community Center will be discussed with Recreation staff during budget review meetings.

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

The ordinance was declared adopted (Ordinance No. 1344, Book 12).

ATHA BIKE INFRASTRUCTURE MEMORANDUM OF UNDERSTANDING: Mayor Jordan read the agenda comments.

Jessica Bellah, Community Planner, explained that communities within the Anacostia Trails Heritage Area (ATHA), in cooperation with ATHA Inc., hosted several regional bike planning meetings. She said the meetings were designed to identify potential bike connections between communities, share existing local and County bike planning initiatives, and promote cooperation in bike planning between communities. A Memorandum of Understanding (MOU) to establish a working group and further guide discussions has been proposed.

Ms. Davis asked why the City of Bowie and the Town of Cheverly were not participating/included in the MOU. Ms. Bellah said the working group consisted of municipalities in immediate proximity to each other.

Ms. Davis moved that Council: 1) approve the City's participation in the Anacostia Trails Heritage Area Bike Infrastructure Memorandum of Understanding; and 2) appoint Mayor Jordan as the representative to the working group with an alternate member to be selected at a later time. Mr. Herling seconded.

The motion passed 6-0.

**Special Order Agenda Item:** Ms. Davis moved to special order Item 14 "State Legislation" to the next item of business on the agenda. Ms. Pope seconded.

The motion passed 6-0.

STATE/COUNTY LEGISLATION:

CB-3-2016 – Prohibition on Hydraulic Fracturing: Mayor Jordan read the agenda comments.

Mr. Roberts moved that Council support CB-3-2016 with an amendment that "open space zones and agricultural zones" be included in the zones where mining and exploration of natural gas by hydraulic fracturing are prohibited. Ms. Davis seconded.

Mr. Moran advised that these zones are already included in the proposed legislation but its letter of support can reiterate Council's concern.

The motion passed 6-0.

SB 323/HB 610 – Greenhouse Gas Reduction Act - Reauthorization: Mayor Jordan read the agenda comments.

Ms. Pope moved that Council support SB 323/HB 610. Ms. Mach seconded.

The motion passed 6-0.

HB 211/SB 198 – Pollinator Protection Act of 2016: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council support HB 211/SB 198. Mr. Herling seconded.

The motion passed 6-0.

HB 1106/SB 921 – Clean Energy Jobs - Renewable Energy Portfolio Standard Revisions:  
Mayor Jordan read the agenda comments.

Mayor Jordan moved that Council support HB 1106/SB 921 with an amendment that Section 11-708.1 (D) (2) include a broader category of displaced workers, such as individuals in need of career retraining. Ms. Davis seconded.

The motion passed 6-0.

HB 1287/SB 867 – Renewable Energy Portfolio Standard – Eligible Sources: Mayor Jordan read the agenda comments.

Ms. Mach moved that Council support HB 1287/SB 867. Ms. Davis seconded. The motion passed 6-0.

SB 607/HB 829 – Cattle, Swine & Poultry - Use of Antimicrobial Drugs: Mayor Jordan read the agenda comments.

Ms. Mach moved that Council support SB 607/HB 829. Mr. Herling seconded.

Ms. Davis and Ms. Pope expressed concern that not enough information was provided on this bill. Mayor Jordan agreed and asked whether Council needed to take an action prior to meeting with the legislators at its scheduled Legislative Dinner. Mr. Moran said no, noting that committee hearings on the bill are scheduled for March 1 and 2.

Mr. Roberts and Ms. Mach expressed their support for the bill to address concerns regarding the overuse of antibiotics for farm animals.

After further discussion, Ms. Davis moved that Council table this item to the next meeting. Ms. Pope seconded. The motion passed 4-2. (Mach, Roberts)

HB 436/SB 468 – Speed Camera Repeal: Mayor Jordan read the agenda comments.

Ms. Davis moved the Council oppose HB 436/SB 468. Mr. Herling seconded. The motion passed 6-0.

HB 524 – Foreclosure – Responsible Party Registration: Mayor Jordan read the agenda comments.

Ms. Pope moved the Council support HB 524. Ms. Davis seconded.

Mr. Moran reported that HB 524 had failed in committee last Friday.

Ms. Pope withdrew her motion. Ms. Davis withdrew her second.

SB 776/HB 1361 – Hotel Tax – Limited Residential Lodging: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council support SB 776/HB 1361. Ms. Pope seconded.

Ms. Davis said this bill would charge the hotel/motel tax to internet based lodging entities like Airbnb, as well as provide a number of safeguards for consumers. Ms. Mach commented on the similarity of this legislation to the Marketplace Fairness Act.

Mayor Jordan said he agrees with the concept of the bill but thinks some of the specifics of the bill, such as four year occupancy reporting, are cumbersome.

The motion passed 4-2. (Jordan, Roberts)

GREENBELT STATION SOUTH CORE – PHASE 3 DETAILED SITE PLAN: Mayor Jordan read the agenda comments.

Ms. Davis removed this item from the table. Ms. Mach seconded. The motion passed 6-0.

Jessica Bellah, Community Planner, explained that the Maryland-National Capital Park and Planning Commission (M-NCPPC) has referred the Greenbelt Station South Core Phase Three (3) Detailed Site Plan (DSP) 13045 to the City for review and comment. This case is scheduled for review at the Planning Board level and a hearing date has been set for March 10, 2016. M-NCPPC has requested that the City provide their comments for inclusion in the case record. As outlined in the Development Agreement, the city is afforded approval authority of detailed site plans and the applicant is required to obtain the city's approval for DSP-13045.

Ms. Bellah advised that staff had reviewed the DSP, landscape plan and architectural plan proposed in Phase 3 and had recommended forty-five (45) conditions of approval indicated in her memorandums dated February 4, 2016, and February 8, 2016. At the last Council meeting, each of the conditions of approval were discussed and Woodlawn Development Group (WDG) agreed to incorporate thirty-five (35) of the staff recommended conditions prior to plan certification and Council removed the pedestrian overpass from the plans in its entirety.

Ms. Bellah said Planning staff and WDG have worked toward resolution to the remaining unresolved conditions. She reviewed her memorandum of February 19, 2016, and advised that only two unresolved conditions remain: 1) Noise barrier wall be constructed of a masonry material; and 2) Building groups for lots 1-6 and 7-12 be reduced from 6 units each to 5 units each to restore the green open space as presented in prior submissions.

There was discussion regarding the Plywall sound fence indicated in the DSP. Michael German and Norman Rivera, WDG, explained that the Plywall sound fence indicated in the DSP is in accordance with the sound engineer's recommendation. They said that although the annual maintenance costs are similar between masonry and Plywall, the replacement costs to the homeowner association (HOA) will be significantly higher with a masonry material. Mr. German said the lifespan expectation of the Plywall sound fence is in excess of 50 years.

Mr. Roberts disagreed, stating that the Plywall sound fence will be more costly to the HOA than a masonry sound fence. He added that a good quality masonry sound fence will last for about one

hundred years.

Mayor Jordan, Ms. Davis and Ms. Mach indicated their preference for the Plywall sound fence.

In response to a question from Ms. Pope, Mr. German said the HOA prefers the use of the Plywall sound fence.

There was discussion regarding the reduction of building groups for lots 1-6 and 7-12 to restore the green open space as presented in prior submissions. Mr. Rivera said the open space areas have increased 20% since the original DSP submission. He commented that the elimination of lots is not appropriate as the proposed unit count is well below the number agreed to within the development agreement.

Ms. Davis moved conditional approval of the Detailed Site Plan for Greenbelt Station with the condition that the reduction of building groups for lots 1-6 and 7-12 be reduced from 6 units each to 5 units each to restore the green open space as presented in prior submissions. Mr. Herling seconded.

The motion passed 5-1. (Roberts)

Council expressed its appreciation to staff and WDG for working to resolve the majority of the conditions.

COUNCIL REPORTS: Councilmembers commented on their attendance at the following events.

Metropolitan Washington Council of Governments (COG) Transportation Planning Board Meeting – Mr. Herling  
Maryland Electric Vehicle Infrastructure Council Meeting – Mr. Herling  
Prince George’s County Municipal Association Meeting – Mayor Jordan, Ms. Davis, Mr. Herling, Ms. Pope and Mr. Putens  
National Capital Region Emergency Preparedness Council Meeting - Ms. Davis  
Maryland Municipal League Legislative Committee Meeting – Ms. Davis  
Black History Month Commemoration sponsored by Eleanor and Franklin Roosevelt Democratic Club  
Mayor Jordan, Ms. Davis, Mr. Herling and Mr. Putens  
Four Cities Video Premier at Greenbelt Theatre – Mayor Jordan, Ms. Davis, Mr. Herling and Mr. Putens  
Prince George’s County Leadership Council Meeting sponsored by County Council Member Franklin – Mayor Jordan and Ms. Davis  
COG Board of Directors Meeting – Mayor Jordan  
Teen Summit 2016 at Beltway Plaza – Mayor Jordan  
Hyattsville Community Development Corporation Meetings – Mayor Jordan, Ms. Davis, Ms. Mach, Ms. Pope and Mr. Roberts

MEETINGS: Council reviewed the upcoming meeting schedule.

2016 Meeting Schedule: Mayor Jordan read the agenda comments.

Ms. Mach moved the following changes to the 2016 meeting calendar:

- Reschedule Monday, March 28<sup>th</sup> Regular Meeting to Tuesday, March 29<sup>th</sup> (Easter Monday)
- Reschedule June 13<sup>th</sup> and June 27<sup>th</sup> Regular Meetings to June 6<sup>th</sup> and June 20<sup>th</sup> (Budget Adoption Prior to June 10<sup>th</sup> and MML Conference June 26<sup>th</sup> – 29<sup>th</sup>)
- No work session on Monday, October 3<sup>rd</sup> (Rosh Hashanah)

Ms. Davis seconded. The motion passed 6-0.

Executive Session: Ms. Davis moved that Council schedule an Executive Session on Wednesday, March 9, 2016, at 8:00 p.m. in Room 201 of the Community Center, in accordance with the General Provisions Article §3-305(b) (1) and 3-305(b)(4) of the Annotated Code of the Public General Laws of Maryland to consider a personnel matter and a matter that concerns a proposal for a business to locate in the State.

Ms. Herling seconded.

ROLL CALL:	Ms. Davis	-	yes
	Mr. Herling	-	yes
	Ms. Mach	-	yes
	Ms. Pope	-	yes
	Mr. Putens	-	absent
	Mr. Roberts	-	no
	Mayor Jordan	-	yes

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Ms. Pope seconded. The motion passed 6-0.

Mayor Jordan adjourned the regular meeting of Monday, February 22, 2016, at 11:09 p.m.

Respectfully submitted,

Cindy Murray  
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 22, 2016."

Emmett V. Jordan  
Mayor

## Petition

### Greenbelt Animal Shelter's Dubious No Kill Claim

We petition Council to work with Michael McLaughlin, Greenbelt City Manager to (1) stop advertising Greenbelt Animal Control as a "No Kill" or "No Kill for convenience" organization; and (2) implement within Greenbelt Animal Control adequate record keeping policies and practices.

The City of Greenbelt, on its website, has claimed that Greenbelt Animal Control operates a No Kill shelter. This claim appears on the No Kill Network's website listing of No Kill shelters in Maryland. McLaughlin, in his response to an inquiry regarding the claim, responded that the animal shelter has a Live Release Rate (LRR) of 98%.

We investigated this claim and contend that it is false. Subsequent to our investigation and publication of our findings, the shelter's website was changed to describe it as "No Kill for Convenience." "No Kill" already means no animals are killed for convenience; it is not clear what nuance or obfuscation the City is trying to create.

A "No Kill" shelter is an animal shelter that does not kill healthy or treatable animals even when the shelter is full, reserving euthanasia for terminally ill animals or those considered dangerous to public safety. A commonly-used minimum benchmark for claiming to be No Kill is a 90% LRR, which allows more than sufficient allowance for animals who are too incurably sick, injured, or aggressive to be adopted out. Under ASPCA guidelines, a "Live Release" includes adoptions, returns-to-owner, and transfers to outside rescue groups or agencies that *guarantee* adoption. The 90% minimum benchmark is an objective measure that any No Kill shelter would be expected to meet or pass; even if a shelter has a LRR of more than 90%, it is not a No Kill shelter if it kills animals who are not terminally ill or dangerous.



Using documents obtained by a public records request to the City we calculated the shelter's LRR to be between 49% and 83% over the 18-month period from January 1, 2014 to June 30, 2015. The actual LRR is far short of both the 98% reported by McLaughlin, and the 90% which is a commonly-used minimum benchmark for claiming to be No Kill.

Reporting and recording deficiencies are widespread. In addition to the absence of adoption records for many claimed adoptions, many adoption records that were produced lack a description of the animal; lack an adopter signature; and/or lack a date. Additionally, for 9 of 10 animals killed while in the custody of the shelter, the reason for the killing was not shown in the documents provided. Moreover, animals were received by and transferred out of the City shelter without any recording at all. Through a public records request to the Prince George's County Animal Management Division (AMD), we discovered that during the same 18-month period, 17 dogs and cats were transferred from the City to the County shelter (which is *not* a No Kill shelter). None of these transfers were recorded in the City's ledger or supported by any transfer paperwork from the City. Furthermore, these animals should not be counted as live releases.

So far this issue appears to have received little interest with the City council or the City manager; neither seems to be particularly concerned about the dogs, cats, and other animals that come into the custody of the City animal shelter, the widespread reporting deficiencies, or about the dubious "No Kill" or "No Kill for Convenience" claims. The residents of Greenbelt and the State deserve more diligence and accountability in the City's government.

Brian Almquist

301-345-2583