



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held December 12, 2005.

Mayor Davis called the meeting to order at 8:02 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 E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked that everyone observe a moment of silence in honor of resident Mary Purcell Geiger and former resident Mary Smith Granofsy. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis asked to remove the minutes from the work session of November 21, 2005, from the consent agenda. It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, November 28, 2005
- Regular Meeting, November 28, 2005
- Work Session, November 30, 2005

Approved as presented.

COMMITTEE REPORTS

Senior Citizens Advisory Committee, Open Forum Report (2005): Council accepted the report and referred it to staff for review for any needed follow-up.

APPROVAL OF NATIONAL CAPITAL REGION MUTUAL AID AGREEMENT: Council authorized the Mayor to sign the mutual aid agreement as proposed by COG and approved participation as needed by the City in the preparation of necessary operational plans.

APPROVAL OF AGENDA: Ms. Mach asked to add an advisory group appointment and a resignation as items #20 and #21. It was then moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved as amended. The motion passed 5-0.

PRESENTATION - HOLIDAY DWI CHECKPOINT – STATE’S ATTORNEY’S OFFICE & GREENBELT POLICE DEPARTMENT: Albert Reed and Christina Sinz from State’s Attorney Glenn Ivey’s office made a presentation regarding a holiday DWI checkpoint to be

implemented in Greenbelt on December 23. They offered current regional data on the impact of drinking and driving, and they described a DUI Municipal Task Force that had been formed, which includes Greenbelt, Bladensburg, Hyattsville, Mt. Ranier, and Laurel. Capt. Thomas Kemp was also present. He extended thanks to the Public Works Departments in the area of the task force, which provide a great deal of support to law enforcement in the setting up of the checkpoints. Council thanked Mr. Reed and Ms. Sinz for the presentation, and praise was offered by all for the work in this area of MPO Scott Kaiser, who was unable to attend tonight's meeting.

PUBLIC HEARING ON PROPOSED ANNEXATION RESOLUTION: The Mayor read the agenda comments for this item. She then recessed the regular meeting and announced that the public hearing would now be continued from the last meeting on the resolution to annex the South Core of Greenbelt Station. Bill Orleans, 2A Eastway, said he was confused regarding why the annexation did not take place earlier. He also objected to the funding of the "flyover" road by the City or the county when the developer is trying to improve access on its own property. Mr. McLaughlin replied that state law governs the annexation process and that the City had taken all the necessary steps once the petition from the owners had been filed. Regarding the request made by the developer for tax increment financing (TIF) for the project, Mr. McLaughlin said this matter had not been decided, nor was it before Council for action and discussion tonight. He said it was not yet ready for consideration and that the annexation was not contingent upon it. He added that although there had been discussion of using the TIF to fund the connector road if a TIF were to be approved, that had not been decided either.

Mr. Roberts took issue with Mr. McLaughlin's comments, saying that the City was being asked to fund an \$8 million road. He said that at the work session with the developer this last month, the developer said the annexation was contingent upon the TIF. He said he, too, wondered why the City was not talking about the two matters together. Mr. McLaughlin reiterated that the two issues were not linked and that if the developer wished to stop the annexation subsequent to action by the Council, it would require petitioning it to referendum. Mayor Davis said she understood Mr. Roberts' reservations about City funding but that it would give the City greater control on how the road was built and on controlling environmental impacts. Mr. Roberts said that, on the contrary, Celia Craze had said at the work session that the road would have essentially the same footprint regardless. Upon being asked to respond, Ms. Craze said that was true, although staff was continuing to look at ways to reduce the footprint. She said there was more of an issue on how the lanes of the road would be used. She added that there was also an issue of the alignment of the road as it passed through the environmentally sensitive area, with staff's view being different from what the City has heard the county wants to do. Mr. Roberts replied that he thought the City could influence the county on the construction of the road without having to pay \$8 million to have control.

Mayor Davis said the discussion had veered off the topic of the public hearing, which was the annexation and asked if anyone wished to speak to that. Joan Facoa, 114 Julian Court, asked what the benefits of annexation would be to current residents of the City. She asked questions regarding the provision of services and public safety. It was explained that the tax revenues were anticipated to more than pay for the services and that it was hoped that by being built as part of the City, the development would be higher quality, keeping the need to increased public safety services to a minimum. Mr. Putens added that the City had a good track record in improving on developers' plans,

giving as an example the increase in single-family houses relative to townhouses in Greenbelt East. Mr. McLaughlin added that if the City did build the connector road, the costs would not be shared by residents of other parts of town.

Robert Fireovid, 114 Julian Court, expressed concern about the effect of the proximity of the commercial train tracks on the desirability of Greenbelt Station as a place to live, citing problems with an area in Gaithersburg where a housing development was placed too close to the trains. He said he was afraid that the developers projections were overly optimistic.

Since no one else asked to speak, Mayor Davis announced that the public hearing on Resolution 922 to annex the South Core was now closed.

PETITIONS AND REQUESTS: None.

MINUTES OF COUNCIL MEETINGS

Work Session, November 21, 2005: Mayor Davis and Ms. Mach corrected several typographical errors, and the Mayor also asked that it be indicated that Council had directed staff to present the question of lighting at the ball fields at Schrom Hills Park to the Greenbelt East Advisory Committee. It was then moved by Ms. Mach and seconded by Mr. Herling that the minutes be approved as corrected. The motion passed 5-0.

Executive Session of November 30, 2005: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, November 30, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 10:40 p.m. in the Multipurpose Room 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 reappointment of a member of a City Council advisory board. Mr. Putens 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 the Livable Communities grant application had been submitted as approved by the City Council at the last meeting. He also said he had received information from the Maryland Municipal League regarding hosting the fall 2007 conference, which staff would work on.

Mr. Herling said he had met with a group that has been meeting informally to discuss the needs of the homeless locally.

Mayor Davis and Ms. Mach both described sessions they had attended at the National League of Cities (NLC) conference in Charlotte. Mr. Putens announced that he is vice-chair of the NLC Small Cities Council and that, if he becomes chair, the group will hold its meeting in Greenbelt to showcase the City.

COMMITTEE REPORTS

Forest Preserve Task Force – Presentation of the Draft Management and Maintenance Policy Guidelines for the Forest Preserve: Keith Chernikoff, chair of the Forest Preserve Task Force, appeared to present to the City Council copies of the draft guidelines. He introduced a number of task force members in attendance, including former chairperson Paul Downs, Susan Gregersen, Valerie Elliott, Marc Siegel, John Cooper, and Luisa Robles-Diaz de Leon. Mr. Chernikoff expressed the group's gratitude to Celia Craze for her work as staff liaison. He said the group had been tasked with three items: the draft being presented tonight; review of the existing ordinance establishing the Forest Preserve; and recommendations on inclusion of other parcels. He said they expected to present the second two items in January. Council thanked the task force members for their work, and Mayor Davis indicated that a work session would be scheduled to discuss the draft.

LEGISLATION

A Resolution of the City of Greenbelt, Maryland, to Amend Section 2 of the Charter of the City of Greenbelt, for the Purpose of Enlarging the Corporate Boundaries of the City of Greenbelt, Maryland under the Provisions of Article 23A, Section 19, of the Annotated Code of the State of Maryland (1957 Edition and Amendments), by Annexing Thereto Certain Lands and Property Contiguous to and Adjoining the Existing Corporate Boundary of the City of Greenbelt, Prince George's County, Being the Lands of the South Core of the Greenbelt Metropark, LLC Development, Located Within Berwyn District 21, Prince George's County, Maryland, and Consisting of Parts One, Two, and Three as Recorded among the Land Records of Prince George's County, Maryland, in Liber 12318 Folio 654 and Containing 85.941 Acres More or Less, and Consisting of Part Five as Recorded among the Land Records of Prince George's County, Maryland in Liber 7385 Folio 245 and Containing .5166 Acres More or Less, as More Fully Described in the Metes and Bounds Description Prepared by Joyce Engineering, Inc; Establishing Certain Terms, Conditions, and Circumstances Applicable to Such Land and the Owners Thereof; and All Matters Relating to the Annexation of Such 86.4576 Acres of Land, More or Less, into the City of Greenbelt

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for second reading and moved that it be adopted. Mr. Putens seconded the motion.

Mr. Roberts said he would vote against adoption of the resolution, primarily because of what he considered to be an inadequate commitment to recreation facilities in Greenbelt Station, but also because of his concerns regarding the funding and construction of the connector road.

Mr. Herling asked when the conceptual and detailed site plans would be discussed. Mr. McLaughlin suggested a briefing at the January 4 work session.

The Mayor said she understood there were concerns on the part of residents of Center City and Greenbelt East about the impact of the Greenbelt West development on the rest of the City but that she believed the City could best influence and control the development if it were within the corporate limits rather than by leaving it to the county.

Ms. Mach agreed with the Mayor's position and added that she was convinced the area would also provide a strong revenue stream once developed.

Mr. Putens also agreed, saying it was far better to annex land before development than after development. He said it is clear that the area will be developed and that he preferred to have the control and site plan approval that the City would not otherwise have.

ROLL CALL:

Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - no

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 992, Book 8).

A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (1957 Edition as Amended), Title, "Corporation-Municipal," Subtitle "Home Rule" to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Amending Section 3, Titled "General Powers" to Add a New Paragraph 22 to Empower the City to Provide a Labor Code to Recognize the Right of Certain City Employees to Organize and Bargain Collectively

Mayor Davis read the agenda comments. Mr. Roberts introduced the resolution for second reading and moved its adoption. Mr. Putens seconded the motion.

Mayor Davis asked about the status of the schedule she had requested for proceeding with the implementation of the collective bargaining process. Mr. McLaughlin said it would be provided by the end of the week.

Mr. Orleans strongly urged that all the Councilmembers encourage other employee groups to request recognition for collective bargaining. It was explained to him that this request was not appropriate and that it was up to employee groups to seek recognition if they wished.

ROLL CALL:

Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 993, Book 8).

A Resolution for the Negotiated Purchase of Information Technology Services for the Installation and Continued Maintenance of Public Safety Laptop Software

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for first reading. The Mayor asked where the funding would come from. Mr. McLaughlin said it would be funded by savings from the Information Technology Director's salary and represented a shift in how the City would manage these services, at least for the time being. Upon being asked, Chief Jim Craze said he was very pleased with the plan.

A Resolution to Negotiate the Purchase of Repairs to the Kalwall Roof Panels and Motorized Roof Mechanisms over the Indoor Pool Section of the Aquatic and Fitness Center from Structures Unlimited, Inc., of Manchester, New Hampshire

Mayor Davis read the agenda comments. After introducing the resolution for first reading, Ms. Mach noted there were several places in the bid materials that indicated prices were good only through September. Mr. McLaughlin said staff believed the deadline was extended but would confirm that prior to the resolution's second reading. She also asked how short-term a solution this was. Mr. Moran said this need was anticipated and part of the necessary maintenance. He said in another five or six years the roof would likely require replacement.

A Resolution to Approve the Municipal Livable Communities Initiative Grant Application

Mayor Davis read the agenda comments, which explained that this resolution would be required by the county in the event that the City's grant application, which Council approved at the last regular meeting, proves successful. Mr. Putens introduced the resolution for first reading.

A Resolution to Negotiate the Purchase of a Skid Steer Loader from Metro Bobcat Sales of Forestville, Maryland

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for first reading.

DONATION TO TRANSPORTATION PLANNING BOARD (TPB) SPRING 2006 STREET SMART CAMPAIGN: The Mayor read the agenda comments. She said that although the staff recommendation was not to provide funding for this campaign, it was not necessary to send the full amount requested, and she would prefer to participate by sending a smaller contribution. Ms. Mach moved that the City agree to donate \$500, since the topic of bicycle and pedestrian safety is important to the City. She suggested that by contributing the City might benefit by having access to the printed materials produced by the project. The Mayor was supportive of this amount and suggested that a point could also be made regarding mandating "voluntary" contributions. Mr. Herling and Mr. Putens both favored funding at the requested amount of \$1,100. Mr. Roberts

questioned why the state did not simply fund this itself if it wanted it done. The Mayor replied that although the state had provided some support, this was not a state project but a Metropolitan Washington Council of Governments (COG) project and, as such, was looking for local support. Mr. Herling seconded Ms. Mach's motion for a contribution of \$500 to the TPB Spring 2006 Street Smart Campaign, with a request to receive any available materials. The motion carried 4-1 (Roberts).

APPOINTMENT TO ADVISORY GROUP: It was moved by Ms. Mach and seconded by Mr. Putens that Ed James be appointed to the Recycling & Environment Advisory Committee. The motion carried 5-0.

RESIGNATION FROM ADVISORY GROUP: It was moved by Ms. Mach and seconded by Mr. Herling that Council accept the resignation of Bill Wilkerson from the Advisory Planning Board. The motion carried 5-0.

MEETINGS: Council reviewed the meeting schedule. It was agreed to add a work session with the Forest Preserve Task Force to the list of meetings to be scheduled, as well as a stakeholder meeting with Beltway Plaza. It was agreed to hold a work session on the Labor Code on January 11 and to combine the City Manager's quarterly report with the pre-budget briefing on January 18.

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 December 12, 2005, at 10:40 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 December 12, 2005.@"

Judith F. Davis
Mayor