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**SPECIAL MEETING OF THE GREENBELT CITY COUNCIL held Wednesday, April 7, 2004.**

Mayor Davis called the meeting to order at 8:03 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 David E. Moran, Assistant to the City Manager; Celia W. Craze, Director, Planning and Community Development; and Kathleen Gallagher, City Clerk. City Solicitor Robert A. Manzi arrived at about 8:30 p.m.

APPROVAL OF AGENDA: Mayor Davis stated that the only item on tonight's agenda was the draft agreement to settle the City's litigation concerning plans for Greenbelt Station. It was moved by Ms. Mach and seconded by Mr. Herling that the agenda be approved as presented. The motion carried 5-0.

DRAFT SETTLEMENT AGREEMENT – GREENBELT STATION LITIGATION: At Mayor Davis's request, Ms. Craze made a statement that the staff recommendation was that Council defer action for an indefinite period because no agreement has been reached and direct staff to continue discussions with the representatives of the developer.

The Mayor asked if people in attendance wished to speak. Barry Blackman, owner of the hardware store at Beltway Plaza, said he was concerned about the impact of the development on the retail environment of the area. He said he wanted to see provisions in the agreement that would nurture a variety and balance of retail options.

Sheldon Goldberg, 7848 Jacobs Drive, expressed confusion over what the problem was at this point. Mayor Davis said negotiations had gone back and forth all week regarding specific language and that there was no draft settlement both sides agreed to. As a result, the draft dated March 26 was still the document to be worked from. Mr. Goldberg said as chair of the Greenbelt East Advisory Committee he had circulated the draft to the homeowner associations in Greenbelt East and had received informal positive response from individuals. He said he was glad to see the offer of right of first refusal to the City for the A. H. Smith property and the very important right to site and landscaping plan approval.

Kap Kapastin, General Counsel for Beltway Plaza, distributed a number of written documents and a copy of the comments he wished to make. Highlighting some of them, he noted his ongoing concerns with the deficiencies of the economic and traffic studies the developer had undertaken and with the lack of true transit-orientation of the planned project. He acknowledged some improvement in the plans as they affect the environment, but he asked the City Council to review the language of CB-47, as approved by the county planning board, regarding neighborhood impacts. He said he continued to object to the amount of the developer contribution to the Beltway

interchange, saying he believed that the City's position had been one of "no build." He said the agreement should contain a prohibition against movie theaters and that the development should be upscale only, with no grocery, discount, or "big box" stores.

Mayor Davis noted a letter from CCRIC had also been received.

Barry Schlesinger, 155 Westway, briefly addressed concerns regarding the impact on the wetlands, saying much of the language was not strong enough and should be mandatory language. He said he had not heard a clear answer on why it was necessary to build on the failed mitigation area. He also objected to the vagueness of the plans for the bus system that would link the areas, commenting that if the vehicles do not run frequently enough, there will be no contribution to transit-orientation. In general, he said, there should be greater specificity of language throughout.

George Branyan, 30A Ridge Road, said he believed the developers needed greater consultation with a good urban planning firm in order to make the parts of the project work together successfully.

Derek Thompson, 716 Ora Glen Court, spoke on behalf of the Windsor Green Homeowners Association and submitted a written statement. He said they are supportive of a settlement agreement but urged the City to hold to its requirements for site plan approval and first refusal on annexation of the south core.

Mayor Davis then read the following statement on behalf of Council, after which she said she would entertain a motion to adjourn:

As you are aware, the City Council received a proposed Settlement Agreement which had been negotiated between the City Staff and Metroland Developers. The City discussed the proposed settlement during the Council meeting on March 29, 2004. At that time, the City Council discussed issues raised by the proposed Agreement and directed Staff to review Council's comments and public comments received at the meeting and afterward. We also requested that the City Solicitor review all the language and make any changes he felt were necessary to protect the City and make more clear the obligations of both parties.

As a result, several amendments were proposed by the staff to the Settlement Agreement. When Staff met with the Metroland Representatives, these amendments were not acceptable and Metroland attempted to negotiate changes to several key points, most importantly the deletion of the provision allowing the city to annex the south core. These provisions are vital to the City and removal of the items from the proposed Agreement is unacceptable.

The City Council has entertained these discussions over the past several weeks because we believed that the settlement, as it was discussed March 29, helped resolve important issues and greatly improved the City Council's position and authority to influence how Greenbelt Station is developed. Without these provisions, this agreement is not acceptable.

Therefore, because of the developer's position, the City will not consider the matter this evening. The city will continue to participate in productive discussion to address the city's concerns and improve the proposed Greenbelt Station project. We maintain our firm commitment to pursue quality, well-planned, and environmentally responsible development at the Greenbelt Station. At this time, the proposed settlement agreement before Council does not accomplish this goal.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Ms. Mach. The motion carried 5-0. The Mayor adjourned the special meeting of April 7, 2004, at 8:45 p.m.

Respectfully submitted,  
Kathleen Gallagher  
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the special meeting of the City Council of Greenbelt, Maryland, held April 7, 2004.

Judith F. Davis  
Mayor