



WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, March 17, 2004, for the purpose of discussing the follow-up report to the work session on the GHI Playground Agreement.

Mayor Davis called the meeting to order at 8:00 p.m. It was held in the Multipurpose Room of the Community Center.

PRESENT WERE: Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael P. McLaughlin, City Manager; David E. Moran, Assistant to the City Manager; Kenny Hall, Director, Bill Phelan, Assistant Director, and Richard Mills, Parks Supervisor, Public Works; and Kathleen Gallagher, City Clerk.

ALSO PRESENT WERE: Julia Eichhorst, Dorothy Lauber, Sylvia Lewis, Chuck Hess, Joyce Abel, and Gretchen Overdurff, Greenbelt Homes, Inc.; Sheldon Goldberg, Greenbelt East Advisory Committee; Derek Thompson, Windsor Green Homeowners Association.

Mr. Moran reviewed his 2/20/2004 memo to Council, which addressed several items on which Council had requested staff follow-up at the 7/9/2003 work session on the GHI agreement. Regarding the MOU with GHI, he said the 1985 agreement has evolved into an inequitable arrangement because of a number of factors, including changing safety guidelines and increasing equipment costs.

Regarding the inventory of privately owned playgrounds, Council asked whether owners had been notified of dangerous or substandard equipment identified by the City and asked that staff do so. Mayor Davis complimented staff on the playground survey that was provided to Council. Mr. Phelan noted that in the process of undertaking it, Mr. Mills had also identified two playgrounds that were in totally inappropriate locations.

Mr. Roberts asked if there are areas of the City, for example in Greenbelt East or Belle Point, where more playgrounds are needed. He suggested that if there is to be a City-wide policy on playgrounds, the topic should be looked at comprehensively.

There was discussion of whether there is any need for the City to notify owners of changes in the playground guidelines or whether insurance companies provide adequate notification.

Mr. Moran went through the five options identified by staff as possibilities for framing future agreements. He commented that this list was not intended to exclude other possibilities and that some combination of options might also prove to be the solution.

Mayor Davis asked for clarification on why agreements like the one with GHI could not be replicated with other owners. Mr. Moran responded that the GHI MOU had been possible only because the City's and GHI's playgrounds were roughly equal in number

and located in the same areas in a "side by side" fashion, which had enabled a reasonably fair division of costs and labor in maintaining them. In no other part of Greenbelt are City-owned and privately owned playgrounds commingled in this way or on this scale. Mayor Davis suggested that the only thing that might be comparable would be if some other service or value were to be bartered between the City and an owner.

Regarding the terms of any agreements, Mr. Phelan suggested that with the rehabilitation that has already been done, some of the playgrounds should now be good for 20 years, with the result that agreements should be written to be long enough to guaranty public access for at least the lifetime of the playground equipment.

Mayor Davis said she believed that in practical terms, no owner would deny children playground access and that neither owners nor the City should let public access be a sticking point. Mr. Roberts responded that while children might not be a problem, owners might not want their rights limited regarding trespass by others. Mr. McLaughlin said public access was important because the individuals involved in making these agreements will change over time and may not all agree about how much of an issue it is. He added that public access to walkways in Greenbelt East had been an issue. Mayor Davis said she understood that it needed to be a point of agreement but that she did not think it would be a problem in fact.

Regarding option #3 in Mr. Moran's memo (transfer of ownership), Mr. Phelan pointed out that since the City had been using grants to pay for a good deal of its playground work, it should not take on responsibility for playgrounds by any agreement that would make them ineligible for grant funding by virtue of being private property.

In response to a question from Mr. Roberts, Mr. Moran agreed that providing an easement to the City would be an alternative to deeding a playground to the City.

In response to a question raised by Ms. Lewis, there was discussion of how much of the City's 2001 bond funds could be used for playgrounds in Greenbelt East.

Mr. Roberts asked how GEAC and GHI felt about deeding versus granting an easement. Ms. Eichhorst responded that GHI would be concerned about deeding or granting a permanent easement to the City, since the City would have no obligation to permanently maintain it.

Mr. Roberts said he would be opposed to the City's accepting playgrounds that had not already been brought up to current guidelines. Mayor Davis responded that since the City has already upgraded GHI's playgrounds, it would not be fair to others to say they have to upgrade their own. Mr. Roberts said that was done under the current agreement and that the City would have to start somewhere in establishing new terms.

Citing the arrangement the City has with Greenbelt East for cutting the grass in City-owned medians, Mayor Davis suggested perhaps there could be a reimbursement to GHI for cutting the grass on the City's playgrounds, since there is in most instances an invisible property line.

Ms. Mach asked Mr. Thompson, Mr. Goldberg, and Mr. Putens what their homeowner groups wanted. Mr. Goldberg said if they had to upgrade their own playgrounds before the City took them over, per Mr. Roberts' preference, then they should receive a rebate on their tax monies that supported upgrading GHI. He said deeding would be very difficult and that a permanent or long-term easement would be more likely. Mayor Davis added that with a condominium association, a very high percentage of the owners would have to approve, and a subdivision would have to be created. Mr. Thompson said Windsor Green was confronting replacing equipment on 10 playgrounds. Noting that Windsor Green predates the last City-GHI agreement, he said their playgrounds exist through a recreation agreement recorded in the land records, and they would need to have an attorney examine the restrictions on their entering an agreement with the City.

Mr. Putens said Greenbrook Estates has no playgrounds. He said he wanted to be sure it was understood that when the GHI agreement was put into place, it was viewed as being to the City's advantage, not GHI's. He added that in his view, the City would have to hold ownership or an easement for public funds to be spent.

Mr. Hess agreed with Mr. Putens' recollection, saying GHI recognized at the time that the benefits of the agreement accrued to the City; however, GHI was sufficiently concerned with the City's poor maintenance of the grass that it considered the trade-off to be worth it. He said he thought the easement would be preferable for GHI, since it would take something like 1,000 votes to approve a deed. He thought any easement should be for the life of the playground, rather than being permanent, since if the playgrounds were to be abandoned, that would only add to the existing "Swiss cheese" pattern of easements.

Mr. Phelan estimated that roughly \$32,000 had been spent on equipment for the five of the eight GHI playgrounds that have been rehabilitated. He said he also wanted to be sure that it was understood that taking on more playgrounds would require more staff in Public Works. He added that another consideration was to be sure that any agreement clarified liability so there would not be a need to duplicate insurance.

Mayor Davis stressed that even if a decision on this matter were immediately forthcoming, it could still take years to implement.

It was agreed that it would be necessary for staff to look into whether the City would maintain its eligibility for grant funds with a temporary or permanent easement.

Ms. Mach suggested one solution might be if the City made a one-time grant to the Greenbelt East playground owners of the \$32,000 spent on the upgrades to GHI, as a way of starting even.

Mr. Roberts stressed the need to have a firm deadline for joining agreements. He asked if church playgrounds would be included. The Mayor said she would oppose that, and Mr. Herling agreed.

It was agreed that the next step was for staff to develop a draft model agreement, at which time the topic will be scheduled for another work session. The understanding was that when the new model is ready for implementation, it would then replace the existing MOU with GHI, as well as being available to other owners.

Other Business

Mr. McLaughlin announced a town hall meeting on Medicare sponsored by Representative Hoyer. He also announced that Mary Linstrom would be named a Prince George's County Volunteer of the Year at a dinner at Martin's Crosswinds on March 25.

Ms. Mach reminded Council of the Advisory Committee on Education meeting next Tuesday to discuss the possible loss of funding for the addition to the high school.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,
Kathleen Gallagher
City Clerk