



**WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, July 9, 2003, for the purpose of discussing the report on the GHI Playground Agreement.**

Mayor Davis started the meeting at about 8:02 p.m. It was held in the Multipurpose Room of the Community Center.

PRESENT WERE: Council members Edward V. J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White, and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael P. McLaughlin, City Manager; David E. Moran, Assistant to the City Manager; and Kathleen Gallagher, City Clerk.

ALSO PRESENT WERE: Sheldon Goldberg, Greenbelt East Advisory Committee; Julia Eichhorst Sylvia Lewis, Dorothy Lauber, and Susan Ready, Board, and Hopi Auerbach, Audit Committee, Greenbelt Homes, Inc. (GHI).

Following introductions, Mr. Moran gave a slide presentation summarizing the April 2003 report, which he said was produced in response to a request from GEAC for equitable treatment for playgrounds in Greenbelt East. In addition, he said, it was time to review the Memorandum of Understanding (MOU) with GHI.

There was considerable discussion of reconciling changes between the numbers and locations of playgrounds at the time of the 1987 agreement and a more recent undated current inventory. Questions were raised about who maintains various areas where playgrounds were never developed or were abandoned or moved.

Mayor Davis said she believed the impetus for GEAC's request to the City to look into this was that at the point of resurfacing and replacing equipment to meet today's safety codes, it became apparent that the City was making a major investment in playgrounds in only one portion of the City. Mr. Goldberg added that when GEAC had been apprised of the upgraded regulations five or six years ago, homeowner associations had spent a good deal to bring playgrounds into compliance. When they then saw the City undertaking these improvements with tax dollars, they realized Greenbelt East was paying twice.

Ms. Eichhorst pointed out that a key issue is that the GHI playgrounds are public playgrounds and that this status goes back to the original relationship between the City and the housing coop. Mr. Moran added that the division of responsibilities between the City and the coop in 1987 made it clear that the intent was to share responsibility and cost equally.

There was discussion of the function of the playground at Schrom Hills Park as a public playground in Greenbelt East and of the question of how the School Board property operates.

Mayor Davis said there had been an implication that Greenbelt East would have to cede land to the City. She asked if there could not be public access without that. Mr. Moran said the report did not say that; rather, ceding land was only one of the ways to grant public access.

Mr. White said his concern was that the City would have to enter into separate agreements with all the different homeowner associations in Greenbelt East. Mayor Davis agreed, though she pointed out that not all of them would want it.

Mr. Putens said he thought the City should approach the problem from the standpoint of what would best benefit the safety of the children using the playgrounds throughout the City. He said this issue should be paramount.

Mr. Goldberg asked if GHI had had a "say" in determining what would be done with the rehabilitated playgrounds (e.g., what equipment would be placed in a playground). Ms. Eichhorst responded that these decisions had been the City's, not GHI's, though Mr. McLaughlin added that the City had held meetings in the neighborhood to solicit public opinion and discuss plans.

Mr. Goldberg asked whether the City could require that basketball courts be placed in Greenbelt East again if there were a playground agreement. Mr. Turnbull said perhaps a working definition of "playground" was needed; he said he assumed we were discussing typical playground equipment for children.

Mr. Roberts asked how many of the Greenbelt East playgrounds were up to code. Mr. Moran replied that there had not been an assessment of the Greenbelt East playgrounds. Mr. Roberts expressed concern about discussing taking on responsibility for all the playgrounds in the City without knowing the condition of the playgrounds under discussion or how much work or funding would be needed. He said Council needed to think of it in terms of either getting out of the agreement with GHI or assuming that all the playgrounds in the City could eventually come under an agreement. He pointed out that a decision by an HOA to opt in or out now was not a permanent decision.

Mr. White said he saw three points to pursue: reviewing the existing agreement with GHI to see if was still equitable to both parties; determining criteria for eligible playgrounds for future new agreements; and negotiating those agreements with the organizations that were interested.

Pointing out that a number of the playgrounds are on City property, Mr. White said he could not envision a circumstance in which the City would not have an agreement with GHI. Mayor Davis said she did not believe the City should continue with the GHI agreement if it could not extend comparable agreements to groups of residents in other parts of the City.

Ms. Ready took issue with some of the figures in the report, particularly counting the costs of the upgrades and replacement costs as if they were annual maintenance costs.

Mr. Turnbull commented that the shared liability issue should be taken very seriously. He said GHI was advised it might have liability even for the playgrounds that are on City property. He encouraged legal review of any agreements. He said he agreed with Mr. White's three points, but he questioned whether the City should establish agreements for playgrounds that were not sufficiently visible and accessible to be truly "public." Mayor Davis disagreed, saying there are playgrounds in GHI that are not highly visible. Mr. Turnbull said the most obscure playground in GHI is actually on public property. He encouraged the need for specific criteria for bringing playgrounds into the program.

Mr. Goldberg said the real equity issue was not about ongoing maintenance but rather the replacement costs.

Regarding doing an inventory and evaluation, Mr. McLaughlin said City staff could provide a general evaluation along with an inventory. He said the inventory should be limited to actual playgrounds with play equipment for children; it should not include open space or ball fields or courts. He said there are no full basketball courts attached to playgrounds at this time. Mr. Goldberg confirmed that playgrounds should not include open space or surfaced ball courts.

Mayor Davis said following the inventory and evaluation, staff should draft a generic agreement.

Mr. McLaughlin said he thought this could be brought back to Council by the end of the year.

Ms. Ready said it should be made clear that not all the money shown had been spent in GHI.

Mr. White said he regretted not having had this discussion earlier. He said he had argued at the time that the City was moving too fast with its playground replacement activities and that the agreement with GHI should have been reviewed then.

#### Other Business

Council discussed the following: holding the Four Cities meeting on July 23, an executive session on personnel matters at 8:30 p.m. on July 21, and the regular August meeting on August 25. As previously discussed, an executive session will also be held following the work session on July 16.

Mr. Putens requested to place on the next Council agenda for discussion the issue of widening the Hanover Parkway entrance into Greenway Center and removing the bump in the road.

The meeting ended at 10:00 p.m.

Respectfully submitted,

Kathleen Gallagher  
City Clerk