

**City Council
Work Session**
with Greenbelt Homes, Inc.

**8 p.m.
Monday
June 13, 2016**

**Council Meeting Room
Municipal Building**

To: City Council
From: Michael McLaughlin, City Manager *MPM*
Date: June 10, 2016
Re: Stakeholder meeting with Greenbelt Homes, Inc. (GHI)

Listed below are agenda items which GHI has raised for the June 13 stake holder meeting and update information in *italics*.

Discussion

- County's Newly Enacted Legislation re: CB-49-2015, CB-50-2015, and CB-58-2015
 - *County Council member Todd Turner is expected to be present to answer questions. GHI letter regarding the legislation is Attachment A.*
- County's zoning re-write project and its potential impact on Greenbelt/GHI
 - *City staff has been monitoring the drafting of the proposed new zoning approach. City Council has been briefed twice on the project, its objectives, and preliminary approaches being considered by County. It is not clear at this time, how the new zoning approach will deal with the original section of Greenbelt, but Council and staff have stressed the importance of it. Expecting greater clarification when next phase, Module 2, is released later this summer. It is suggested that GHI request for a briefing from MNCPPC staff. (Attachment B)*
- Replacement of Pepco Poles; Trimming of Trees by Pepco
 - *Pepco has replaced nearly all the double poles. Pepco only completed a small portion of proposed 2015 work and is not expected to continue/complete that work. New tree work for 2016 was approved by City Council in April. Thirty-five trees are proposed for removal, mostly street trees in Franklin Park. (Map of proposed tree work is Attachment C)*
- Possibilities for Improving Communication among Greenbelt's Resident Stakeholders
 - *Discussion*
- Repairs to Hamilton Place
 - *The repair of cracked failing sections of Hamilton Place will occur by the end of July. Sections to be repaired have been marked with white paint.*

Updates

- Playground Surfacing
 - *The shredded rubber surfacing at the 1 Court Southway playground will be removed in the next few weeks and replaced with engineered wood fiber (EWF). There are additional funds (\$60,000+/-) to begin removal and replacement of the shredded rubber surfacing at the other 8 privately owned playgrounds covered by the Playground Agreement. GHI has two such playgrounds (7 Court Southway & 2 Court Research) and the City has sought input from GHI regarding the preferred surfacing at these playgrounds.*
 - *Removing the rubber and replacing it with EWF is the quickest, easiest and most cost effective option. Every playground is unique and different, but the cost would be approximately \$15,000 per playground, with GHI's share being 25%. The rubber could also be replaced with Poured in Place (PIP) surfacing. A rough cost estimate for removal and replacement with PIP surfacing at 7 Court Southway alone is \$60,000. At 2 Court Research, both the surfacing and equipment need to be replaced at approximately \$110,000.*
- Resolution of Significant Rights-of-Ways Issues
 - *Work is underway. Awaiting info from surveyor. (See Attachment B)*
- Proposed City/GHI Partnership re: Pilot Project on Hoarding
 - *Grant has been filed with Greenbelt Community Foundation. Awaiting word in coming months. (Description is Attachment D)*
- Status of GHI's Home Improvement Program
 - *GHI to provide info.*
- Number of rentals, vacant GHI homes; resale trends
 - *GHI to provide info.*

Cc: Department Heads
David Moran, Assistant City Manager
Cindy Murray, City Clerk



Greenbelt Homes, Inc.
1 Hamilton Place
Greenbelt, MD 20770

Memo To: Prince George's County Council
From: Steve Skolnik, Board President
Cc: Mayor Emmett Jordan, City of Greenbelt
Mike McLaughlin, City Manager
Eldon Ralph, GHI General Manager

Ref: Newly Enacted Legislation CB-49-2015, CB-50-2015, and CB-58-2015

This memorandum is to voice concern and make comments regarding above-referenced legislation, recently enacted by County Council, which may have significant effects on aspects of self-governance, a basic and critically important tenet of our longstanding and vibrant historic cooperative housing community. Greenbelt Homes, Inc. (GHI) is a housing cooperative in Greenbelt. In 1952, GHI purchased our 1600 housing units from the Federal Government. We believe that we are among the oldest and largest common ownership community in Prince Georges County. We are dismayed that this legislation was considered and passed without any notification to, or input from, GHI.

While the referenced bills are evidently intended to “assist” cooperatives, in many instances they seem to add a level of bureaucracy that could hinder cooperatives in managing our affairs in the most efficient manner, with the most economical use of our resources of both time and money.

CB-49-2015

Cooperatives must, of course, abide by federal, state, and local laws. By their very nature, however, cooperatives are intended to be self-governing. GHI operates under long-established and well-tested bylaws, mutual ownership contracts, and member regulations; these include a detailed, multi-step, member-centered dispute resolution process that ensures members have every opportunity to resolve disputes in an atmosphere of fairness and avoidance of prejudice.

It appears that, under the new legislation, cooperatives in Prince Georges County will now be overseen by a Commission. GHI wishes to have detailed information about how such a commission will be formulated, how it will establish working rules, and what additional reporting and record keeping burdens may be placed on our management staff. **GHI desires an opportunity to participate in this process; we are strong stakeholders in this matter, uniquely qualified. GHI would welcome an invitation to participate in the operations of the Commission.**

CB-50-2015

Section 13-318 (b): What if a cooperative decided not to register? Would the suspension of the right to file legal actions in Prince Georges County include filing in landlord-tenant court to collect the payment of undisputed fees? **Is such a suspension of rights even legal?**

Section 13-318 (d): Imposing fees is ambiguous. Exactly what does this mean in dollars?

CB-58-2015

It appears that many of the problems leading to the creation of these bills involve the transfer of responsibility from builders/developers to the Common Ownership Community. Since this transfer happened for GHI in 1952, is it possible for GHI to be exempted from this legislation?

GHI feels strongly that two protections for cooperatives should be added to the legislation:

First, a person may not request a dispute resolution on a decision made by the governing body, where said decision has been appealed to and upheld by a vote of the membership as a whole.

Second, language should be added to protect a cooperative from a person action in a malicious manner, attempting to derail or damage the proper functioning of the cooperative by using this legislation to add cost and delay.

Notes/questions on specifics of the current legislation:

Section 13-316(i) (Page 4, Lines 2-8) – Who determines whether a dispute application falls under one of the exceptions listed in (1) through (5) in this section; is it the cooperative's governing body (Board of Directors, in GHI's case), or the County Commission? If the latter, how long will it take after a request for dispute resolution has been filed for the County to determine whether the dispute involves one or more of the areas that are excluded from the dispute resolution process?

Section 13-316(m)(3) (Page 4, Line 20) – This paragraph extends rights for dispute resolution to an *occupant* of the dwelling unit. Under our Mutual Ownership Contract, GHI's legal relationship is with the *member* or the member's power of attorney, *occupant* being defined as a person with permission to reside in a unit, but not a member (e.g., a sibling, spouse, child, etc.) It is the member who has signed our Mutual Ownership Contract, establishing the rights and responsibilities of the cooperative and member. Under our cooperative rules, a GHI member is responsible for any occupants in his/her home, whether resident or visitor. A county law granting dispute rights to an *occupant* who has not signed GHI's Mutual Ownership Contract would be a source of legal complication and bureaucratic cost; this would place an undue burden and great added cost to our members, with no perceivable benefit whatsoever.

Section 13-316(n)(2) (Page 4, line 29) – *All legally enforceable rights and interests incidental to individual ownership of real property in a common ownership community.* – There is no “individual ownership of real property” in a co-op. It is core to a cooperative that all real estate is owned by the cooperative. This phrase must be stricken from legislation that affects a member-owned cooperative, such as ours, where all 1,600 members own all land and improvements together.

Section 13-319

GHI sometimes terminates a member for violation of the Mutual Ownership Contract. Except for the

case of financial reasons, the process leading to termination can be quite long, as GHI has an extensive internal process that is designed to find positive solutions to disputes and member problems. On rare occasions, however, GHI needs to move through this process as quickly as possible, out of concern for the safety of all members. In such cases, to be unable to act on the termination of membership for an undetermined number of days, while a request of dispute resolution is processed by a County Commission, is of great concern. Action to terminate a membership is taken, when necessary, by the Board of Directors. A terminated member has the right to appeal the Board's decision to the entire membership of the cooperative. To add weeks or even months to this process, by having a member file for County dispute resolution, could make a difficult situation far worse.

Section 13-319(a)(1) (Page 5, lines 8-10) – *A party may not file an alternative dispute resolution request with the Office until the party makes a good faith attempt to exhaust all procedures or remedies provided in the association documents.* -- Who determines what is a 'good faith attempt' and what criteria are established to make this determination? And how will this determination affect the (30) day time deadline for the Commission to meet, a requirement established in the following lines, 13-319(a)(2)?

Section 13-319(a)(4) (Page 5, lines 16-17) – *A party may file a dispute with the Office thirty days after any procedure or remedy provided in the association documents has been initiated before the association.* – This is unclear, may not express the drafters' intent. Exactly 30 days? Not more than? Not fewer than? What if exactly 30 days falls on a weekend or holiday?

Section 13-319(a)(5) (Page 5, lines 18-19) – *The community association may not take any action...until the time to file a request...has been exhausted.* – When is the time exhausted? Should item (4) above, have said “up to 30 days”? Does this mean that, if the GHI Board terminates a member, that said termination is not effective for 30 days, and there could be an angry, upset, uncooperative 'ex-member' living in the community while we wait for the dispute filing time to lapse?

Section 13-319(a)(6) (Page 5, lines 21-23) – *When a dispute is filed...a community association may not take any action...until the process...is completed.* – How long will it take after a request for dispute resolution has been filed for the County to determine whether the dispute involves one or more of the areas that are excluded from the dispute resolution process?

Section 13-319(a)(8) (Page 5, lines 26-29) – How long will it take to determine whether a dispute request filing is properly filed?

The GHI Board of Directors and our General Manager have a keen interest in preserving and enhancing the welfare of our cooperative and our member-owners. We trust the above information is of interest, and that the Prince George's County Council, County Executive Baker, and Greenbelt City Council will act in the best interest of our cooperative citizens.

Respectfully submitted,



Steve Skolnik
President, Greenbelt Homes, Inc.
sdskolnik@gmail.com

Michael McLaughlin

From: Michael McLaughlin
Sent: Tuesday, June 07, 2016 5:04 PM
To: Michael McLaughlin
Subject: FW: Agenda items for Discussion during the Stakeholders Meeting on Monday, June 13 at 8.00 p.m.

From: Terri Hruby
Sent: Thursday, June 02, 2016 10:24 AM
To: Michael McLaughlin
Cc: Celia Craze
Subject: RE: Agenda items for Discussion during the Stakeholders Meeting on Monday, June 13 at 8.00 p.m.

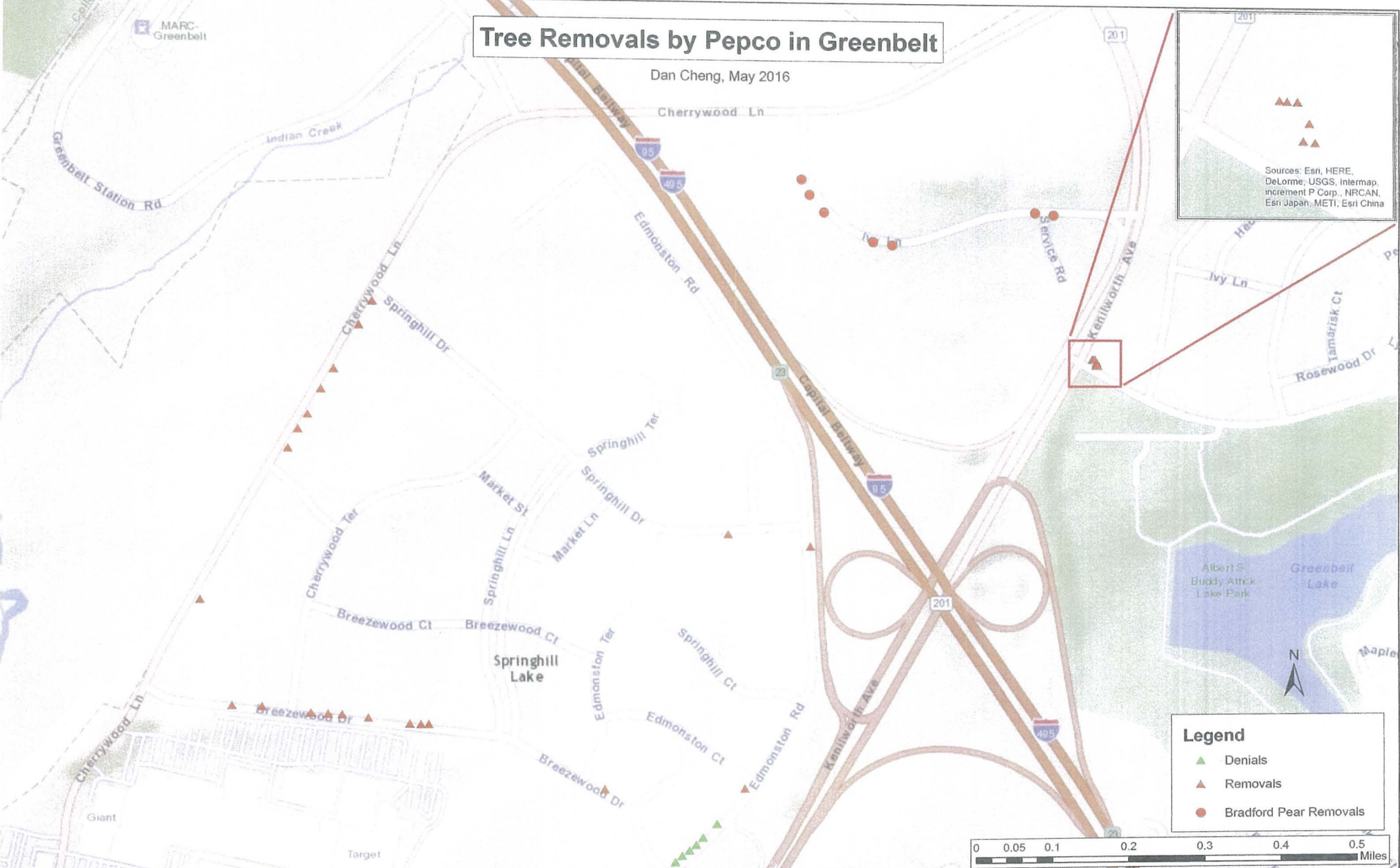
Mike,
Staff is waiting on documents from GHI staff to proceed with the three vacation of right-of-ways that were approved by Council. GHI's surveyor experienced some challenges that has caused them significant delays in producing the required plats that must be submitted to the County for review and approval. I have been delayed in producing an MOU on the other outstanding encroachments but hope to get to it this summer.

As for the zoning re-write, staff has suggested to GHI that they have M-NCPPC staff attend a GHI meeting to provide a briefing on Module 1 and a briefing on Module 2. The majority (The Landscape Manual section should be available in two weeks) of Module 2 was just released and we are in the process of reviewing it. It is quite lengthy so I anticipate that staff will be completing its review over the next month. As for impacts on GHI, we are working with M-NCPPC staff on determining what the appropriate zoning category is for GHI, and based on recent conversations M-NCPPC staff is willing to work with the City and GHI on developing development standards that would be applied under the Neighborhood Conservation Overlay Zone.

Terri

Tree Removals by Pepco in Greenbelt

Dan Cheng, May 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China

Legend

- ▲ Denials
- ▲ Removals
- Bradford Pear Removals



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Michael McLaughlin

From: Michael McLaughlin
Sent: Tuesday, June 07, 2016 5:27 PM
To: Michael McLaughlin
Subject: FW: Agenda items for Discussion during the Stakeholders Meeting on Monday, June 13 at 8.00 p.m.

From: Liz Park
Sent: Monday, June 06, 2016 11:55 AM
To: Michael McLaughlin; Christal Batey
Subject: RE: Agenda items for Discussion during the Stakeholders Meeting on Monday, June 13 at 8.00 p.m.

Filed with the Greenbelt Community Foundation

Title: The Greenbelt Hoarding Task Force Demonstration Project (GHTFDP)

Brief Description of the Project: (1 paragraph):

The Greenbelt Hoarding Task Force Demonstration Project will assemble a wide array of professionals with expertise on how to work with Hoarding/Compulsive Behavior. This may include housing, mental health, social services, law enforcement, fire and rescue, and property management. This task force will provide direction and access to resources for the City of Greenbelt residents, in particular those residing in GHI, develop a protocol for implementation management for GHI, City Staff, and other task force participants when working with clients with documented hoarding behavior. This project would develop resource materials for families/caregivers of hoarders, establish a support group for families and caregivers, and create small monetary grants for low-income Greenbelt residents faced with compliance issues related to hoarding. This project will also provide the City of Greenbelt and GHI with access to a consultant that will provide face to face support or phone support to staff.

Amount of Funding Requested: \$ 5,000.00