



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held April 11, 2005.

Mayor Davis called the meeting to order at 8:04 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; Robert A. Manzi, City Solicitor; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of resident and Greenbelt Pioneer William Siegel, former resident Floy L. Boswell, and Billie Jo Fox, wife of Public Works staff member Michael Fox. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as presented. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, March 16, 2005
- Interview, March 28, 2005
- Regular Meeting, March 28, 2005
- Work Session, March 30, 2005
- Work Session, April 4, 2005

Approved as presented.

APPROVAL OF AGENDA: It was moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved. The motion carried 5-0.

PRESENTATIONS

Arbor Day – Proclamation: Mayor Davis read and presented to Charles Jackman, chair of the Advisory Committee on Trees, a proclamation naming April 16 Arbor Day in Greenbelt. Mr. Jackman said more than 30 trees would be planted in Buddy Attick Park and another five at the former playground area overlooking the lake. The Mayor also announced that the City had just been notified that it had been named a Tree City USA again for 2004.

National Public Safety Telecommunications Week – Proclamation: This week, April 10-16, is National Public Safety Telecommunications Week. Mayor Davis read a proclamation expressing appreciation to the City’s communication specialists and presented it to Corporal Carolyn Breck and Captain Thomas Kemp, who added the department’s thanks and commendations to Council’s.

Municipal Government Month – Proclamation: Mayor Davis presented a proclamation recognizing April as Municipal Government Month to Beverly Palau, the City’s Public Information and Communications Coordinator. Ms. Palau will conduct the AIt=s Municipal Government@ competition and championship with the schools again this year. The championship will be held on April 22 at 6 p.m. in the Community Center. Ms. Palau also reviewed the many City events that are occurring throughout the month.

International Astronomy Day – Proclamation: Mayor Davis presented a proclamation declaring April 16 to be Astronomy Day in Greenbelt to Doug Love of the Greenbelt Astronomy Club. He described the activities planned for that evening and commented on the appropriateness of having Astronomy Day and Earth Day events be in conjunction.

Presentation on Upcoming CDC Health Survey: Sandy Smith and Dr. Kathryn Porter of the Centers for Disease Control made a brief presentation and showed a videotape about the National Health and Nutrition Survey to be conducted in Prince George’s County. The countywide project will be based at the Marriott on Ivy Lane in Greenbelt. Ms. Smith explained that participants will be randomly selected by address and will receive letters if they have been chosen to participate.

History Channel Program “FDR: A Presidency Revealed”: Jill St. John, one of the curators of the Greenbelt Museum, was present to announce a “sneak preview” to be shown at 7:30 p.m. Tuesday night at the Old Greenbelt Theater of a History Channel production on the private side of Franklin Delano Roosevelt’s presidency. The program will be aired on the History Channel in its entirety next weekend. The preview includes footage of Curator Katie Scott-Childress and her family taken in the museum. Ms. St. John announced there would be a “VIP Reception” at 6:45 p.m. in the lobby preceding the showing. She also expressed gratitude for a \$500 scholarship to be awarded to an Eleanor Roosevelt High School student by Comcast.

PETITIONS AND REQUESTS: There were none.

MINUTES OF COUNCIL MEETINGS

Executive Session of February 23, 2005: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, February 23, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:01 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff or other individuals regarding pending litigation related to Metroland.

Ms. Mach seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

Executive Session of March 8, 2005: Mr. Roberts moved that the minutes of the executive session of the City Council held Tuesday, March 8, 2005, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 8:07 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a)(8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff or other individuals regarding pending litigation related to Metroland. 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 Assistance-in-Living Program would receive an Award of Excellence on June 27th at the Maryland Municipal League annual meeting. On two State Highway Administration matters, he announced that the SHA local office has supported placing a countdown pedestrian crossing light on the west side of the Greenbelt Road – Hanover Parkway intersection and that work has begun to place the new traffic light at Greenbelt Road and Lakecrest Drive.

Mr. Herling said the clean-up at Northway last weekend drew 10-12 people. He also attended a board meeting of the New Deal Café, at which it was announced that the Café would be open on Mondays beginning in May.

Ms. Mach reported on this month's Artful Afternoon.

Mayor Davis pointed out that Eleanor Roosevelt High School was the only public high school from Prince George's County mentioned in the "education review" issue of the Washington Post. She said she was the keynote speaker at the high school's induction of 150 students into the National Honor Society on April 8. She reported she did not win the Special Olympics Pancake Eating Contest held on the same day. She said she was

pleased to host a recent Council of Governments (COG) board meeting at the Marriott in Greenbelt, which was also attended by former Greenbelt Mayor and COG Board Chair Gil Weidenfeld and his wife. On April 10, together with Ms. Mach and Mr. Herling, she participated in the Little League parade and season opening ceremonies.

Mayor Davis also announced that application materials were available at the City Offices or on the Web at www.laurel.md.us/scholarships.htm for the annual Prince George's County Municipal Association scholarships. She said the receipt deadline in Laurel is April 29.

LEGISLATION: None.

GREENBELT STATION - DRAFT DEVELOPMENT AGREEMENT - METROLAND DEVELOPERS, LLC: The Mayor read the agenda comments. Celia Craze, Director, Planning and Community Development, said the Washington Metropolitan Area Transit Authority (WMATA) had objected not only to the original agreement, to which it would be a signatory, but also to the revision dated April 11 between the City and Metroland, which addresses the south core and the developer's intention to encumber the north core with covenants upon purchase of the north core from WMATA. She said she thought everyone agreed it was important for the relationship with WMATA to remain productive since they will always be a partner because of the train station.

Ms Craze said they had reviewed the agreement focusing on the language that was specific to the north core. She said the most important changes were that section #2 now restricts the agreement to the south core, addresses what would happen if the Planning Board or the District Council were to approve a site plan that was not acceptable to the City, and provides that covenants will bind the north core to the conditions of the agreement upon purchase by Metroland. She said that in section #50, they are now attempting to anticipate the timing of certain events, recognizing the schedule can later be revised. She said City staff and the developer are now in agreement that this document substantively represents the development agreement that is needed, pending further legal review, and also addresses almost all of the City's previously stated issues of concern. Nonetheless, it is still the case that the agreement does not include WMATA. She said the City Solicitor would need to discuss the implications of that with Council.

Mayor Davis asked for clarification on where in the agreement the City's site plan approval for the north core is addressed. Ms. Craze said at the end of section #2 it is stated that once Metroland obtains ownership of the north core, the covenants must be imposed, which will apply the conditions of the agreement to the north core.

Mr. Putens asked if there is an existing purchase agreement between the developer and WMATA. Mr. Manzi commented that the City has never seen such an agreement. Danny Colton, representing the developers, said that even though they refer to WMATA as their "joint development partner" and refer to it as a "joint development agreement," what they have is in fact a "straight purchase agreement" with them. He said there is nothing shared; the developers will buy the property right up to the face of the station and they will replace the parking. He told Mr. Manzi he would be willing to share a copy of the document with the City. Mr. Manzi replied that WMATA had not been willing to do so. Mr. Putens thanked Mr. Colton, saying he thought if there was a purchase

agreement, the City should be able to review it. Mr. Colton said he would have Jim Brennan, their corporate attorney, call Mr. Manzi.

Mayor Davis asked whether or not the State of Maryland is a "partner" because of their ownership of a great deal of the land. Mr. Colton said no, but they still intended to ask the state to let the City annex the land.

Ms. Craze referenced section #54, which indicates that the covenants will apply to initial purchasers and developers but not end-use purchasers

Mr. Colton said that upon further thought, they could draw up the north core covenants and give them to Mr. Manzi to hold in escrow to file upon their purchase of the property. He said they were also willing to move immediately on the annexation of the south core.

Mr. Manzi asked Mr. Colton whether the timing of settlement on the north core would precede approval of Detailed Site Plans. Mr. Colton said there was one requirement left on the closing of the north core: the funding of the interchange. He said once the taxing district is put in place, there is precedent for moving Tax Increment Financing (TIF) money to the interchange, with the result that for the short-term, they could fund the interchange with the taxing district the county is moving forward with. After that, he said they have to post a bond to guarantee completion of construction of the parking facility; when WMATA has approved that, they can close.

Mr. Manzi then asked if they would settle on the north core in its entirety or piece by piece. Mr. Colton said they would close on it in its entirety, since the latter would require WMATA approval, and WMATA has already said they would not agree.

In response to a question from Mr. Herling about how their meeting with WMATA went, Mr. Colton replied that they had found that the staff's and board's opinions were not the same. The board thought the two issues (density and City approval) were legitimate and wanted to look at them. He said the board did not understand what their staff's issue was with the density, since they have no authority to require greater density than the minimum specified in their contract. He said he had expressed to them that as proposed, this is a significantly dense development and that the various developers and planners of this type of property with whom Metroland had worked so far had said it would be difficult to get higher density. He said he had also pointed out that all the materials they had given to WMATA in May of last year had reflected the Greenbelt density, so they had been informed. He said WMATA has a more rational concern with agreeing to the plan approvals by the City; he said they have too many stations located in municipalities to set precedent on allowing approvals without a statutory requirement to do so. He said the county's representatives on their board also confirmed that WMATA does not and will not agree to any covenants to restrict their development in a train station. Mr. Colton said he did not think there was any way to get them any further along. He said last week Metroland had executed the engagement agreement with the county to move the taxing district forward and that the test of WMATA's resolve will be that they have to sign the taxing district document too. He said if Greenbelt insisted, he would take the agreement to the WMATA board for signature, but that would cause a significant delay, and he would prefer to go ahead with the current draft. He said he was confident that the board would support the project.

Mr. Colton said they also have agreements with Berwyn Heights and College Park but that their Councils would not take formal action until after Greenbelt had acted.

Mayor Davis announced that Council would hold an executive session after this meeting. to discuss the current draft with staff and the City solicitor.

AWARD OF CONTRACT FOR DESIGN SERVICES - PREPARATION OF THE NORTHWAY FIELDS MASTER PLAN: Mayor Davis read the agenda comments. Mr. Putens made a motion that Council approve the proposal for the preparation of a Master Plan for Northway Fields that was submitted by Clinton and Associates, dated March 30, 2005, based on an hourly rate with a not-to-exceed contract amount of \$22,000. Ms. Mach seconded the motion. It was further clarified that there will be no conflict of interest in the fact that the spouse of a staff member in the Department of Planning and Community Development works for Clinton and Associates, since neither of them will work on this project. In response to a question from Mr. Herling, Ms. Craze described another project undertaken by this company. When the vote was taken, the motion passed 5-0.

CANCELLATION OF BID AND AWARD OF PURCHASE – RECYCLING TRUCK: The Mayor read the agenda comments. It was moved by Mr. Roberts and seconded by Mr. Herling that Council cancel Bid Number 2004-4 due to non-performance and award the purchase to Mid-Atlantic Waste Systems through a bid with the City of Pittston, at a cost of \$126,497. The Mayor asked if there was any penalty for canceling the bid. Kenny Hall, Director, Public Works, said there would be no penalty for cancellation since the original vendor could not deliver. There was some discussion of the future capability for doing single-stream recycling. Mayor Davis asked if this might allow for further expansion of the types of plastics the City could accept for recycling. Mr. Hall said that would likely be so. When the vote was taken, the motion carried 5-0.

MEETINGS: Mayor Davis announced that an executive session would follow this meeting. Council reviewed the schedule of upcoming meetings. Mayor Davis asked for a motion to approve holding an executive session. Mr. Roberts moved that Council go into executive session in accordance with Section 10-508 (a) (8) of the State Government Article of the Annotated Code of the Public General Laws of Maryland to discuss with the City Solicitor and others a matter of pending litigation regarding Metroland.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

ADJOURNMENT: A motion to adjourn the meeting was then made by Ms. Mach and seconded by Mr. Herling. The motion carried 5-0. The Mayor adjourned the regular meeting of April 11, 2005, at 9:58 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 April 11, 2005.@"

Judith F. Davis

Mayor