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

Mayor Davis called the meeting to order at 8:05 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Rodney M. Roberts, and Mayor Judith F. Davis. Councilmember Edward V.J. Putens was out of town.

ALSO PRESENT were Michael P. McLaughlin, City Manager; David E. Moran, Assistant City Manager; John F. Shay, Jr., City Solicitor; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of residents Sergeant Steven F. Gaughan and Corine Feldman and former resident Peter R. Cone. She also asked to remember Steven Sokol, Assistant Property Manager at Springhill Lake Apartments, and the victims of the July 7 bombings in London. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Herling and seconded by Ms. Mach that the consent agenda be approved as presented. The motion passed 4-0.

Council thereby took the following actions:

**MINUTES OF COUNCIL MEETINGS**

- Regular Meeting, May 23, 2005
- Interview Meeting, June 20, 2005
- Regular Meeting, June 20, 2005
- Work Session, June 22, 2005
- Work Session, June 23, 2005

Approved as presented.

**COMMITTEE REPORTS**

Advisory Planning Board, Report #04-03 (Springhill Lake Conceptual Site Plan, Part 2): Council accepted this report and agreed to consider it later with this topic on the agenda.

Park & Recreation Advisory Board, Report #04-02 (McDonald Field Lights): Council accepted this report and will consider it at the next regular meeting, when this topic will be placed on the agenda.

ADOPTION OF THREE BOARD OF APPEALS RESOLUTIONS: Council adopted three resolutions as recommended by the Board of Appeals: #04-002-V (6807 Landon Court), #04-003-V (7920 Greenbury Drive), and #04-004-V (6815 Green Crescent Court).

RESIGNATIONS FROM ADVISORY GROUP: The City Council accepted with regret the

resignations of Eva Griffin and LaShelle Ferguson from the Advisory Committee on Education.

REAPPOINTMENT TO ADVISORY GROUP: Council appointed Richard D. Ransom to a new term on the Park & Recreation Advisory Board.

APPROVAL OF AGENDA: It was moved by Mr. Herling and seconded by Ms. Mach that the agenda be approved as presented. The motion passed 4-0.

## PRESENTATIONS

MML Award for Excellence – Assistance-in-Living Program: At the annual conference in Ocean City in June, Greenbelt was once again honored to receive a Maryland Municipal League Award for Excellence, this time in recognition of the Greenbelt Assistance-in-Living Program. Christal Batey, the City's Community Resource Advocate, had received the award at the conference, and the Mayor and Council received the plaque tonight.

PETITIONS AND REQUESTS: Sylvia Al Tukhaim, 126 Westway, a resident of University Square Apartments, spoke regarding the objections of the residents to a recent action taken by the owner, Lerner Corporation, to eliminate refuse dumpsters that were previously located throughout the complex in favor of one trash compactor to be located on the southwest corner of the property. Ms. Al Tukhaim said Mr. Lerner had refused to negotiate. She requested the City Council to consider adopting an ordinance since no county or City law addresses the need to have refuse disposal facilities located within reasonable proximity to residences.

Celia Craze, Director, Planning and Community Development, confirmed there are no code requirements regarding this. She said the City had slowed the progress of this change down somewhat because University Square lacked proper permits and were placing the new receptacles within 30' of their property line but that these were simply "process" issues that they would eventually work through. She said no dumpsters appeared on their approved site plan, but it was pointed out that originally the trash was collected from each building.

Mayor Davis said she had never heard of this issue coming up in the county before, since ordinarily it was assumed that there would be refuse facilities within a reasonable distance and that she found it "unbelievable" that the owner would not take into account the situation of seniors and the disabled, let alone larger families that might need to take trash out on a daily basis. Ms. Craze said that Willie Davis, the code enforcement officer who had been working with the residents on this problem, had advised that the management was working on a plan to accommodate the needs of the elderly and disabled, but nothing definite has been put forward. Ms. Mach suggested that if enough residents requested that service, it might have some impact. Mayor Davis also remarked that she would not want to have to haul trash in her car on a regular basis. Mr. Roberts said he would be willing to consider legislation if no other solution could be worked out and hoped the City could work with the residents to find a solution.

Denna Lambert, 166 Westway, said that as a blind person dependent on a guide dog, she was concerned not only about the great distance she would potentially have to travel on foot but also about the potential dangers of having to operate the compactor.

The Mayor said Council would refer the matter to Planning and Community Development staff for review. Mr. McLaughlin asked if it would be acceptable to Council for a letter of concern to be written to the Lerner Corporation in the meantime, and Council agreed that would be appropriate.

Another petitioner, Chris Casey, 108 Periwinkle Court, suggested that the City establish a memorial for Sgt. Gaughan. Mayor Davis explained the various options that could be undertaken by a neighborhood or a group, and Mr. Moran provided a copy of the memorial guidelines.

#### ADMINISTRATIVE REPORTS

Mr. McLaughlin reviewed the schedule for the visit from Lt. Governor Steele on July 13. He also noted that it was new Community Planner Ethan Bindernagel's first Council meeting.

Mayor Davis noted that Mr. McLaughlin had given a presentation at the annual Maryland Municipal League (MML) Conference on financing capital projects. Mayor Davis, Ms. Mach, and Mr. Herling commented on the conference, where the Mayor was also reelected to the MML board.

Ms. Mach attended the installation of officers at the Greenbelt American Legion Post 136 on June 25.

Mayor Davis attended an event at Rexford Place on June 22.

#### LEGISLATION

A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article 11E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (1957 Edition as Amended), Title, "Corporation-Municipal," Subtitle "Home Rule" to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Repealing and Reenacting with Amendments Section 27, Titled "Absentee Voting" to Expand Eligibility for Absentee Voting

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for second reading and adoption. Mr. Herling seconded.

ROLL CALL: Mr. Herling - yes  
Ms. Mach - yes  
Mr. Roberts - yes  
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 984, Charter Amendment Resolution No. 2005-1, Book 8).

A Resolution to Repeal Resolution 971 and to Establish Admission Fees and Pass Rates for the Greenbelt Aquatic and Fitness Center, Effective September 6, 2005

The Mayor read the agenda comments. Mr. Herling introduced the resolution for second reading and adoption. Ms. Mach seconded.

ROLL CALL: Mr. Herling - yes  
Ms. Mach - yes  
Mr. Roberts - yes  
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 983, Book 8).

A Resolution to Express Support for Prince George's County to Create a Development District and Special Taxing District in Accordance with the Annotated Code of Maryland, the Laws of Maryland, and the Prince George's County Code

The Mayor read the agenda comments. Ms. Mach introduced the resolution for second reading and adoption. Mr. Herling seconded the motion.

ROLL CALL: Mr. Herling - yes  
Ms. Mach - yes  
Mr. Roberts - yes  
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 985, Book 8).

An Ordinance to Amend Chapter 14, APlanning and Development," of the Greenbelt City Code by Adding a New Article IV for the Purpose of Establishing Fees for the Review of Planning and Zoning Applications

Mayor Davis read the agenda comments. Mr. Herling introduced the ordinance for first reading.

An Ordinance to Amend Chapter 18, AStreets and Sidewalks,@ of the Greenbelt City Code for the Purpose of Revising Section 18-48, "Fees," to Provide for Reimbursement to the City for the Cost of the Review and Approval of Plans Associated with Construction Work Within the City Right-of-Way

Mayor Davis read the agenda comments. Ms. Mach introduced the ordinance for first reading.

An Ordinance to Amend Chapter 8, "Elections," of the Greenbelt City Code, in Order to Revise Section 8-4, "Absentee Voting" and Section 8-10, "Literature," and to Update and Clarify Other Language in the Chapter

The Mayor read the agenda comments. Mr. Roberts introduced the ordinance for first reading.

An Ordinance to Amend Chapter 8, "Elections," of the Greenbelt City Code, for the Purpose of Changing the Distance from a Polling Place Within Which It Is Unlawful to Conduct Electioneering Activities on an Election Day

The Mayor read the agenda comments. Mr. Herling introduced the ordinance for first reading. Mayor Davis said she had had comments from a couple of people who wanted the distance to be no less than 150'. She said no one other than members of Council or the Board of Elections had suggested that reducing the electioneering distance would be advisable. She said she expected to support a change to 150' from 300' since she believed it would provide some limitation on contact with the voters while at the same time permitting some visibility of signs and activity. Ms. Mach said she had not heard from too many people yet, but the opinion she had heard so far favored increasing the distance even farther, not reducing it.

A Resolution to Repeal Resolution Number 965 and to Provide for the Number of Judges and Clerks of Election, Their Rate of Compensation, and the Rate of Compensation to Be Paid to the Chairperson and Members of the Board of Elections for the 2005 Regular Election

The Mayor read the agenda comments. Ms. Mach introduced the ordinance for first reading.

A Resolution to Authorize the Negotiated Purchase of Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceed Ten Thousand Dollars (\$10,000)

The Mayor read the agenda comments. Ms. Mach introduced the ordinance for first reading.

PROPOSED AMENDMENT TO COUNTY'S METRO PLANNED COMMUNITY APPROVAL REQUIREMENTS RELATED TO GREENBELT STATION (CB 36-2005): Mayor Davis read the agenda comments. She said that although the intention had been to take action on this item tonight, the City Council had been requested by Berwyn Heights and College Park to hold off if either of those cities did not have an agreement with Metropark yet. She said Mayor Calvo had reported that Berwyn Heights was close enough to go ahead, but Mayor Brayman said College Park was not ready yet. Mr. Herling made a motion, which was seconded by Ms. Mach, to defer the item until the August 8 regular meeting of Council. Norman Rivera and Marva Camp, both spoke on behalf of the developers to request Council action tonight, given that they are very close to agreement with College Park and given that having an indication of the City's stand on this amendment is important to facilitating the processing of other items. Mayor Davis said there had been no straw-vote on the issue, so that it would be impossible to project any outcome in the absence of a formal vote. The motion was adopted 4-0.

CONCEPTUAL SITE PLAN (CSP) – SPRINGHILL LAKE: The Mayor read the agenda comments. It was clarified that the date of the latest revision of the staff's recommended conditions was July 8. Ms. Hruby reported that AIMCO had agreed to all

the conditions, including such items as a minimum of 25% of units for sale (up from the previous 10%), the provision of various housing options for different income levels, the need to address public safety at the stage of preliminary plan of subdivision, City authority over the recreation package (specifically regarding mandatory parkland dedication requirements), right-of-way dedication language, an increase of the open space requirement to that currently represented on the CSP, and a potential partnering with TheBus. She said she wanted to stress the need for a letter confirming their agreement to the conditions, however, since there was no assurance that the City's conditions would all be incorporated into the Planning Board's action.

In response to a question from Mr. Herling, Ms. Hruby reviewed the specifications for provision of private recreation facilities and minimum requirement from public facilities; she said increasing open space requirement would be reviewed more specifically at the stage of detailed site plan (DSP).

Mr. Roberts said he was not satisfied that condition #18 on public safety was strong enough. He said he wanted to know going into this that the City would have the necessary resources to provide adequate public safety services. Ms. Hruby said not all the information was available yet to address this and that the specifics would be dealt with at the stage of preliminary plan of subdivision. Mayor Davis also noted there had been discussion of possibly consolidating the Berwyn Heights and Branchville fire stations, which provide first response to Greenbelt West, with the goal of improving efficiency of response.

Mr. Roberts said he was also still not satisfied with the overall density, and he still thought the percentage for sale should be at least 50%. He cited other high-density development near metro stations (e.g., Vienna) where either all or a majority of units are for sale. He said he was afraid of creating another large and very dense apartment complex and having history repeat itself in terms of management problems. He said unless this percentage could be increased, he could not vote for the plan. Ms. Mach commented that she was pleased to see the increase to "at least 25%" and that she hoped the forthcoming market study would support a higher percentage.

Mr. Herling said the density and ownership issues were also of concern to him but that he found it significant that the 25% figure was an increase from a figure of only 5% that had been presented in January 2004; he added that he shared Ms. Mach's optimism regarding the possibilities of the phrasing of "at least 25%." He asked if this topic was also subject to further discussion at the DSP stage. Ms. Hruby said it could be but that since the redevelopment would be done in stages, there would likely be several DSPs and that it might be difficult to get an overall sense of this at any single point in time.

Mr. Herling also got confirmation that the mention of the variety of housing types and of income levels was as specific as it was possible to get regarding the affordable housing issue. The Mayor said she knew Mr. Putens had asked for a variety of building materials and architectural features, and Ms. Hruby confirmed that staff had added this in item #31.

Mayor Davis said she appreciated AIMCO's efforts to work with the City's conditions. Ms. Mach agreed there had been good progress, and she made a motion that the City

Council support the Springhill Lake Conceptual Site Plan with the staff's recommended conditions of approval dated July 8, 2005. She further moved that Council's support be conditional upon provision of a letter of commitment to these conditions from AIMCO. Mr. Herling seconded the motion. He then asked to return to the topic of affordability levels and asked if there was any way to make it more specific at the time of DSP. Ms. Hruby said she would ask AIMCO to address his concern with affordability. Mr. Herling said he would like assurance that for each type of housing a certain percentage be provided at a level that was considered to be affordable. The Mayor said she was not sure it could be framed so specifically in terms of a percentage but rather should stand more broadly as a willingness to include a range of income levels throughout the development as a whole. Patti Shwayder, Senior Vice President with AIMCO, confirmed that Mr. Herling had been correct earlier in noting they had moved from a floor of 5% to 25% of for-sale units. She said they were also committed to including a variety of income levels in the project but that predicting specifics for eight to ten years out would be difficult to do. She said they did understand, however, that the Springhill Lake community had historically provided a vehicle for people to enter the Greenbelt housing market and that they wished to continue that tradition.

When the vote was taken the motion passed 3-1 (Roberts).

MEETINGS: Council reviewed the schedule of upcoming meetings. It was agreed to postpone the discussion of conference and travel reimbursement, scheduled for July 13, until Mr. Putens can be present.

ADJOURNMENT: A motion to adjourn the meeting was then made by Ms. Mach and seconded by Mr. Herling. The motion carried 4-0. The Mayor adjourned the regular meeting of July 11, 2005, at 9:50 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 July 11, 2005.@

Judith F. Davis  
Mayor