



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held June 20, 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, Rodney M. Roberts, Edward V.J. Putens, and Mayor Judith F. Davis.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert A. Manzi, City Solicitor; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of resident Charles B. Farrell and former residents Corrine Merritt and Charles M. Cormack, Jr. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis asked to remove the minutes of the June 8, 2005, work session from the consent agenda. It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, May 16, 2005
- Work Session, May 18, 2005
- Work Session, May 31, 2005
- Work Session, June 1, 2005
- Regular Meeting, June 6, 2005
- Work Session, June 13, 2005

Approved as presented.

COMMITTEE REPORTS

Advisory Planning Board, Report #05-02 (Springhill Lake Conceptual Site Plan, Part I): Council accepted this report.

APPROVAL OF AGENDA: Mr. Roberts asked to add as item #20 "Appointment to Advisory Group." It was moved by Mr. Putens and seconded by Mr. Herling that the agenda be approved with that addition. The motion passed 5-0.

PRESENTATIONS

Oath of Office for Greenbelt Police Officer: Chief James Craze introduced Robert H. Dowling, III, who has recently returned to the Greenbelt Police Department, having served in Greenbelt from 1988-2001. Mayor Davis administered the oath of office to

Officer Dowling. Council welcomed him back to Greenbelt, and he expressed his appreciation to the City for having him back. Chief Craze said the City has 54 sworn officers at this time.

PETITIONS AND REQUESTS: None.

MINUTES OF COUNCIL MEETINGS: Mayor Davis asked to correct the work session minutes of June 8, 2005, to reflect that "speed humps," not "speed bumps," will be placed on Hanover Parkway. With that correction, it was moved by Mr. Putens and seconded by Mr. Herling that this set of minutes be approved. The motion passed 5-0.

ADMINISTRATIVE REPORTS

Mr. McLaughlin announced that the nursing program of Prince George's County Community College would start its participation in the in-home nursing activities sponsored by the Assistance-in-Living Program this year. He mentioned that a handout for the June 23 work session on the Springhill Lake Conceptual Site Plan had been distributed to Council tonight. Noting that Kap Kapastin of Beltway Plaza would be meeting with her and City staff on Wednesday afternoon to preview a preliminary plan for renovation of the shopping center, Mayor Davis suggested that an informational presentation be given at the Thursday work session as well.

Mr. Roberts and Ms. Mach had attended the public workshop on the Springhill Lake plan. Although only about ten people attended, in addition to the members of the Advisory Planning Board who were assisting staff, it was thought to be worth while that an opportunity was presented for citizens outside of Springhill Lake who might be interested.

In response to a query from Mr. Herling, Mr. McLaughlin said there was no additional information available on the Springhill Lake fire but that all the residents involved had been relocated.

Mr. Putens reported having had a successful meeting in Denver of the steering committee of the Small Cities Council of the National League of Cities last week.

Mayor Davis attended a sixth-grade celebration at Greenbelt Elementary School on June 7. From June 15-20, she attended a meeting of the steering committee of the Energy, Environment and Natural Resources Committee of the National League of Cities in Anchorage. She noted that four Councilmembers would be attending the Maryland Municipal League annual conference in Ocean City next week, at which Greenbelt would receive an Award of Excellence for the Assistance-in-Living Program.

LEGISLATION

An Ordinance to Amend Chapter 11, "Motor Vehicles and Traffic," of the Greenbelt City Code for the Purpose of Increasing the Fine for Various Violations of This Chapter, Effective July 1, 2005

Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for second reading and moved its adoption. Mr. Herling seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1253, Book 12).

A Resolution to Repeal Resolution Number 973 and Establish Service Charges for Garbage, Trash, and Recycling Collections in the City of Greenbelt, Maryland, Effective July 1, 2005

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for second reading and moved its adoption. Ms. Mach seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 982, Book 12).

An Ordinance to Make a Supplemental Appropriation in the General Fund for the Fiscal Year Ending June 30, 2005, in the Amount of Five Hundred Thousand Dollars (\$500,000) for Additional Expenditures over the Appropriated Amount

Mayor Davis read the agenda comments. Mr. Roberts introduced the ordinance for first reading and moved suspension of the rules in order to allow second reading and passage of the ordinance tonight. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

Mr. Roberts introduced the ordinance for second reading and moved that it be adopted. Mr. Putens seconded the motion.

In response to a question from Ms. Mach, Mr. McLaughlin explained that the accounting period ends on June 30. Nonetheless, some tax revenues are credited after that, and

bills accrued prior to July 1 continue to be charged to that fiscal year during the first part of July.

Mr. McLaughlin also confirmed for Mr. Roberts that there was still a \$30,000 balance of funds received from Mr. Peters that was available for use.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1254, Book 12).

An Ordinance to Make a Supplemental Appropriation in the Community Development Block Grant Fund for the Fiscal Year Ending June 30, 2005, in the Amount of One Hundred and Fifty Thousand Dollars (\$150,000) for Additional Project Expenditures over the Appropriated Amount

Mayor Davis read the agenda comments. Ms. Mach introduced the ordinance for first reading and moved suspension of the rules in order to allow second reading and passage of the ordinance tonight. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

Ms. Mach introduced the ordinance for second reading and moved that it be adopted. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1255, Book 12).

An Ordinance to Make a Supplemental Appropriation in the Replacement Fund for the Fiscal Year Ending June 30, 2005, in the Amount of Seventy Thousand Dollars (\$70,000) for Additional Replacement Fund Expenditures over the Appropriated Amount

Mayor Davis read the agenda comments. Mr. Herling introduced the ordinance for first reading and moved suspension of the rules in order to allow second reading and passage of the ordinance tonight. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

Mr. Herling introduced the ordinance for second reading and moved that it be adopted. Mr. Putens seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1256, Book 12).

An Ordinance to Make a Supplemental Appropriation in the Special Projects Fund for the Fiscal Year Ending June 30, 2005, in the Amount of Twenty-Nine Thousand Dollars (\$29,000) for Expenditures over the Appropriated Amount

Mayor Davis read the agenda comments. Ms. Mach introduced the ordinance for first reading and moved suspension of the rules in order to allow second reading and passage of the ordinance tonight. Mr. Herling seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

Ms. Mach introduced the ordinance for second reading and moved that it be adopted. Mr. Herling seconded the motion.

ROLL CALL:

Mr. Herling - yes
Ms. Mach - yes
Mr. Putens - yes
Mr. Roberts - yes
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1257, Book 12).

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 first reading. There was brief discussion of when other election-related items should be returned to the agenda. It was agreed to discuss this further following one of the work sessions next week.

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 first reading.

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. Mr. Putens introduced the resolution for first reading.

Mr. Herling asked Mr. Manzi to give the public a brief explanation of what a tax increment financing district (TIF) is. Mr. Manzi described it as a return of taxes for the purpose of making public improvements, used by governments as a tool for economic development. In this case, he said, it is to encourage commercial and residential development that eventually will be of greater value to the county than the amount of the tax break. Mayor Davis asked if this is a common procedure. Mr. Manzi said it is, and it involves no risk to the public. Mayor Davis added that it was part of the City's agreement with the Greenbelt Station developers that the City would support their request for a county TIF.

RPC ZONING REGULATIONS: The Mayor read the agenda comments. Mayor Davis asked Celia Craze, Director, Planning and Community Development, to clarify the changes that had been made in the second staff version of County Councilmember Peters' proposed revision to the bill. The primary change was to exclude Marlton by stating that the amendment would apply only to areas within municipalities. Ms. Craze noted that this would also exclude the Furry property, which is in the RPC zone but not within the City limits.

Mayor Davis asked if the Detailed Site Plan (DSP) requirement would still apply to new construction in, for example, Woodland Hills. Ms. Craze said it would apply in Woodland Hills but not in Boxwood. She added that the required permit for Boxwood would be reviewed on the same basis as a DSP in Woodland Hills, with the difference being who reviews it. She emphasized that the DSP process is more complicated, but there is no

reason to think the end-result is different. The Mayor went on to clarify that Greenbelt East subdivisions such as Greenspring I and Windsor Green, like Boxwood, are required to apply for permits but not to submit DSPs. Ms. Craze went on to say that the purpose of a DSP was for new development. She said it is essentially a macro-process through which one can look at the whole picture and see how the various pieces fit together. She said it was never intended to be used to govern additions to single-family houses.

Mr. Roberts made a motion that the City Council support the proposed legislation and transmit it to County Councilmember Peters with a request that the City's proposed legislation, as amended, be substituted for Mr. Peters' original corrective legislation, which applied only to GHI. Mr. Putens seconded the motion.

In response to a question from Ms. Mach, Ms. Craze clarified that "single family house" referred only to the usage of the structure, not the ownership form.

Mr. Herling asked what the City's role would be if the amendment were adopted. Ms. Craze said it would be the same as it has been for the last 17 years in terms of permitting. She said there is really no role for subjective opinion within zoning review and that if there are concerns regarding the aesthetics of additions to houses, these would be better addressed through historic district status, not the zoning ordinance.

Susan Barnett, 51C Ridge Road, spoke to say that in general she would like the City to take a stronger stand regarding "green" development throughout Greenbelt.

Mayor Davis said she would support the staff revision of the amended bill but that she wanted to put it on the record that she was concerned about the proliferation of additions everywhere, as well as with the potential for rebuilding new, larger structures on old lots, as had occurred elsewhere in the metropolitan area. She said she thought the City should be concerned about this and also concerned about the fact that it has no tools with which to handle these situations. She told the GHI members present that she appreciated their patience with answering all of her questions about their review process and criteria. Nonetheless, she said, "Be careful of what you ask for," since the responsibility was now all on GHI. She listed the following issues she thought GHI should deal with: the long-range impacts on parking, the visual constraints of multiple additions in the same row, storm water management, green space, common areas, and trees. She also suggested that GHI should compile information on all additions that had been put on. She said she also hoped GHI would improve the process of informing residents that county and City permits had to be acquired for certain types of work, since she was concerned that some of these things were caught after the fact. She said she was also concerned about increased run-off of water to Greenbelt Lake.

Mr. Roberts said he hoped the Mayor's statement of her reservations and this discussion would translate into support for establishing a county historic district, which was what he wanted to see achieved.

Ms. Mach said that as a former GHI member who moved to a larger townhouse to have room for her family, she had "faith in the cooperative model and in the GHI membership," as well as in the "democratic process."

Mr. Herling said he shared many of the Mayor's concerns but was also very concerned with keeping families in GHI and in Greenbelt.

Mr. Putens said he, too, was a GHI member who had faith in the membership and the board. He said that he also had faith in the Architecture and Environment Committee, however, and he hoped that everyone could move on beyond the disagreement. He concurred that looking at design issues rather than zoning issues meant looking into historic district status. He said he was also concerned with the idea that a neighbor in GHI could veto a request for an addition and thought there should be an established appeals process.

When the vote was taken, the motion passed 5-0.

PROPOSED AMENDMENT TO COUNTY'S METRO PLANNED COMMUNITY APPROVAL REQUIREMENTS RELATED TO GREENBELT STATION (CB 36-2005): The Mayor read the agenda comments. Ms. Craze clarified that this amendment would apply only to uses being developed under the "Metro Planned Community," which at this time included only Greenbelt Station. She said this was an attempt to provide the developer a mechanism to demonstrate adequacy of facilities through the conceptual site plan process. It does not address the test in the adequate public facilities ordinance, which is addressed at the stage of the preliminary plan of subdivision. She said the facilities test was designed to assure that the facilities would be in place by the time there would be a need or demand for them. She said the Greenbelt Station project contains an extensive list of road improvements required, ranging from adding turn lanes at Cherrywood Lane and Greenbelt Road to the full beltway interchange. She said that the timing of when Greenbelt Station can develop will be governed by two conditions: that the approval for the conceptual site plan cannot be given until the funding is guaranteed; and that until the interchanges exist, only a designated number of square feet of the project can be developed. Ms. Craze reiterated that Council did not agree to support this legislation as part of the agreement with Metropark. Mayor Davis got further clarification from Ms. Craze that if the City were to take no position, it would not place any impediment in the way of the developers to fulfill the conditions of the agreement.

Mr. Manzi said the best way to think of this amendment is that it is the way around the argument the City won in court. The judge found the law did not allow the developers simply to promise to make the improvements if other funding was not forthcoming. This is a way to allow them to move forward in the planning process without those guarantees. He said they will still have to meet the adequate public facilities test at the preliminary plat stage.

Mr. Herling asked if the only focus of transportation facilities in this context related to car traffic. Ms. Craze said the impact of increased vehicle traffic could be discounted by improved pedestrian or public transportation methods.

Norman Rivera, representing the developers, said the amendment is intended to answer the court's issue of whether the guarantees are there. He said it provides for them to put up certain percentages of funding for specific purposes. He introduced his colleague, Marva Jo Camp, who explained that the purpose of the amendment was

solely to let them get through the process of making the appropriate guarantees so they could move on to the substance of the plans for the project.

It was agreed to bring this item back on the July 11 agenda. There was not consensus on whether to support the amendment or to take no position. Mr. Roberts indicated his preference to oppose it

APPOINTMENT TO ADVISORY GROUP: It was moved by Mr. Roberts and seconded by Ms. Mach that Tatiana Ausema be appointed to the Arts Advisory Board. The motion passed 5-0.

MEETINGS: Council reviewed the schedule of upcoming meetings.

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 June 20, 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 June 20, 2005.

Judith F. Davis
Mayor