



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held March 28, 2005.

Mayor Davis called the meeting to order at 8:01 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; John F. Shay, Jr., 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 Arlene Vivian Souser. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: Ms. Mach asked to remove the minutes of the regular meeting of March 14, 2005, from the consent agenda. Mr. Roberts asked to remove "Appointment to Advisory Group." It was moved by Mr. Putens and seconded by Ms. Mach that the consent agenda be approved with that change. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Work Session, March 7, 2005
- Interview, March 16, 2005

Approved as presented.

ADOPTION OF BOARD OF APPEALS RESOLUTION ON VARIANCE APPLICATION #04-004-V: The City Council adopted this resolution.

RESIGNATION FROM ADVISORY GROUP: The City Council accepted with regret the resignation of Laura Cain from the Park & Recreation Advisory Board.

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 - Proposed FY 2006 City Budget: Mr. McLaughlin presented his proposed budget for FY 2006. He said summaries were available for distribution now but that full copies would be ready in about a week. He commented that although traditionally both the City Council and Greenbelt residents had been strongly supportive of expanding services to meet new needs, this was one reason that the City now finds itself with expenses increasing more rapidly than revenues. He said the proposed budget includes a 6-cent property tax increase and reflects an increase in the real

property assessable base of 8.6%. He said the Fund Balance was reduced significantly by the end of FY 2004 and was projected to be further reduced by the end of the current fiscal year. The proposed tax increase will allow the City to begin reversing that trend. He described this as an "existing services budget."

Mr. Herling asked if there had ever been a tax increase at the level of 6 cents previously. There was discussion that there may have been at times of facility construction or renovation. Mayor Davis asked that residents communicate what is important to them and come out to participate in budget work sessions.

PETITIONS AND REQUESTS: Germaine Timmermans, 6907 Lady Anne Court, spoke to say that she has been attempting to get an organic recycling collection for Belle Point. She said the City does not collect refuse there and the nearest collection point is Brown Station. She asked if there could be a central collection point in the City. In response to a question from the Mayor, she further specified that she was referring to items like rotted firewood, flowers, and yard clippings. Mr. McLaughlin said the City collects those materials and with the use of paper bags can recycle them directly. He said perhaps the City could enter into an agreement with Belle Point to collect there and that he would have Public Works staff follow up. Mr. Putens said the company that services his association does yard waste removal and suggested that Belle Point could find other solutions as well.

MINUTES OF COUNCIL MEETINGS - Work Session, March 14, 2005: In the section on election issues, Ms. Mach asked to correct the reference to her question on the adequacy of signage to reflect the fact that she was referring to the City's signage to publicize the election, not to candidates' campaign signs. She made a motion that this set of minutes be approved with that correction. Mr. Herling seconded the motion, which passed 5-0.

ADMINISTRATIVE REPORTS

Mr. McLaughlin pointed out that in the February 21 issue of the National League of Cities' newsletter, the Greenbelt Assistance in Living Program received a favorable write-up as a "Small City Big Idea" program. In the same issue appeared an article on the NLC Small Cities Council, of which Mr. Putens is vice chair.

Mr. Moran said that HB 654 passed the House of Delegates on a 125-1 vote. The Mayor explained for the audience that this municipal planning and zoning bill is much weaker than the one the City has supported in past years but is a step in the right direction. Mayor Davis said Delegates Gaines and Menes deserve credit for its passage, and Mr. Moran noted there had been no opposition from the County Executive or Park and Planning this year.

Ms. Mach announced that the Senior Citizens Advisory Committee would be holding a brainstorming session on public transportation at their meeting on March 30 at 7:30 p.m. in the Community Center

Mr. Herling announced upcoming programs sponsored by the Recycling & Environment Advisory Committee: Earth Day on April 16, lake clean-ups on April 2, and electronic recycling on April 30.

Mayor Davis went to the Easter Egg Hunt at the Community Center this morning, which was well-attended despite the weather. She thanked the Recreation Department staff.

LEGISLATION

A Resolution to Authorize the City Manager to Purchase Electricity Through the Baltimore Washington Chamber of Commerce Electricity Cooperative Purchasing Program

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for first reading and made a motion that Council's Standing Rules be suspended to permit second reading and adoption at tonight's meeting. Mr. Putens seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

Ms. Mach then introduced the resolution for second reading and moved its adoption. Mr. Putens 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. 981, Book No. 8).

GREENBELT STATION - DRAFT DEVELOPMENT AGREEMENT - METROLAND DEVELOPERS, LLC: Mayor Davis announced that this topic would be dealt with on an informational basis tonight but that no action would be taken. She said she would read the prepared agenda comments but that Celia Craze, Director, Planning and Community Development, would update Council on more recent developments. Ms. Craze asked that this item be delayed until the developers' expected arrival at 9 p.m. Mayor Davis agreed to do so.

AWARD OF PURCHASE FOR STREET RESURFACING AND MISCELLANEOUS CONCRETE WORK: Mayor Davis read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Herling that the City Council authorize the City Manager to contract for the resurfacing and other miscellaneous work related to Lakecrest Drive, Prince James Way, and a portion of Springhill Drive with NZI Construction of Beltsville, for \$196,000. Mr. McLaughlin interjected to say the amount in the staff recommendation should properly have been stated "not to exceed \$206,000" rather than "\$196,000," and Mr. Putens and Mr. Herling accepted this modification to the motion. The Mayor asked about the driveway apron policy. Mr. McLaughlin said that it is operative but that in this instance the only homes that would be affected are those on Lakecrest Circle. The Mayor then called for the vote, and the motion carried 5-0.

CONTINUATION OF DISCUSSION OF METROLAND AGREEMENT: Ms. Craze provided an update on the information provided in the agenda comments. She said at the Council meeting two weeks ago, there was a draft agreement containing 49 items, which included such issues as environmental protections, required infrastructure, urban design guidelines, contributions for City services, and parkland dedication, and which covered almost all of the concerns Council had previously raised in reviewing the Conceptual Site Plan and preliminary plan of subdivision. The intention was to continue working with the attorneys to put the document into proper legal form in order that it could be acted upon tonight. As a result of that, she said some changes were made that she wished to draw Council's attention to:

In #8 of the revised draft, the City agrees to cooperate as required in the developers' efforts to pursue county Tax Increment Financing Districts (TIFs) and Special Taxing Districts (STDs) for the properties; this does not affect income to the City or have implications for any future discussion of City TIFs.

#51: Precludes legal action by the City on items covered by the agreement with which the project is in compliance, but it does not exclude other litigation. Language will be added applying the same terms to the developer where the City is in compliance.

#54: Sets forth the items to be covered by covenant. The intent, in part, is that purchaser/builders will be covered by these covenants though later end-users will not be. Ms. Craze asked that the developer go on record this evening to confirm that this is their understanding of the language and that it will apply to all builders and developers who come on board subsequent to the agreement.

Ms. Craze said staff also learned over the last two weeks that there are several existing contract purchasers on the property, but the City has been assured that the agreement will transfer to them. It was also found that there are at least two other parties with material interest in the project: another part of the Smith family and the Washington Metropolitan Area Transit Authority (WMATA). WMATA has expressed its very strong disapproval of the agreement and has particularly objected to the reduced density and the granting of site plan approval to a municipality that does not hold that authority by statute. Both Ms. Craze and Mr. McLaughlin have spoken with WMATA, as have the developers, but at this point, she said, the positions are "quite polarized." As a result, staff is recommending that no action be considered until after Metroland has been able to meet with WMATA.

Mayor Davis asked if the concerns expressed by Mr. Manzi at one point with #8 had been addressed, and Ms. Craze said they had. Regarding item #27, Ms. Craze responded that the language had subsequently been changed in order not to give an implication that any substation would be fully staffed, though some space and staffing would be committed. With regard to #33, Ms. Craze said that in the preliminary plan approvals, there was a condition that \$300,000 had to be committed to off-site recreation improvements. If this money may be invested in Greenbelt, it can be applied to the condition in this paragraph. On the other hand, if the District Council says the money must be spent elsewhere, then the developer is still liable for \$300,000 in improvements in the City.

Mayor Davis asked about problems Mr. Manzi had expressed with items #s 51, 53, and 54. Ms. Craze explained how these had been resolved, and she said language in #54 simply reflected the fact that WMATA was not an active partner at this time. Ms. Craze said it is not possible to compel WMATA to place a covenant on its own property, but she expected Mr. Colton would tell Council that once the sale takes place, Metroland will make the covenants.

Mr. Roberts asked about the status of the Detailed Site Plan (DSP) submitted last week by Metroland. He also said he still did not see anything in the agreement addressing his concerns with active recreation and particularly a ball field. He said he would not be able to vote for a plan that did not address the basic needs of the people who live there. Ms. Craze said they had not been able to address this yet, and she suggested a greater opportunity might exist in looking at a combination of Greenbelt Station and Springhill Lake for active recreational amenities for Greenbelt West, rather than looking at them as two separate projects. She said staff had just received the Conceptual Site Plan for the Springhill Lake redevelopment from AIMCO.

Mr. Herling asked for clarification on what was included for transportation. Ms. Craze said there is a commitment to the tram line that would be internal to Greenbelt Station and to discussions with Springhill Lake and Beltway Plaza regarding coordination throughout Greenbelt West.

Norman Rivera, representing the developer, confirmed they were in accord with the staff's review of the agreement and would be willing to go forward tonight, notwithstanding WMATA. He said they had a meeting scheduled with them to follow up on those two items on Thursday. With regard to the site plans that were filed, he explained that Fairfield, one of the apartment developer-builders, had done a pre-filing notice, which is now a requirement of the county prior to filing a site plan. A site plan was filed for the townhouses in the south core, but that will not be accepted until the Planning Board acts on the request for reconsideration. He said accompanying him were their corporate counsel, Mr. Brennan, and Sandi Gallagher and Danny Colton.

Mayor Davis said she would ask the question she assumed was at the top of everyone's mind, namely, why had the developers not worked with this out with WMATA before coming to the City? Daniel Colton, Metroland, said it was only a partially true characterization that they had not done so but that he would prefer not to go into detail about that. He said, however, that although their agreement with WMATA was called a joint development agreement, in fact Metroland has "an outright purchase of the site other than the station itself." As a result, Metroland has the absolute ability to purchase

the property and encumber it with covenants before doing anything else with it. He said Metroland believes it is in 100% compliance with its agreement with WMATA. He said the densities agreed to with Greenbelt were still above the minimum densities in the WMATA document. He said these matters would be discussed at a meeting on Thursday with WMATA but that, regardless of the outcome of that meeting, Metroland was ready to move forward. He said whether WMATA agrees or not, the covenants can go on after the land purchase.

In response to an earlier question raised by Ms. Mach, Mr. Colton said the other Smith relative had passed away several years ago, with the result that there would be commitments for funding to his estate from the project. He said there was no impact on the development process.

Mr. Roberts asked how they could have a Detailed Site Plan for the south core when they have no Conceptual Site Plan. Mr. Colton said it existed and had been shared publicly, so they went ahead and filed it. It will not be accepted as long as the reconsideration is not accepted.

Mr. Herling asked how much more density WMATA wants. Mr. Colton said he thought they must have been responding to numbers that had been circulated earlier and that he thought they would get over this issue. He said their more serious objection is to setting a precedent by giving DSP-approval to a municipality that does not have it by legislation. He said WMATA lives with it when it is by statute, but this is voluntary.

Mr. Putens asked how long it would be before Metroland purchased the property from WMATA. Mr. Colton replied 18-24 months.

Mayor Davis asked what the effect would be of having the agreement signed after other developers were contracted with for the south core. Mr. Colton replied that the covenants would apply to them.

Mayor Davis asked if anyone was present who wished to speak for the Citizens to Conserve and Restore Indian Creek (CCRIC). Lutz Rastätter, 27-D Parkway, reviewed a number of the points presented by CCRIC in a letter from Pat Blankenship dated March 25, 2005.

The Mayor then recognized Marc (Kap) Kapastin, representing Quantum Companies and Beltway Plaza. Mr. Kapastin complimented Ms. Craze on having produced a much-improved agreement. He said he considered it his duty to continue to protect the existing Greenbelt West retailers and that, in that regard, there was still a lack of justification for having retail development on both the south and north cores. He disagreed with the City's stance of relying upon CB 47, since, he said, the county ordinances are "leaky as a sieve." He cited a letter written by Ms. Craze on behalf of the City in 2000 pointing out the deficiencies of the ordinances and presenting Council's opposition to retail in the south core. Mr. Kapastin also brought up the City's prior criticisms regarding the need for an adequate traffic impact study, which he said in his opinion continued to stand.

Mayor Davis thanked Mr. Kapastin for his comments and said the City would review the suggestions for revision he had provided in writing on the agreement. She asked him

about the plans for the AMC 8 theaters. He said they are looking ahead to be competitive and want to invest in upgrading to a stadium format. He said he thinks it will be necessary to have more than eight screens there, even if AMC stays. Regarding the spaces vacated by PetSmart and the Sports Authority, he said he has a tenant for the former.

Mr. Herling asked Mr. Kapastin what, in general, he would like to see at Greenbelt Station. He said a town-center format and high-end retailers.

John Krouse, a member of the College Park City Council and resident of North College Park, said he had attended the interactive design meeting held by Metroland. He said College Park would be glad to see the project move forward but that more connection would be needed from the College Park side. He said there are probably 2,000 people living within a half-mile walking distance of the project.

Ms. Mach asked Mr. Colton what his conception of "upscale" was. He said it incorporated a number of factors, including both the income level and level of sophistication of the shoppers. He said they intend to have upscale retail anchor stores, which set a tone that is generally followed by the other stores, but that it was understood not to be a requirement placed upon every tenant of the facility. He said this was a point of departure with Mr. Kapastin, since they could not possibly promise that each individual store would be "upscale retail." Mayor Davis added that Council has had some concern that the county has been touting developments with "big box" components. Sylvia Lewis, 2-C Gardenway, also mentioned a high level of personalized service as an index to "upscale."

APPOINTMENTS TO ADVISORY GROUPS: It was moved by Mr. Roberts and seconded by Mr. Putens that the following individuals be appointed to City Council advisory groups:

Shawn Burke-Storer to the Arts Advisory Board

David A. West to the Senior Citizens Advisory Committee

Ginny Mudrock to the Forest Preserve Task Force.

The motion passed 5-0.

MEETINGS: Council reviewed the schedule of upcoming meetings. Mayor Davis noted that a stakeholder meeting with BARC would be due in July.

ADJOURNMENT: A motion to adjourn was made by Ms. Mach and seconded by Mr. Herling. The motion carried 5-0. The Mayor adjourned the regular meeting of March 28, 2005, at 10:30 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 March 28, 2005.@"

Judith F. Davis

Mayor