



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held May 9, 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, Rodney M. Roberts, Edward V.J. Putens, and Mayor Judith F. Davis.

ALSO PRESENT were Michael P. McLaughlin, City Manager; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk. City Solicitor Robert A. Manzi arrived at about 9:30 p.m.

Mayor Davis asked for a moment of silence in honor of residents Milton H. Powell, Jr., Linda Murphy, and Arvin Sharma; and former residents Richard A. Newkirk and Beverly Stone. She also asked to remember Gerald Glaubitz, former mayor of the Town of Morningside. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: The Mayor asked to remove item #13 (Transfer of Liquor License – Greenbelt Shell) from the consent agenda. It was moved by Mr. Putens and seconded by Mr. Roberts 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, April 18, 2005
- Work Session, April 20, 2005
- Regular Meeting, April 25, 2005
- Work Session, April 27, 2005

Approved as presented.

COMMITTEE REPORTS

Arts Advisory Board, Report #05-001 (Contribution/Recognition Group Applications): Council accepted this report and agreed to consider it at the May 11 budget work session for the Contribution Groups. Council further agreed to refer it to staff for review and recommendation to Council regarding the board's suggestion that one organization's Recognition Group status not be renewed.

Forest Preserve Task Force, Memorandum, 5/3/2005 (Update and Request for Direction): Council accepted this communication and directed the task force to proceed with its plan to solicit review from the other groups in order that this process can be completed by early summer. The task force will copy Council on the draft sent to the advisory groups and will provide the groups' comments when it submits its draft.

LOCAL GOVERNMENT INSURANCE TRUST (LGIT) – BOARD OF TRUSTEES BALLOT: The City Council authorized the City Clerk to respond affirmatively on the three candidates put forward for the LGIT Board of Trustees.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Douglas Mangum from the Youth Advisory Committee.

REAPPOINTMENT TO ADVISORY GROUP: Council reappointed Charles Jackman to an additional term on the Advisory Committee on Trees.

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

PRESENTATIONS

Advisory Committee on Education (ACE) Student Awards: The Advisory Committee on Education (ACE) presented its 11th Annual Student Awards Program. Mayor Davis introduced Eva Griffin, chair of ACE, who introduced the ACE members present, including Alla Lake, Kathy Lewis, Tim Wedig, LaShelle Ferguson, and Jeffrey Morissette. Dr. Griffin then introduced Senator Paul Pinsky, Delegates Anne Healey, Tawanna Gaines, and Justin Ross, County Councilmember Douglas J.J. Peters, and School Board Member José Morales. She went on to describe a number of the programs ACE runs throughout the year and the various gifts the ACE-award students would receive. Delegate Healey explained the Maryland State Delegate Award she would give tonight. The ACE award winners were:

Greenbelt Elementary School: Roberto Martinez and Tierra White

Springhill Lake Elementary School: Andikan (Victor) Eno and Kayla Greenhill

Magnolia Elementary School: Dominique Daniels and Kelly Le

St. Hugh's School: Wesley Hilliard and Megan Shaffer

Greenbelt Middle School: Elies Moumena and Shameika Willis

Eleanor Roosevelt High School: Zachary Yokel and Jou Waih (Jill) Lau

Delegate Healey presented a Maryland State Delegate Award to Eleanor Roosevelt High School student Ariela Haber.

Legislative Wrap-Up – 22nd District Delegation: Senator Pinsky gave an overview of this year's session, saying that in general it was a good year, with revenues from the

state up 12% from last year. He cited the municipal zoning bill as a modest success, together with the limitation of liquor store hours, which may aid in reducing crime. He said he believed the new development at the College Park metro station would benefit the whole district. He noted the so-called Wal-Mart bill, which would require any employer with 10,000 employees or more to contribute to health care; he said the governor would probably veto it, but he hopes to override the veto next January. He also noted the bills that provided a slight increase to minimum wage and enabled domestic partners' health decisions. He described the demise of the slots bill as a success and the downfall of the bill on stem cell research as a failure. Mayor Davis noted the City had supported the bill regarding sale of state parkland by the governor, which will be placed on the ballot in 2006. The delegates spoke briefly. Delegate Gaines commented on the success in getting the funding for Youth Services Bureaus line-itemed and funded again this year, and she expressed thanks to Greenbelt CARES Director Liz Park for her assistance. She noted that this meant that the YSBs would receive the same funding they had been receiving for the last 13 years. Mayor Davis also recognized Delegate Gaines and Delegate Menes for their work in marshalling the planning and zoning bill through. Delegate Ross spoke of the special taxing district for services bill and the bill regulating nudity in entertainment in establishments serving alcohol, on which the Prince George's Municipal Association (PGCMA) had taken the lead. Mayor Davis also thanked him for his work on the liquor store closing bill, which was also very important to PGCMA. Councilmembers thanked the delegation for all of their work this session and for attending the meeting.

Public Works Week - Proclamation: Mayor Davis read and presented to Kenny Hall, Director of Public Works, a proclamation recognizing May 15-21 as Public Works Week. She asked that he convey Council's appreciation to all the staff of the department.

Police Week and Peace Officers Memorial Day - Proclamation: May 15 is Peace Officers Memorial Day, and May 15-21 is National Police Week. Mayor Davis read a proclamation in honor of the occasion. Capt. Thomas Kemp accepted the proclamation on behalf of the Police Department. Mayor Davis asked him about recent awards at the 10th Annual Chiefs of Police Association meeting. Capt. Kemp said the department had several nominees and that George Matthews had been named Community Policing Officer of the Year for Prince George's County.

PETITIONS AND REQUESTS: Mayor Davis said she had received a petition in the mail from the residents of 13 Court Hillside Road asking that the City investigate a recent fire in the woods. She said this would be referred to the City Manager for appropriate follow-up.

ADMINISTRATIVE REPORTS: Mr. McLaughlin reported that Pet Expo was successful on Saturday.

Ms. Mach reported on attending a COG Air Quality Committee Meeting, the City's Celebration of Spring/Cinco de Mayo, the groundbreaking ceremony for the Friends School, the National Health Exam and Nutrition Open House, and the kick-off event for the Museum's fundraising for its NEH Challenge Grant.

Mr. Herling also commented on the Museum event and announced a children's triathlon to be held at Roosevelt Center on May 21.

Mayor Davis reported on speaking at a Career Day event at Springhill Lake Elementary. She thanked Public Works and Recreation for their work in presenting the Celebration of Spring/Cinco de Mayo event. She also attended the Friends School groundbreaking, an Artful Afternoon, and a Concert Band performance. On May 2, with PGCMA President Fred Smalls and Seat Pleasant Councilmember Johnie Higgs, she attended a budget work session of the County Council and spoke against the continued deletion from the county budget of the costs of notification of municipal elections by the county Board of Elections. She said the County Councilmembers present seemed surprised to learn this cut had occurred in FY 2005. She said she thought there was a possibility that these costs would be restored to the budget. She attended a meeting of the Greater Prince George's County Roundtable, the Health Exam open house, a banquet for graduating high school seniors in the informational technology academy, and the Berwyn Heights Day pancake breakfast.

BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAM: The Mayor read the agenda comments. In response to a question from Mr. Herling, Capt. Kemp explained that this use of mobile video cameras had become a fairly standard procedure and that Greenbelt was, in fact, a bit behind the times in implementing it. Mr. Roberts made a motion approving the submission of an application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$18,840, in support of the purchase of in-car mobile video cameras to be placed in patrol division supervisors' vehicles. Mr. Putens seconded the motion, which passed 5-0.

GREENBELT STATION - DRAFT DEVELOPMENT AGREEMENT - METROLAND DEVELOPERS, LLC: Mayor Davis read the agenda comments. Celia Craze, Director, Planning and Community Development, said that staff was prepared to recommend that Council approve the version of the agreement dated May 9, 2005. She said an attachment and exhibit were also provided to Council showing areas of negotiated parkland dedication, and these are now considered part of the agreement document. She said only several relatively minor changes had been made to the agreement since Council last saw it. These included a change in #14 to include reference to Attachment 1. She noted that at this point the City has negotiated about 14 acres of dedicated parkland in the south core.

In #29, which deals with environmental impacts, it was decided to reference a plan that was prepared for staff by Dewberry, dated February 2005, which will serve as the base for indicating areas of environmental impact in order to determine approaches of least impact. Ms. Craze clarified that this paragraph should now say "consistent with approved plans and the overall site development plan prepared by Dewberry, dated February 2005 and previously submitted to the City."

The other changes, numbered 60 through 62, were changes suggested by the City Solicitor following his review of the contract between the developer and WMATA. These are geared to protecting the City in the event that WMATA pursues site development outside the purchase agreement with the developer. Most importantly, in that circumstance, the City would reserve its right to appeal.

Mr. Manzi confirmed that Council's approval of the agreement tonight would be conditional upon the obtaining of all signatures. Then two timing issues apply: the

covenants must be recorded within 60 days, and the annexation must be requested within 60 days.

Mr. Manzi said the agreement is not perfect but that considering how many interests there are in this property, it is as good an agreement as it could be. He said the most important aspects are that the agreement gives the City control over any development to take place by this developer, as well as the right to annex the south core. He noted that the annexation was important because it too serves to give the City control over what happens there. The agreement gives the City approval on site plans and signs and, in general, much more authority than the City would otherwise have.

In response to questions from Mr. Herling, Ms. Craze reviewed some of the improvements between this version of the agreement and the one almost signed a year ago, as well as describing the transportation components of the agreement.

Ms. Mach reviewed some of the positive aspects of the agreement and thanked staff for its work. She asked Mr. Manzi to clarify whether the intent was still to hold the covenants for the north core in escrow. He confirmed that although covenants can be placed on the south core right away, those for the north core will have to be held in escrow until the developer owns the property. Daniel Colton, the developer, later explained that this was the reason item #61 was added to the agreement.

Mr. Roberts asked if his concern about providing a ball field had been addressed. Ms. Craze said it had not because there was no appropriate option on the available land. She said it was still staff's intention to address the overall need for fields in Greenbelt West by considering the Springhill Lake redevelopment as well. Mr. Roberts responded that the owner of Springhill Lake does not put a priority on ball fields either and that he finds any attempt to further increase the population of Greenbelt West without adequately providing for recreational needs "unconscionable" and inconsistent with Greenbelt's values. Moreover, he said, this will only cause more stress on existing facilities in the City. He said there was other land adjacent to the south core that might be purchased for this purpose. Mr. Roberts also said that he believed the City should be paying better heed to the issues the owners of Beltway Plaza continued to raise; otherwise, the plans might again be challenged by a lawsuit.

William Orleans, 2-A Eastway, asked why the City did not simply annex the land or take it by eminent domain. Mr. Manzi explained that eminent domain had to be for a public purpose and would also require that the City be willing and able to purchase the property, none of these conditions being true in the current circumstance. Mr. Orleans said he questioned whether adequate measures were being taken to protect the environment.

Kap Kapastin, representing GB Mall Limited Partnership, the owners of Beltway Plaza, said they were seeking a global resolution to the issues of Greenbelt Station, not the piecemeal approach being taken. He reviewed the additions they wanted to see to the agreement, as presented in a letter dated May 9, 2005, which had been provided to Council, including preserving the vitality of existing businesses; strengthening the "upscale retail only" requirement beyond existing county ordinances; avoiding redundant uses, such as supermarkets and movie theaters; requiring market research justifying the retail; requiring a meaningful traffic impact study, as well as other

suggestions. He added that they have filed both FOIA and MPIA requests for a copy of the WMATA contract. He said he would like to receive a copy of the draft covenants being circulated; Mr. Manzi said there was no problem with sharing that.

Mayor Davis said she appreciated Beltway Plaza's concerns, but that completing this agreement and having site plan approval will in the long run increase the City's influence on the nature of the project and the retail operations. She stressed the need for Beltway Plaza to continue to work with Greenbelt Station and Springhill Lake. Mr. Kapastin said although they understood that, they had hoped the City would take a more active role in intervening between its existing retail businesses and the developer.

Mr. Putens thanked Mr. Manzi, Ms. Craze, and Mr. McLaughlin for their work on this agreement. He noted that Council's original goal was to preserve the environment and that former Governor Glendening's purchase of land in the south core had been critical to that, as was the advocacy to that end of the Citizens to Conserve and Restore Indian Creek (CCRIC).

Mayor Davis also offered thanks to everyone. She said Mr. Roberts had described an issue of major concern to him but that for her the big issue was the environment. She said there was never any doubt that the Greenbelt Metro station would be developed. She said citizens had told the City that this piece of land must be kept safe; without this agreement, that land could be endangered. With the agreement, she said, Greenbelt has a say in what happens to it, and this agreement is far superior to the one the City nearly accepted a year ago. She added that she appreciated that Berwyn Heights and College Park were holding off on signing agreements until Greenbelt's was finalized.

Mr. Putens made a motion that Council approve the agreement dated May 9, 2005, with its attachment and exhibit, conditional upon signature by all parties and completion of the drafting of covenants. Ms. Mach seconded the motion. Mr. Roberts said he thought his position had been misrepresented, since his concerns were broader than the one issue. He added that he, too, had worked on the environmental piece of the project. When the vote was taken, the motion passed 4-1 (Roberts).

ADDITION TO THE AGENDA: At this time, Mr. McLaughlin asked to add an item to the agenda: a briefing by Ms. Craze on the Springhill Lake redevelopment. No objection was made.

BRIEFING ON SPRINGHILL LAKE REDEVELOPMENT: Ms. Craze distributed AIMCO's schedule for processing their Conceptual Site Plan, Preliminary Plan of Subdivision, and Detailed Site Plan for the redevelopment of Springhill Lake. She said staff met with David Douglas of AIMCO and Mike Watkins from DPZ to discuss their plans and the City's concerns. She said they have filed their Conceptual Site Plan with the county, and it has been accepted. They have scheduled a design charette for the middle of July for design professionals, primarily architects, to start designing different prototypes for the units to be built. Noting that this was a very "aggressive" processing schedule, Ms. Craze suggested that Council schedule a work session soon with AIMCO, since otherwise Council's first opportunity to discuss this may be at the charette.

Mr. Roberts said he thought it was important for Council to meet and take a position on this, since he was not comfortable with staff being put in a position of having to

negotiate ahead of Council review. There was considerable discussion of the limited scheduling possibilities. Eventually, it was agreed to attempt to schedule a work session prior to the executive session on May 25, to have an Advisory Planning Board report on the Conceptual Site Plan available at the June 20 meeting, and to schedule a second work session on Thursday, June 23.

APPLICATION FOR TRANSFER OF LIQUOR LICENSE – GREENBELT SHELL: Mayor Davis said she had removed this item from the consent agenda because there have been numerous robberies at this gas station, two of which have resulted in homicides. She asked if the license to sell beer and wine had contributed to the problems. Mr. McLaughlin suggested sending a letter to the liquor board similar to that sent regarding T.G. I. Friday's, which would take no position but express a concern. Mr. Roberts said he would go further in questioning whether any gas station should have a liquor license; he said he would support a motion to oppose the transfer. The Mayor suggested this should perhaps be raised as a county legislative issue rather than with regard to this one station. Ms. Mach suggested it might be an issue for PGCMA to consider, and Mr. Putens asked that it be added to the list for discussion with the City's delegation. It was moved by Mr. Putens and seconded by Ms. Mach that Council approve sending a letter that takes no position on the transfer but expresses a strong concern about activities at this particular station, as well as raising the issue of the appropriateness of alcohol sales at gas stations. The motion passed 5-0.

MEETINGS: Council reviewed the schedule of upcoming meetings and agreed to set dates to meet to discuss the AIMCO Conceptual Site Plan for Springhill Lake.

ADJOURNMENT: A motion to adjourn the meeting was then made by Ms. Mach and seconded by Mr. Putens. The motion carried 5-0. The Mayor adjourned the regular meeting of May 9, 2005, at 12:05 a.m. on Tuesday, May 10, 1005.

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 May 9, 2005.@"

Judith F. Davis
Mayor