



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, March 29, 2004.

Mayor Davis called the meeting to order at 8:03 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 to the City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in memory of residents James Down and Bridget Kelly and former resident Harry A. Grant. She then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis asked that the minutes of the regular meeting of March 8, 2004, be removed 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 carried 5-0.

Council thereby took the following actions:

MINUTES

- Work Session, March 1, 2004
- Legislative Dinner, March 10, 2004
- Interview Meeting, March 17, 2004
- Work Session, March 17, 2004
- Work Session, March 24, 2004

Approved as presented.

REQUEST FOR USE OF FACILITIES: Council approved waiving facility rental fees for Grad Night on Thursday, June 10, 2004.

ATTENDANCE AT SMALL CITIES COUNCIL STEERING COMMITTEE MEETING: Council authorized reimbursement of Councilmember Putens' expenses in representing the City at this meeting June 10-12, 2004.

APPOINTMENT OF MEMBERS OF THE FOREST PRESERVE TASK FORCE: Council appointed the following individuals to the Forest Preserve Task Force and directed staff to make the appropriate notifications to all the applicants: Keith Chernikoff, John W. Cooper, Paul Downs, Valerie Elliott, Susan K. Gregersen (Recycling & Environment Advisory Committee), Andrew Mangum (Youth Advisory Committee), Luisa F. Robles-Diaz de Leon, Marc Siegel (Park & Recreation Advisory Board), Susan L. Smithers, Robert B. Trumbule (Advisory Committee on Trees), and William H. Wilkerson (Advisory Planning Board).

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Amy Rutledge from the Recycling & Environment Advisory Committee.

APPOINTMENT/REAPPOINTMENT TO ADVISORY GROUPS: Council appointed William Holland to the Public Safety Advisory Committee and reappointed Veta Hurst to a new term on the Arts Advisory Board.

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

PRESENTATION – FY 2005 Budget: The City Manager presented his proposed budget for FY 2005. Mayor Davis announced that the first budget work session would be held on Wednesday night. She also introduced Berwyn Heights Councilmember Daithi Htun, who was in attendance. Mr. McLaughlin said the proposed budget should be available on the City's Web site by Wednesday and in printed copy by the middle of next week.

PETITIONS AND REQUESTS: Thomas X. White, 8 Woodland Way, said he understood that the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments (COG) would be taking a critical vote on the Inter-County Connector next week. He said he hoped the City's position had not changed and that it would be strongly articulated. Mr. Roberts said he had been representing the City at recent meetings of the TPB. He added that some members were coming over to a position of opposition because they saw that funding for the ICC would threaten other local projects.

MINUTES OF MEETINGS

Regular Meeting, March 8, 2004: Mayor Davis pointed out that Liz Murray's recognition at the ACE Educator Awards had been omitted from the minutes. With that amendment, it was moved by Ms. Mach and seconded by Mr. Herling that the minutes be adopted. The motion carried 5-0.

Executive Session of February 25, 2004: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, February 25, 2004, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in closed session at 8:10 p.m. in the Library of the Municipal Building 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 regarding pending litigation related to Greenbelt Station. Mr. Putens seconded the motion.

ROLL CALL: Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

Executive Session of March 17, 2004: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, March 17, 2004, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in closed session at 9:50 p.m. in the Multipurpose Room of the Community Center in accordance with Sections 10-508 (a)(1) and (8) of the State Government Article of the Annotated Code of Public General Laws of Maryland to consult with staff regarding pending litigation related to Greenbelt Station and to discuss appointment of individuals to a City Council advisory task force. Mr. Putens seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

Executive Session of March 24, 2004: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, March 24, 2004, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in closed session at 9:20 p.m. in the Multipurpose Room of the Community Center 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 and others regarding pending litigation related to Greenbelt Station. Ms. Mach 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 City had been notified of the availability of its new bus to replace the Greenbelt Connection. He added that a photo opportunity would be set up with County Councilmember Douglas Peters.

Mr. Herling said he had attended the dinner honoring Mary Linstrom and Chris Fleshman as Prince George's County volunteers.

Ms. Mach said she had attended a COG Air Quality Committee meeting and the county School Board hearing on school boundaries.

Mr. Putens said he and Ms. Mach had attended the annual Fire Department banquet, and he attended a meeting of the Skateboard Coalition.

Mayor Davis said she and Ms. Mach attended the county's Women's History Month luncheon. She also announced that information on the PGCMA Scholarships is available on the organization's Web site and will also be available in the City Manager's office. The deadline is April 30.

LEGISLATION

A Resolution for the Negotiated Purchase of Kennels for Use in the Greenbelt Animal Control Facility

Mayor Davis read the agenda comments. Mr. Herling introduced the resolution for second reading and adoption. Mr. Roberts seconded the motion. Upon a request from Ms. Mach, Keith Chernikoff reported that the site plan was approved by the Boxwood Civic Association with some caveats that should not present any problem for the City.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 970, Book No. 8).

PROPOSED SETTLEMENT OF GREENBELT STATION LITIGATION: Mayor Davis read the agenda comments. She said that Danny Colton, Norman Rivera, and Sandi Gallagher were present on behalf of the Metroland developers. Celia W. Craze, Director, Planning and Community Development, distributed a memorandum dated March 29, which she prepared at the City Manager's request to provide background on the WMATA wetland mitigation and the evolution of regulatory thinking since that time. She reviewed the history of the discussions between the City and the developers, noting that the discussions had continued while the litigation was in place and had recently been occurring daily. She added that if the City were to sign the settlement agreement, only

the current pending appeals would be settled. There would be no implications for any future actions. She said City staff was not attempting to represent the draft settlement agreement as one that addressed every concern of the City. She said it would definitely not satisfy everyone.

Ms. Craze reviewed changes in terms regarding density and the mandatory dedication of parkland. With regard to the impact of traffic on local roads, she said the developers would contribute \$100,000 to the roundabout at Cherrywood Lane and Metro Road, which WMATA had not been willing to contribute to. They have also committed to developing a tram system to connect the north and south cores. Regarding development of the failed mitigation site of 4.6 acres, she said this was a requirement of the MARC railroad station and underpass construction, and this site was selected because it was the only place for on-site mitigation. In lieu of this location, the developers would mitigate with a different two acres of wetland and another 4.6 acres of open space, or essentially two-and-a-half times the area of the failed site. She added that the City had also been concerned with impacts of the project on new wetlands, but that the new area of impact was now reduced to 0.9 acre. Ms. Craze went on to say that the idea of a closed mall had now been eliminated altogether. Under this agreement, the City had also been offered detailed site plan and landscape approval, which was a very significant concession.

Mayor Davis asked about the statement in the agreement regarding the Beltway interchange. Ms. Craze said the City was only stating that the developers had addressed the issues. Mr. Roberts objected, saying the City's position had been to public funding for an interchange that served only a private development. He said that contributing \$10 million of the \$40 million total cost did not satisfy that objection.

Regarding the failed mitigation site, Mr. Roberts pointed out that it was inappropriate for the City to approve moving it until a permit was issued and that until that time, it should be protected.

Mr. Herling reviewed the objections originally raised by Citizens to Conserve and Restore Indian Creek (CCRIC). Ms. Craze explained that no building is allowed on areas not already approved because of the 100-year flood plain. She said it is impossible to do the project without a connector road between the cores but that a study will be done in the process of filing environmental permits to see what affects the migratory paths, and the road will do as little damage as possible.

A presentation was made by the developers' traffic (Wes Guckert) and environmental (Eileen Straughan) consultants regarding the benefits the developers thought the projects would bring in both areas. Mr. Guckert said they thought the \$10 million they would provide for ramps was appropriate, since their estimate is that they would use 35% of the capacity of the ramps.

There was some discussion of the number of projected car trips in and out of the station on a daily basis, but these figures were not clearly established.

Mayor Davis asked who would pay for the tram. Mr. Guckert said it would originally be funded by the developer and then taken over by a master association. Mayor Davis

stressed the need to be sure this funding was guaranteed. There was discussion of whether this was strong enough, but Mr. Manzi said it was standard practice.

Regarding pedestrians and bicyclists, Mr. Colton said the design included biker-hiker paths and a pedestrian path from Springhill Lake.

In response to Mr. Herling's question about whether this qualified as a transit-oriented development, there was considerable discussion of the fact that the City's definition of the term is stricter than the state's. Ms. Craze said many improvements have been put in place over the original design, but if the project is not well site-planned, it will be just another high-density development. Mr. Putens remarked that this once again demonstrated the importance to the City of having site plan approval.

Patricia Blankenship, chair of CCRIC, said she saw many good improvements to the plan, but she reiterated the position that the failed mitigation site could be made to function. She said the salamanders could not work around the plan to build apartments on their breeding ground. She also pointed out that what is done at Springhill Lake to treat storm-water runoff will impact this site.

Mr. White said the plan is "not there yet" in terms of transit-orientation. He said he would have to rely on Ms. Craze that any number of the uncertainties could be taken care of at the site plan stage but that he thought language was needed to clarify that the justification for the beltway interchange had not satisfied all the steps to be considered acceptable. He said "addressing" concerns can mean either that the concerns have been satisfied or simply that they have been spoken to. He was concerned that this ambiguity could be used against the City later. He also expressed concerns about places where the agreement seemed to restrict future action by the City.

Mr. Manzi said the agreement did not limit the City for the future, and, in response to a question from the Mayor, Mr. Colton said he agreed with that.

Kap Kapastin, General Counsel for Quantum, said he spoke both on behalf of Beltway Plaza and also as a participant in the Greenbelt Metro Sector Planning Group and the focus groups on the Beltway interchange and the Neighborhood Conservation program. He asked Council not to vote on this agreement tonight and to keep the record open so that he could provide comments. He said there had not been enough time for public comment on the draft agreement. He quickly noted a number of his points: that the project is not transit oriented and that the need to build a beltway interchange to reach it is in itself a demonstration that it is not transit-oriented; that even the City had agreed that the developers' market study was flawed; that the City's agreement should bolster the intent of the county planning ordinances; that too much of the proposed retail overlaps with Beltway Plaza, Route 1, or Prince George's Plaza. He then spoke about Beltway Plaza's role in the community and its engagement with and support for City events.

Mr. Htun indicated he was not representing Berwyn Heights but was speaking as an individual and as a member of CCRIC. He said there were regional concerns, for example, the impact on the area's schools, increased traffic, increased pollution,

inadequate assurance of police coverage, and further damage to Indian Creek. He asked Council not to sign the agreement.

Keith Chernikoff, 210 Lastner Lane, said he was still concerned about traffic impact. He said he thought this development would eventually drive the expansion of Route 201. He said, "We don't need another highway. We have Greenbelt Road, the Beltway, and 295."

Doug Love, 3D Plateau Place, said as he saw it too many of the City's concerns were being "addressed" while not being satisfied.

Mayor Davis said Council could either make a decision or defer to a time certain. Mr. Roberts made a motion to refer the agreement to the Advisory Planning Board and place the matter on the agenda of the April 12 meeting. Ms. Craze said she could not guarantee the board could review it in that time frame. Mr. Herling seconded the motion.

Ms. Mach said she would rather hold a special meeting on this item next week. Mr. Roberts responded that Council had no obligation to move the item along at an "irresponsible clip" as it seemed to be doing. He said the citizens deserved every opportunity to review it and that he vehemently objected to expediting it for the developer rather than taking the time to consider it properly. Ms. Mach responded that she thought the matter would receive enough publicity to bring interested parties out by next week.

When the vote was taken on Mr. Roberts' motion, it failed on a 1-4 vote (Davis, Herling, Mach, Putens). Mr. Putens then asked the developers what their time schedule was. Mr. Colton replied that the schedule was created by the federal and state legislatures, but he believed they could hold the momentum through the first week in April. Mr. Putens then asked Mr. Manzi what the City would get if it won the appeals. Mr. Manzi replied, "Not site plan approval." He said the plans would simply be remanded to the county. Mr. Putens said he was not willing to sign anything tonight, but the site plan approval was so important that he did not want to delay too long. He said he found Ms. Mach's proposal to be a reasonable compromise. Ms. Mach then moved that a special meeting be held on April 7 at 8 p.m. to further consider the proposed agreement. Mr. Herling seconded. Mayor Davis asked staff to work with the developers to tighten the language in areas that had been mentioned, such as Beltway access, and to send a copy of the draft to College Park and Berwyn Heights. The motion passed 4-1 (Roberts).

HISTORIC DISTRICT GUIDELINES – BRIEFING AND REFERRAL: The Mayor read the agenda comments. Ms. Craze said now that the guidelines have been revised, it is necessary to go back to the original stakeholders for their review. She added that there has been an ongoing issue regarding the question of extending the county's zoning authority in the City via historic district status versus the potential benefits of that status. Mr. Roberts commented that the vast majority of residents of Greenbelt Homes, Inc. (GHI) had voted in favor of asking the City to continue to explore historic district status. He said he did not think the two interests had to compete. Ms. Craze said she disagreed and believed there was a conflict for the City in pursuing this status while at the same time attempting to wrest greater planning and zoning authority from the county. She said at this time staff was seeking Council's authorization to refer the

guidelines back to GHI and to the staff of Park and Planning. She said she saw no need to refer them to other property owners unless GHI endorsed them. She added that the credit for the revision went to Community Planner Terri Hruby. It was moved by Mr. Roberts and seconded by Mr. Putens that the revised guidelines be referred to GHI and Park and Planning. The motion passed 5-0.

AWARD OF PURCHASE - DUMP TRUCK – PUBLIC WORKS: Mayor Davis read the agenda comments. It was moved by Mr. Putens and seconded by Ms. Mach that Council approve the purchase of a Ford 550 chassis from Tyson's Ford of Vienna, Virginia, at a cost of \$28,012, plus transfer of the old dump body to the new chassis (\$2,500), a radio (\$800) and snow plow (\$3,500) bringing the total cost for the truck approximately \$35,000. The motion carried 5-0.

MEETINGS: Council reviewed the meeting schedule and agreed to consider the pending recommendation from the Employee Relations Board in executive session on March 31. Council also agreed to the City Manager's suggestion of attempting to schedule a work session with representatives of the Post Office on April 13 or April 14.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Ms. Mach. The motion carried 5-0. The Mayor adjourned the regular meeting of March 29, 2004, at 12:10 a.m. on March 30, 2004.

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 29, 2004.

Judith F. Davis
Mayor