CITY COUNCIL AGENDA

Municipal Building
Monday, November 26, 2018
8:00 PM

I. ORGANIZATION

1. Call to Order

2. Roll Call

3. Meditation and Pledge of Allegiance to the Flag

4. Consent Agenda - *(Items on the Consent Agenda [marked by *] will be approved as recommended by staff, subject to removal from the Consent Agenda by Council.)*

5. Approval Of Agenda And Additions

II. COMMUNICATIONS

6. Presentations

Youth Advisory Committee Report on National League of Cities Conference
Suggested Action: Arsalan Siddiqui, Youth Advisory Committee, Member, will be present this evening to provide a report on his recent experience at the National League of Cities Conference.

7. Petitions and Requests

Mr. Fred Gasper has indicated he will be attending the meeting to provide the Council with his suggestions for bicycling improvements for Hanover Parkway and Greenbelt East.

8. Minutes

*. *Regular Meeting, June 4, 2018
RM180604ba.pdf

*. *Regular Meeting, July 9, 2018

RM180709ba.pdf

*. *Special Meeting, July 22, 2018
SM180722.pdf
CMStatement180722.pdf

*. *Regular Meeting, August 13, 2018
RM180813ba.pdf

*. *Regular Meeting, October 8, 2018
RM181008rev.pdf

9. Administrative Reports

10. Committee Reports

III. LEGISLATION

11. An Ordinance to Amend Article I "In General" and Article II "Campaign Contributions and Expenditures" of Chapter 8, "Elections" of the Greenbelt City Code
Suggested Action: - 1st Reading

Reference: Ordinance

At the Council work session on September 17, 2018, Council and the Board of Elections recommended several changes to campaign contributions and expenditures of Chapter 8, Elections of the city code. In summary, the amendments are as follows:

Electioneering section will sets up a procedure whereby election judges, the City Clerk, and the Board of Elections may impose fees for violations.

Early Voting section will add the Municipal Center as an additional weekend polling place and also adds a week to the early voting period.

Campaign Finance Reports section will expand the campaign finance reporting requirements, as to subject matter and report format. They also provide for the payment of a $50 fee for every full or partial business day a report is filed late, and they require the Board of Elections to review reports for Code compliance.

Minor amendments are suggested throughout, intended to consolidate subject matter in and readability of Election Code sections. These changes are included in this ordinance.

Another amendment the Board would like to include, involves the composition of the Board of Elections. Because of proposed added duties, the Board members agreed that their number should be increased from five to seven. That change in City law would be made by amending Section 16(a) of the City Charter. These changes will be made by staff.

It is recommended the ordinance be introduced for first reading tonight.

Ord13xx_Chapter 8 Elections.pdf

12. A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article XI-E 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 16(a), Titled “Appointments” to Expand the Number of Members (Charter Amendment Resolution No. 2018-1)
Suggested Action: - 1st Reading

Reference: Resolution

At the Regular Meeting on November 13, 2018, the Council reviewed Board of Elections (BOE) Report #18-1 and considered modifying the size of the City’s Board of Elections Advisory Board. With that, the BOE itself had recommended changing its size, with the recent amendments to the Section 8 “Election”, of the City Code, that now requires additional responsibilities of the board. Council directed staff to prepare a Charter Amendment Resolution that would change the size of BOE from 5 to 7 members.

It's recommended that this resolution be introduced for first reading.

Charter Amend Res_Members.pdf

13. An Ordinance to Amend Chapter 5 of the Code of the City of Greenbelt, Maryland to add a new Chapter 5A, titled "Franchises and Permits for Wireless Telecommunications Facilities and to amend Chapter 18 of the Code of the City of Greenbelt by adding a new Division 6, "Minimum Requirements for Occupation of Rights-of-Way" to comply with Federal and State law - 1st Reading
Suggested Action: The Federal Communications Commission (FCC) recently enacted rules and regulations to provide for Small Cell installations. The new order sets rules and regulations for the placement of small cell facilities and severely limits occurrences in which a governmental authority can prohibit them. It also establishes "shot clocks" for when a Small Cell application must be acted upon by a local government. A Small Cell facility is defined as a structure mounted on an existing structure that is 50 ft. or less including the antennas, or are mounted on structures no more that 10 percent taller than other adjacent structures. The FCC also outlined provision for any fees that can be charged to Small Cell companies by governments for the use of Right-of-Ways. Provisions for the allowance of aesthetics requirements of the Small Cell are also included stating that those requirements can not be more burdensome than those applied to other types of infrastructure deployments. The new FCC ruling will go into effect early next year. City staff members have been working with legal counsel who specialize in telecommunications law and advise municipalities. Staff and legal counsel recommend amending Chapter 18 of the Greenbelt City Code in order to address any Small Cell applications that may be received by in the future.
Summary of FCC ruling.pdf
Small Cell Ordinance.pdf

IV. OTHER BUSINESS

14. Community Pledge Update
Suggested Action: At the Regular Meeting on November 27, 2017, Council referred this matter to CRAB. Council suggested that CRAB consider more inclusive language such as the addition of “ages and genders” to the second sentence. This recommendation came in

response to requests from the community.

The Pledge was originally drafted by the City's Community Relations Advisory Board (CRAB) and adopted by the City Council in 1997. Then in 2001, as part of the City's Peace and Non-Violence initiative, CRAB recommended the Pledge be modified and a revised Pledge was adopted by the City Council in 2001.

CRAB discussed this referral at several meetings and looked for ways to make the pledge more inclusive. CRAB discussed adding language to the "cultures, faiths and races" sentence to try and broaden the scope to include ages, gender, sexual orientation, abilities, etc. At the same time, CRAB recognized, and deliberated on, the challenges with trying to develop an inclusive Pledge that contained an exhaustive list of attributes covering every current and future group.

CRAB recommends the following modified Community Pledge be adopted by the City Council:

The strength of Greenbelt is diverse people living together in a spirit of cooperation. We celebrate all people. By sharing together all are enriched.

We strive to be a respectful community that is open, accessible, safe and fair.

Report 2018-2 Final.pdf

15. 2019 Legislative Program

Suggested Action: Each year in December, the Council holds a Legislative Dinner with the City's State and County representatives to present and outline the City's top legislative priorities. This dinner meeting will be held on Monday, December 17, 2018 at the Greenbelt Crowne Plaza.

Included in Council's packet is a proposed Legislative Program for 2019. Staff is recommending a short list of priorities under two categories to focus the attention and efforts of our legislators.

Three "Top" priorities are proposed. These are:

- Oppose Maryland's takeover and privatization of the B/W Parkway
- Block the Maglev Train Routes through Greenbelt and Prince George's County
- Greenbelt Road Streetscape Improvements

There are two "Other Priorities":

- Children living in Greenbelt Station should attend Greenbelt schools
- Increase M-NCPPC Funding for City Recreation Programs

The 2018 list of priorities was lengthy with a total of 17 items. Staff strongly suggests that the City's 2019 priorities be limited to a small number because it is better to present a concise, manageable package of initiatives to our State and County representatives. Based on Council's action on this item, staff will develop a booklet describing each item in detail and providing appropriate background materials. Staff will also email the summary to State and County legislators in advance of the dinner.

Council direction is sought. (DEM)

Fall Dinner Summary 19.pdf
Legislative Suggestions 10.17.17.pdf
Fall Dinner Summary 18.pdf

16. *Employee Special Holiday
Suggested Action: Since December 1969, the City Council has granted an extra holiday to classified employees during the holiday season. In some years, when Christmas has fallen on a Tuesday or Thursday, Council has assigned the holiday to create a four-day weekend. However, it should be noted that fixing the Special Holiday increases overtime expenditures by approximately $25,000 that were not approved in the adopted budget. This year, Christmas Day is Tuesday, December 25.

Otherwise, the holiday has been granted as a "floating day" that employees may use whenever they wish during the remainder of the fiscal year. Approving the Special Holiday as a floating day does not increase overtime costs.

It is recommended that Council grant the FY 2019 Special Holiday as a floating holiday to employees. A floating holiday allows employees with other faith traditions to use this holiday at other times of the year if desired.

Approval of this item on the consent agenda will indicate Council's approval to grant an extra floating holiday to City employees. (DEM)

17. *Internet in the Community Center
Suggested Action: At the Regular Meeting on October 8, Council discussed this discussed this item and voted to approve a motion by Councilmember Byrd. Mr. Byrd's motion to Council direct City staff to provide Wi-Fi access on the first floor of the Community Center at a cost of $2,000 for wiring and $1,000 for subscription.

While preparing the Minutes for the October 8 meeting staff discovered this motion did not receive a second and therefore was not a valid motion. This means the subsequent unanimous vote to approve the motion was also invalid.

Approval of this item on the consent agenda will approve the motion listed above. (DEM)
RM181008rev.pdf

18. Council Activities

19. Council Reports

V. MEETINGS

Meeting
meetings.pdf

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: Presentations
Agenda Section: Presentations

Subject:
Youth Advisory Committee Report on National League of Cities Conference

Suggested Action:
Arsalan Siddiqui, Youth Advisory Committee, Member, will be present this evening to provide a report on his recent experience at the National League of Cities Conference.

Attachments:

Agenda Item No:

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department:
Item Type: COMMUNICATIONS
Agenda Section: Petitions and Requests

Subject:
Mr. Fred Gasper has indicated he will be attending the meeting to provide the Council with his suggestions for bicycling improvements for Hanover Parkway and Greenbelt East.

Suggested Action:

Attachments:

Agenda Item No:*

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: Meeting Minutes
Agenda Section: Minutes

Subject:
*Regular Meeting, June 4, 2018

Suggested Action:

Attachments:
RM180604ba.pdf

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, June 4, 2018.

Mayor Jordan called the meeting to order at 8:07 p.m. The meeting was held in the Council Room of the Municipal Building.

Present were Councilmembers Colin A. Byrd, Leta M. Mach, Rodney M. Roberts, Judith F. Davis, Silke I. Pope and Mayor Emmett V. Jordan. Councilmember Edward V. J. Putens arrived late.

Staff members present were Nicole Ard, City Manager; David Moran, Jeff Williams, City Treasurer; Assistant City Manager; Jason Deloach, City Solicitor and Bonita Anderson, City Clerk.

Ms. Mach led in the pledge of allegiance to the flag. Mayor Jordan asked for a moment of silence.

<u>CONSENT AGENDA</u> – It was moved by Ms. Davis and seconded by Mr. Putens to remove the meeting minutes of 9/11/17 from the consent agenda. The motion carried 6-0.

Council thereby took the following actions:

<u>Support of Community Investment Tax Credit for Old Greenbelt Theater:</u> Council was in support of the application.

<u>APPROVAL OF AGENDA</u> – It was moved by Ms. Davis and seconded by Ms. Mach that the agenda be approved. The motion carried 6-0.

<u>PRESENTATIONS:</u>

<u>Chesapeake Bay Awareness Week Proclamation</u>: Mayor Jordan read the agenda comments.

<u>Small Cities Month Proclamation:</u> Mayor Jordan read the agenda comments. Ms. Pope spoke about the City.

<u>PETITIONS AND REQUESTS:</u>

Michael Hartman asked that the Council consider changing the name of the petition and requests section of the agenda. He also expressed his appreciation for the new solar panels on the roof of the Spring Hill Lake Recreation building.

Bill Orleans requested a copy of the admissions policy for Green Ridge House. Mayor Jordan's response to Mr. Orleans's request was that the City has responded to him on several occasions by mail. Ms. Davis asked Ms. Ard to obtain the policy from Green Ridge House for discussion at the Green Ridge House Admission Work Session.

John Drago requested that the City move forward with the City Public Art Project.

Minutes of Council Meetings: None

ADMINISTRATIVE REPORTS

Ms. Ard gave notification of the retirement of K-9 Brett, who has since passed away. She expressed her gratitude for all who participated in activities and events during the Greenbelt Day Weekend. Ms. Ard indicated that Ms. Palau submitted all the necessary information for the activities for Small Cities that was a part of the Council's goal setting.

Mr. Byrd mentioned the article from Fox5 News in recognition of Greenbelt Officer Hawkins, who rescued a turtle during a rain storm.

Mayor Jordan asked about the status of the renovation of the council chambers. Ms. Ard stated that the PEG funds were used towards the renovation of the Council Chambers, which is almost complete.

It was moved by Mayor Jordan to special order item #13 County Legislative CB-4-2018. It was seconded by Mr. Byrd. The motion carried (5-1) Mr. Roberts. Ms. Rosenthal and Ms. Stewart presented to the Council a petition on behalf of the Greenbelt Climate Action Network (GCAN) requesting that the City support CB-4-2018. CB-4-2018 would establish a Fair Election Fund to provide public financing for County Executive and County Council candidates. CB-4-2018 is voluntary and it would limit the contributions a participating candidate could receive, to small donations from County residents. Ms. Rosenthal, along with members in the audience, is in support of the legislation. Ms. Davis, who is in support of the bill, asked where the funds will come from. Details are broken down in CB-4-2018. Ms. Stewart and the Sierra Club are in support of the bill. Mr. Byrd expressed his appreciation for the support of the bill, which will alleviate developers funding of candidates. The State Board of Elections will monitor the program. All contributions would need to be disclosed by all candidates. Residents are seeking support from County Councilman Turner. It was moved by Mr. Byrd and seconded by Ms. Davis to support the County Legislation CB-4-2018. The motion carried 6-0.

It was moved by Ms. Mach to special order the rest of the agenda until the arrival of Mr. Putens. It was seconded by Ms. Davis. The motion carried (4-2) Mr. Byrd and Mr. Roberts.

Approval of Joint Use Agreement: Agenda comments were read by Mayor Jordan. It was moved by Ms. Davis and seconded by Ms. Pope. The motion carried 6-0.

MAGLEV Letters: It was moved by Mr. Byrd to send a letter asking School Board Member Lupi Grady and County Councilmember Todd Turner to sponsor a resolution opposing the MAGLEV project and to the Congressional Delegation Hoyer, Cardin and Van Hollen to oppose transportation funding towards the project. Ms. Pope seconded the motion. Ms. Davis stated that she is in favor of the motion. Ms. Mach stated that the letter should be sent to the entire School Board. It was moved by Mayor Jordan to divide the question and to send letters to the

School Board and County Council. It was seconded by Ms. Davis. The motion carried (5-2) Mr. Roberts and Mr. Byrd. All were in favor of sending a letter to the School Board and County Council. There was additional discussion about the specific description of the Congressional letter. The motion carried (6-1) Mayor Jordan.

<u>FY2019 Budget Adoption:</u> Agenda comments were read by Mayor Jordan.

Mr. Roberts had a concern with the FY2019 Budget which reflected that Animal Control will be under Planning and Community Development and their budget funding would be under Public Safety. Ms. Ard noted that the current Animal Control structure of staff budgeted in Public Safety yet operating as a division of the Planning Department has been in place for several years, yet would transition to be reflected within the Public Safety budget in the Police Department during the fiscal year, as Council requested during the budget process. The majority of the Council would like for Animal Control to be under Public Safety. All were in favor except for Ms. Pope.

It was moved by Mr. Byrd and seconded by Mr. Roberts to restore the $4,500 for the UMC shuttle bus in the budget. Council discussed the motion. The motion failed (3-4) Mr. Putens, Ms. Mach, Ms. Davis & Ms. Pope.

Mr. Putens suggested the implementation of security cameras to help with crime reduction at Schrom Hills Park. Ms. Ard clarified that this is a phased in process. PSAC proposed a plan to the Council about the security cameras.

<u>ADOPTION OF THE BUDGET</u>: Mayor Jordan read the agenda comments.

Mayor Jordan moved the following changes to General Fund Revenues. Ms. Davis seconded. The motion carried (vote 6-1) Mr. Putens.

General Fund Revenues

Account	Description	From	To	Change
Other Taxes	Highway User Revenue Increase	$4,278,900	$4,313,400	$34,500
Intergovernmental	State Aid for Police Protection decrease	1,068,600	1,053,600	(15,000)
	Total General Fund Revenue	**$29,862,200**	**$29,881,700**	**($19,500)**

Ms. Davis moved the following changes to General Fund Expenditures – Administration, Finance & Administrative Services and Information Technology. Ms. Mach seconded. The motion carried (vote 6-1) Mr. Putens.

General Fund Expenditures

General Government				
Account #	**Description**	**From**	**To**	**Change**
120-28	Health insurance reduction	$224,700	$221,700	($3,000)
140-01	Additional HR Staff (3/4 year)	614,700	685,900	71,200
140-28	Health insurance reduction	211,700	208,700	(3,000)
145-28	Health insurance reduction	170,900	167,900	(3,000)
190-01	Public Information Specialist from part-time to full-time ($28,000), and Camera Operator & Interpreters for Wednesday ($15,000)	132,700	175,700	43,000
	Total Administration	**$3,308,000**	**$3,413,200**	**$105,200**

Mr. Byrd moved the following changes to Planning and Community Development. Ms. Pope seconded. The motion carried (vote 6-1) Mr. Putens.

Planning & Community Development				
Account #	**Description**	**From**	**To**	**Change**
210-01	Allocate pay adjustment	$556,100	$581,100	$25,000
210-30	Transfer professional services to salaries	100,000	0	(100,000)
220-All	Transfer Community Development from Community Services	0	482,700	482,700
145-01	Allocate pay adjustment	$354,200	$369,200	$15,000
	Total Planning & Community Development	**$432,100**	**$939,800**	**$507,700**

Ms. Pope moved the following changes to Public Safety. Ms. Davis seconded. The motion carried (vote 6-1) Mr. Putens.

Public Safety				
Account #	**Description**	**From**	**To**	**Change**
310-28	Health insurance reduction	$2,729,800	$2,689,800	($40,000)
310-52	Police bicycles	74,000	80,000	6,000
330-All	Transfer to Animal Control	0	239,100	239,100

	from Community Services			
330-01	Add'l staff – Animal Control Supervisor (3/4 year)	116,400	180,200	63,800
	Total Planning	**$10,934,300**	**$11,203,200**	**$268,900**

Ms. Mach moved the following changes to Public Works. Ms. Davis seconded. The motion carried (vote 5-2) Mr. Putens & Mr. Roberts.

Public Works				
Account #	**Description**	**From**	**To**	**Change**
410-28	Health insurance reduction	$246,200	$257,200	($9,000)
440-28	Health insurance reduction	177,200	175,200	(2,000)
450-28	Health insurance reduction	199,000	197,000	(2,000)
470-06	Cleaning staff for theater	47,000	81,500	24,500
	Total Public Works	**$3,661,000**	**$3,682,000**	**$21,500**

Ms. Pope moved the following changes to Greenbelt CARES. Mr. Putens seconded. The motion carried (vote 5-2) Ms. Mach & Mr. Roberts.

Greenbelt CARES				
Account #	**Description**	**From**	**To**	**Change**
510-01	Reduce salaries expected to support change in organization	$557,000	$547,000	($10,000)
540-All	Transfer Community Development from CARES to Planning & Community Development	482,700	0	(482,700)
550-All	Transfer Animal Control to Public Safety	239,100	0	(239,100)
	Total Greenbelt CARES	**$1,975,000**	**$1,243,200**	**($731,800)**

Mr. Putens moved the following changes to Recreation & Parks. Mr. Roberts seconded. The motion carried (vote 5-2) Mr. Putens & Mr. Roberts.

Recreation & Parks				
Account #	**Description**	**From**	**To**	**Change**
610-28	Health insurance reduction	$180,400	$176,400	($4,000)
650-28	Health insurance reduction	128,700	126,700	(2,000)

660-28	Health insurance reduction	134,900	132,900	(2,000)
700-63	Indian Creek tree buffer	15,600	30,600	15,000
	Total Recreation & Parks	**$5,952,500**	**$5,959,500**	**$7,000**

Mayor Jordan moved the following changes to Miscellaneous. Ms. Mach seconded. The motion carried (vote 6-1) Mr. Putens.

Miscellaneous				
Account #	**Description**	**From**	**To**	**Change**
910-68	Increase contributions to Concert Band - $500, GEMS - $500, Greenbelt Soccer Alliance - $500, and Maker Space - $500	$86,300	$88,300	$2,000
	Total Miscellaneous	**$342,200**	**$344,200**	**$2,000**

Ms. Davis moved the following changes to Non-Departmental. Ms. Pope seconded. The motion carried (vote 4-3) Mr. Byrd, Mr. Putens & Mr. Roberts.

Non-Departmental				
Account #	**Description**	**From**	**To**	**Change**
990-33	Workers' compensation insurance decrease	$723,000	$653,000	($70,000)
990-58	Cancel University of Maryland shuttle	72,000	67,600	(4,500)
	Total Non-Departmental	**$902,000**	**$827,500**	**($74,500)**

Mr. Byrd moved the following changes to Fund Transfers. Ms. Pope seconded. The motion carried (vote 6-1) Mr. Putens.

Funds Transfers				
Account #	**Description**	**From**	**To**	**Change**
995-83	Increase Capital Projects Fund transfer for Dog Park	$800,000	$815,000	$15,000
	Total Fund Transfers	**$2,355,000**	**$2,370,000**	**$15,000**

Ms. Pope moved the following changes to Total General Fund Expenditures. Ms. Davis seconded. The motion carried (vote 6-1) Mr. Putens.

Total General Fund Expenditures				
	Description	**From**	**To**	**Change**
	Total General Fund Expenditures	**$29,862,200**	**$29,983,200**	**$121,000**

Committee Reports: None

LEGISLATION

An Ordinance To Adopt The General Fund, Building Capital Reserve Fund, Cemetery Fund, Debt Service Fund, Replacement Fund, Special Projects Fund, Green Ridge House Fund, Capital Projects Fund, 2001 Bond Fund, Community Development Block Grant Fund And Greenbelt West Infrastructure Fund Budgets For The City Of Greenbelt, Maryland, To Appropriate Funds And Establish Real Estate And Personal Property Tax Rates For The Fiscal Year 2019 Beginning July 1, 2018 And Including June 30, 2019: Mayor Jordan read the agenda comments.

Mr. Byrd introduced the ordinance for first reading and moved for suspension of the rules in order to allow second reading and passage of the ordinance tonight. Ms. Mach seconded the motion.

ROLL CALL:
Ms. Davis - Yes
Mr. Byrd - Yes
Ms. Mach - Yes
Ms. Pope - Yes
Mr. Putens - Yes
Mr. Roberts - Yes

Mr. Byrd introduced the ordinance for second reading and moved that it be adopted. Ms. Pope seconded.

ROLL CALL:
Ms. Davis - Yes
Mr. Herling - Yes
Ms. Mach - Yes
Ms. Pope - Yes
Mr. Putens - No
Mr. Roberts - Yes

Mayor Jordan, Ms. Davis, Ms. Mach, Mr. Byrd and Ms. Pope thanked the City Manager and staff, their colleagues on Council and citizens for their efforts throughout the budget process.

Ms. Ard thanked Council for its support throughout the budget process. On behalf of City employees, she thanked Council for its consideration of pay increases for employees in the proposed budget.
The ordinance was declared adopted (Ordinance No. 1360, Book 12).

Council Activities:

- Police Chiefs' Association of Prince George's County, Annual Awards Program, Bunker Hill Fire Station, Brentwood (Mayor Jordan, Ms. Davis and Ms. Mach)

- Greenbelt Day Weekend –
    - Indian Creek Trail Dedication, GES Mural Dedication, Naturalization Ceremony (Mayor Jordan, Ms. Davis, Ms. Pope, Ms. Mach and Mr. Putens)
    - Not for Seniors Only (Hide It, Lock It, Keep It) (Ms. Davis, Ms. Mach and Mr. Putens)
    - Greenbelt Concert Band (Mayor Jordan, Ms. Davis and Ms. Mach)
    - Public Works Open House (Ms. Davis, Ms. Mach and Ms. Pope)
    - Greenbelt Museum activities, Art Reception, Beech Tree Puppet Show (Ms. Davis)
    - Pet Expo (Mayor Jordan, Ms. Davis, Ms. Pope and Ms. Mach)

- Urban Land Institute Washington Technical Assistance Panel, Greenbelt Road Corridor Improvements (Mayor Jordan and Ms. Davis)

Council Reports: Councilmembers commented on their attendance at several events.

It was moved by Ms. Mach to appointment Kristen Stenson to the Arts Advisory Boards and seconded by Ms. Davis. Vote 7-0.

It was moved by Mr. Byrd that the Council send a letter to the Congressional Delegation about the HUD Rent Subsidy contract renewal. It was seconded by Ms. Pope. There was discussion about the process and the letter that was distributed to the residents of Green Ridge House. Vote (1-6) motion failed.

MEETINGS: Council reviewed the meeting schedule.

ADJOURNMENT: It was moved by Ms. Mach to adjourn the meeting. Mr. Putens seconded. The motion carried 7-0.

Mayor Jordan adjourned the regular meeting on Monday, June 4, 2018, at 11:14 p.m.

Respectfully submitted,

Bonita Anderson
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 4, 2018.

Emmett V. Jordan
Mayor

Agenda Item No:*

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: Meeting Minutes
Agenda Section: Minutes

Subject:
*Regular Meeting, July 9, 2018

Suggested Action:

Attachments:
RM180709ba.pdf

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, July 9, 2018.

Mayor Jordan called the meeting to order at 8:02 p.m. The meeting was held in the Council Room of the Municipal Building.

Present were Councilmembers Judith F. Davis, Colin A. Byrd, Leta M. Mach, Silke I. Pope, Rodney M. Roberts, Edward V. J. Putens and Mayor Emmett V. Jordan.

Mayor Jordan left the meeting at 10:19 pm for business travel.

Staff members present were David E. Moran, Assistant City Manager; Jeff Williams, City Treasurer; Terri Hruby, Planning Director; Todd Pounds, City Solicitor and Bonita Anderson, City Clerk.

Mayor Jordan asked for a moment of silence in honor of former Greenbelt residents Mary Carson and David Rowland and for the victims of The Capital Gazette shooting in Annapolis, Md.

Mayor Jordan led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Byrd and seconded by Ms. Davis that the consent agenda be approved. The motion carried 7-0.

Council thereby took the following actions:

Committee Reports:

Forest Preserve Advisory Board #2018-02 (Recommendation that the City of Greenbelt create a science fund for studying the Forest Preserve): Council accepted this report and will consider it on the agenda of a future meeting.

Park and Recreation Advisory Board #18-02 (Proposed Location for an Additional Dog Park in Greenbelt): Council accepted this report and will consider it on the agenda of a future meeting.

Approval of Recognition Group Certification for Greenbelt Racial Equity Alliance and Greenbelt Unplugged: Council accepted the certification.

Appointments to Advisory Groups: Council appointed Benjamin Friedman to the Advisory Planning Board and Consuella Harris to the Employee Relations Board.

Resignation from Advisory Group: Council accepted the resignation of Ema Smith and Selim Boukabara from the Youth Advisory Board.

APPROVAL OF AGENDA: It was moved by Ms. Pope and seconded by Mr. Putens that the agenda be approved. The motion passed 7-0.

PRESENTATIONS:

Lady Angels Basketball Team: Herbert Allen, Head Coach of the Greenbelt Lady Angels, and members of the team attended the meeting to express their gratitude for the City Council's support. The Greenbelt Lady Angels won the National Championship in Toronto, Canada and they have been involved with the international tournament since 2009. They would like to host their own games with other agencies in the City of Greenbelt. Mr. Byrd inquired about sponsorship opportunities for the team. Coach Allen stated that there is possible partnership with Landover Hills and that they are seeking funding from businesses. Coach Allen announced the upcoming game schedule for the month of August. There are videos of the Greenbelt Lady Angels Women's Basketball games on YouTube.

Parks and Recreation Month Proclamation: Mayor Jordan read a proclamation to recognize July as Parks and Recreation Month. Joe McNeal, Assistant Director of Facilities and Operations, received the proclamation and provided an overview of this year's summer recreation camps and programs.

Wave Cannabis, Medical Cannabis Dispensary: Mr. Tim Cook, Maryland State Resident Partner of Bethesda Biomedical, and Silvia Cuellar a representative of Wave Cannabis provided Council with their business plan. They are seeking a relationship with the City of Greenbelt. Wave Cannabis is one of two companies that was pre-approved as a medical cannabis dispensary in District 22. The medical cannabis program in Maryland is regulated by the Medical Cannabis Commission. There is office space zoned in Greenbelt. Mr. Cook informed the Council that they have identified a potential business location on Hanover Parkway. Council directed staff to setup a Work Session to discuss the business plan with Wave Cannabis.

Petitions and Requests:

Michael Hartman of Gardenway expressed his gratitude to the Council for their approval of the recognition group certification for the Greenbelt Racial Equity Alliance and Greenbelt Unplugged.

Tom Taylor and Lore Rosenthal, residents of Greenbelt, requested that the Council send a letter to the Prince George's County Council in support of adding two new zoning definitions in the category of composting.

Bill Orleans, a Greenbelt resident, requested that the Council schedule a Green Ridge House Admission and Retention Policy Worksession.

Minutes of Council Meetings: None

Administrative Reports: Mr. Moran updated the Council about the recent power outage that was due to the replacement of a transformer by Pepco. He expressed his gratitude to City staff and everyone who was involved with the Fourth of July event. Ms. Pope mentioned an issue with boats being on the lake during the fireworks display and stated that the Fire Marshal has the authority to impose a fine. Mr. Moran replied that he will follow-up with additional information about Ms. Pope's concerns. Mr. Byrd inquired about the appointment of a Police Chief. Mr. Moran replied that he will follow up with Council on the status of the Police Chief's appointment. Mr. Byrd also inquired about the status of when residents will be able to pay City bills online. Mr. Williams stated that he has signed an agreement a week ago and that online billing should be in place during this calendar year. Mr. Byrd also asked about the sharrow markings on newly paved Ridge Road. Mr. Moran will follow-up with Council. Mr. Putens inquired about the status of a potential attorney for the MAGLEV project and the status for moving forward. Mr. Pounds replied that they are in the process of moving forward.

LEGISLATION

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

Mayor Jordan read the agenda comments.

It was motion by Ms. Davis and second by Ms. Pope.

ROLL CALL:	Ms. Davis	-	Yes
	Mr. Byrd	-	Yes
	Ms. Mach	-	Yes
	Ms. Pope	-	Yes
	Mr. Putens	-	Yes
	Mr. Roberts	-	Yes
	Mayor Jordan	-	Yes

The resolution was declared adopted (Resolution No. 2060, Book 8).

An Ordinance to Amend Chapter 12, “Parks and Recreation” of the Greenbelt City Code in Order to Revise Section 12-17, “Membership” for the Purpose of Changing the Size of the Park and Recreation Advisory Board

Mayor Jordan read the agenda comments.

Mayor Jordan introduced the ordinance for first reading.

A Resolution To Repeal Resolution 2026 And To Establish Admission Fees And Pass Rates For The Greenbelt Aquatic and Fitness Center, Effective September 4, 2018

Mayor Jordan read the agenda comments.

Ms. Pope introduced this resolution for first reading.

OTHER BUSINESS

Zoning Text Amendment- Condominium Housing Proposal for 7010 Greenbelt Road: Mayor Jordan read the agenda comments. Mr. Roberts had some concerns about voting on the text amendment. Ms. Hruby stated that it would be premature to not move forward on the zoning text amendment and gave some insight on the zoning regulations. Mr. Byrd asked if this would prohibit the City from moving forward if the Council did not act. Ms. Hruby replied that the

City has a covenant over the land with the county, and that the City Council's approval is needed. It was moved by Ms. Davis that the Council support the revision to the covenant. It was seconded by Ms. Pope. The motion carried 6-1. (Mr. Roberts.)

CB-013-2018 - Proposed Comprehensive Zoning Ordinance Rewrite: Mayor Jordan read the agenda comments. It was moved by Ms. Davis to approve the draft letter and seconded by Ms. Pope. The motion carried 7-0. It was moved by Ms. Mach to direct staff to draft a letter related to the composting request by Mr. Taylor and Ms. Rosenthal. It was seconded by Ms. Pope. The motion carried 7-0.

GHI's Request for Joint Letter Requesting R-P-C Legacy Zone: Mayor Jordan read the agenda comments. It was moved by Ms. Davis to send the joint letter and seconded by Ms. Mach. The motion carried 7-0.

Mayor Jordan left the meeting at 10:19 pm for business travel. Ms. Davis chaired the remainder of the meeting.

Greenbrook Lake Improvement: Ms. Davis read the agenda comments. It was moved by Ms. Mach to give permission to Soltez to apply for the Wetlands and Waterways permit with Maryland Department of the Environment (MDE). It was seconded by Ms. Pope. Mr. Putens had some concerns about the project. The motion carried 6-0.

Maryland Municipal League 2019 Legislative Requests: Ms. Davis read the agenda comments. It was moved by Ms. Mach and seconded by Ms. Pope to discuss the City's priorities. Council had decided on the following three proposed priorities for the MML 2019 legislative requests:

- Prohibit retroactive utility billing
- Online sales tax for municipal government
- Local authority over vegetation management

The motion carried 6-0.

GFAC Notice of Award to Heartline Fitness: Ms. Davis read the agenda comments. It was moved by Ms. Pope to accept the proposal and seconded by Mr. Putens. The motion carried 6-0.

Council Activities:

- Police Candidate videos (Mayor Jordan, Ms. Davis, Ms. Pope, Mr. Putens and Mr. Byrd)
- The Federal Theatre and Greenbelt (Mayor Jordan, Ms. Davis and Ms. Mach)
- National League of Cities Summer Leadership Summit, Little Rock, Arkansas (Ms. Davis and Ms. Mach)
- Greenbelt July Fourth Summer Sing-Along (Ms. Davis, Mr. Byrd and Ms. Mach)
- Fireworks, Buddy Attick Park (Mayor Jordan, Ms. Davis and Ms. Pope)
- Meet and Greet, Police Chief Candidates (Mayor Jordan, Ms. Davis, Mr. Byrd, Ms. Mach and Mr. Putens
- GHI Board of Directors Meeting (Ms. Davis)
- Kitten Shower (Ms. Davis and Ms. Pope)

- Meeting with Bermuda Economic Development Corporation Executive (Mayor Jordan, Ms. Davis and Ms. Mach)
- Magic In The Attick, Children's performance (Ms. Pope)

Council Reports: None

MEETINGS: Council reviewed the meeting schedule.

ADJOURNMENT: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Putens. The motion carried 6-0. The Mayor Pro Tem adjourned the regular meeting of July 9th, 2018, at 10:50 pm.

Respectfully submitted,

Bonita Anderson
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 9th, 2018.

Judith F. Davis
Mayor Pro Tem

Agenda Item No:*

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: Meeting Minutes
Agenda Section: Minutes

Subject:
*Special Meeting, July 22, 2018

Suggested Action:

Attachments:
SM180722.pdf

CMStatement180722.pdf

OPEN SESSION OF THE GREENBELT CITY COUNCIL held Sunday, July 22, 2018, in the Library of the Municipal Building.

Mayor Jordan called the meeting to order at 1:00 PM.

PRESENT were Mayor Emmett Jordan and Councilmembers Judith Davis, Colin Byrd, Leta Mach, Silke Pope, Edward Putens and Rodney Roberts.

ALSO PRESENT were Nicole Ard, City Manager and Todd Pounds, City Solicitor.

Closed Session

Mayor Pro Tem Davis moved that Council enter into Closed Session in accordance with the General Provisions Article 3-305(b)(1) of the *General Provisions Article of the Annotated Code of Public General Laws of Maryland* to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals.

ROLL CALL:	Ms. Davis	-	Yes
	Mr. Byrd	-	Yes
	Ms. Mach	-	Yes
	Ms. Pope	-	Yes
	Mr. Putens	-	Yes
	Mr. Roberts	-	Yes
	Mayor Jordan	-	Yes

Mayor Pro Tem Davis announced that Council would not return to open session at the conclusion of the closed session.

Council entered into closed session at 1:05 PM.

Respectfully submitted,

Nicole Ard
City Manager

WRITTEN STATEMENT FOR CLOSING A MEETING OF THE GREENBELT CITY COUNCIL

Date: 7/22/18 Time: 1:05 Location: Gb Municipal bldg Library

Motion to close meeting made by: J Davis Seconded by: Lete Mach

Members voting to close meeting:

	Yes	No	Abstain	Absent
Mr. Byrd	✓			
Ms. Davis	✓			
Ms. Mach	✓			
Ms. Pope	✓			
Mr. Putens	✓			
Mr. Roberts	✓			
Mayor Jordan	✓			

STATUTORY AUTHORITY TO CLOSE SESSION (check all that apply):
This meeting will be closed under General Provisions Article, §3-305(b) only:

(1) [✓] To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals;

(2) [ ] To protect the privacy or reputation of individuals concerning a matter not related to public business;

(3) [ ] To consider the acquisition of real property for a public purpose and matters directly related thereto;

(4) [ ] To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

(5) [ ] To consider the investment of public funds;

(6) [ ] To consider the marketing of public securities;

(7) [ ] To consult with counsel to obtain legal advice on a legal matter;

(8) [ ] To consult with staff, consultants, or other individuals about pending or potential litigation;

(9) [ ] To conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(10) [ ] To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:

(i) the deployment of fire and police services and staff; and
(ii) the development and implementation of emergency plans;

(11) [ ] To prepare, administer, or grade a scholastic, licensing, or qualifying examination;

(12) [ ] To conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(13) [ ] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

(14) [✓] Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR <u>EACH</u> CITATION CHECKED ABOVE, <u>THE REASONS FOR CLOSING</u> AND <u>TOPICS TO BE DISCUSSED</u>:

§3-305(b) ( ) Personnel matter related to employee discipline, ~~[illegible]~~

§3-305(b) ( ) briefing on contract negotiations related to Movie Theater

§3-305(b) ( ) ____________________

This statement is made by Emmett V. Jordan
Emmett V. Jordan (Signature of Presiding Officer)

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING-NOT A PART OF THE CLOSING STATEMENT)

OFFICIALS ATTENDING CLOSED SESSION: [✓] BYRD; [✓] DAVIS; [ ] JORDAN; [✓] MACH; [✓] POPE; [✓] PUTENS; [✓] ROBERTS

STAFF/OTHERS PRESENT:

Nicole Ard

Todd Pounds

TOPICS DISCUSSED:

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES:

none

TIME CLOSED SESSION ADJOURNED: 3:05

PLACE OF CLOSED SESSION: Greenbelt Municipal Building Library

PURPOSE OF CLOSED SESSION: ______

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) ( ); ( ); ( ) ______

MEMBERS WHO VOTED TO CLOSE: [✓] BYRD; [✓] DAVIS; [✓] JORDAN; [✓] MACH; [✓] POPE; [✓] PUTENS; [✓] ROBERTS

SIGNATURE OF PRESIDING OFFICER: Emmett V. Jordan

Form Revised: 3/14/18

Begin in open work session

Note time: 1pm

Note if any informational items discussed:

____

____

____

____

TO MOVE INTO CLOSED SESSION

I move that Council schedule a Closed Session In accordance with Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of the Public General Laws of Maryland, a Closed Session of the Greenbelt City Council will be held on __________________, in the Library of the Municipal Building, at 7:30 pm to:

____

____

____

- Note that Council ***WILL NOT RETURN TO OPEN SESSION.***

Agenda Item No:*

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: Meeting Minutes
Agenda Section: Minutes

Subject:
*Regular Meeting, August 13, 2018

Suggested Action:

Attachments:
RM180813ba.pdf

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, August 13, 2018.

Mayor Jordan called the meeting to order at 8:00 p.m.

Present were Councilmembers Judith F. Davis, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan. Councilmember Colin A. Byrd arrived late. Councilmember Leta M. Mach was on travel.

Staff members present were David E. Moran, Assistant City Manager; Todd Pounds, City Solicitor; Dr. Luisa Robles, Sustainability Coordinator and Bonita Anderson, City Clerk.

Mayor Jordan asked for a moment of silence in memory of Greenbelt residents Stan Robinson, Andres Giovanni Peres, Mary McKinley and former resident Barbara Snyder Know.

Ms. Pope led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Ms. Davis to remove the minutes of the Work Session for January 3 and January 10, 2018. It was seconded by Mr. Putens. The motion carried 6-0.

Council thereby took the following actions:

Minutes of Council Meetings

Work Session, August 7, 2017
Work Session, September 18, 2017
Work Session, September 27, 2017
Work Session, October 2, 2017
Work Session, October 18, 2017
Work Session, October 30, 2017
Work Session, November 20, 2017
Work Session, December 6, 2017
Regular Meeting, December 11, 2017
Regular Meeting, January 8, 2018
Work Session, March 14, 2018
Work Session, March 19, 2018
Regular Meeting, March 26, 2018
Regular Meeting, April 9, 2018
Interview, May 2, 2018
Interview, June 4, 2018
Interview, June 20, 2018
Approved as presented.

Public Safety Advisory Committee Report #2018-01 (Greenbelt Cellular Phone Connectivity and Reliability): Council accepted this report and it will be considered on a future meeting agenda.

Anti-Harassment Policy: Council approved the policy.

Greenbelt Archive Project License Agreement 2018: Council approved the lease agreement.

Advisory Planning Board Resolution for Departure #18-004-DSDS: Council approved the application.

Release of Funds to Greenbelt Volunteer Fire Department and Rescue Squad: Council approved the release of funds.

Resignation from Advisory Group: Council accepted Ms. Fitzgerald's resignation from the Senior Citizens Advisory Committee.

Reappointment to Advisory Group: Council appointed Mr. Murray to a new term on the Forest Preserve Advisory Board.

APPROVAL OF AGENDA: It was moved by Ms. Davis and seconded by Ms. Pope that the agenda be approved. The motion passed 6-0.

PRESENTATIONS:

Zero Waste Week Proclamation: Mayor Jordan issued a proclamation recognizing September 3rd thru 7th, 2018 as Zero Waste Week. Dr. Luisa Robles, member of the Green Team's Zero Waste Circle, received the proclamation and spoke about upcoming events.

American Red Cross Disaster Preparedness Presentation: Ms. Candice Covin, Disaster Program Manager with American Red Cross, provided the Council with an update on the recent fire at the Franklin Park apartments and the status of the displaced residents. Ms. Covin also spoke about procedures that protect against similar disasters and about installing free smoke alarms that have a 10-year life cycle.

Petitions and Requests

Claudia Jones of Laurel Ridge Road requested that the Council consider implementing Senior Housing or Nursing Homes instead of condominiums and townhomes. She also inquired about the timeliness of the APB meeting minutes being posted to the City's website. Mr. Pounds replied to Ms. Jones stating that the error has been corrected.

Minutes of Council Meetings

Minutes of Work Session for January 10, 2018: Ms. Davis requested that the following modification be made to the minutes. On page 1, reads "Ms. Mach was on travel & Ms. Pope was unable to attend." and should read "Ms. Davis was on travel & Ms. Pope was unable to attend." With this change, it was moved by Ms. Davis and seconded by Mr. Putens that the minutes be approved. The motion carried 7-0.

Minutes of Work Session for January 3, 2018: Ms. Davis request that the minutes be held until they receive page 2, which was missing.

Statement for the Record – Closed Session of July 22, 2018: Ms. Davis moved that in accordance with the General Provisions Article, Section 3-305(b)(1) *of the Annotated Code of Public General Laws of Maryland*, the minutes of tonight's meeting reflect that Council met in closed session on Sunday July 22, 2018 at 1:05 p.m. in the Library of the Municipal Building. Council held this closed meeting to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

Vote to close session:

	Yes	No	Abstain	Absent
Ms. Davis	X			
Mr. Byrd	X			
Ms. Mach	X			
Ms. Pope	X			
Mr. Putens	X			
Mr. Roberts	X			
Mayor Jordan	X			

The following staff members were in attendance: Nicole Ard, City Manager and Todd Pounds, City Solicitor. Council took no actions during this session.

Ms. Pope seconded.

ROLL CALL: Ms. Davis - Yes
Mr. Byrd - Yes
Ms. Mach - Absent
Ms. Pope - Yes
Mr. Putens - Yes
Mr. Roberts - Yes
Mayor Jordan - Yes

Administrative Reports:

Mr. Moran provided an update on how successful the National Night Out events was across the City.

LEGISLATION

An Ordinance to Amend Chapter 12, "Parks and Recreation" of the Greenbelt City Code in Order to Revise Section 12-17, "Membership" for the Purpose of Changing the Size of the Park and Recreation Advisory Board

Mayor Jordan read the agenda comments.

Mayor Jordan introduced the ordinance for seconding reading and moved that it be adopted. Ms. Davis seconded.

ROLL CALL:	Ms. Davis	-	Yes
	Mr. Byrd	-	Yes
	Ms. Mach	-	Absent
	Ms. Pope	-	Yes
	Mr. Putens	-	Yes
	Mr. Roberts	-	Yes
	Mayor Jordan	-	Yes

The ordinance was declared adopted (Ordinance No. 1364, Book 12).

A Resolution To Repeal Resolution 2026 And To Establish Admission Fees And Pass Rates For The Greenbelt Aquatic and Fitness Center, Effective September 4, 2018

Mayor Jordan read the agenda comments.

Ms. Pope introduced the resolution for second reading and moved that it be adopted. Mr. Putens seconded.

ROLL CALL:	Ms. Davis	-	Yes
	Mr. Byrd	-	Yes
	Ms. Mach	-	Absent
	Ms. Pope	-	Yes
	Mr. Putens	-	Yes
	Mr. Roberts	-	Yes
	Mayor Jordan	-	Yes

The resolution was declared adopted (Resolution No. 2067, Book 8).

A Resolution to Negotiate the Installation of a Solar Photovoltaic Energy System to Offset Municipal Electricity Consumption with EDF Renewables Distributed Solutions of Columbia, Maryland (Solar Farm)

Mayor Jordan read the agenda comments.

Ms. Davis introduced the resolution for first reading.

OTHER BUSINESS

Forest Preserve Advisory Board #2018-02 (Recommendation that the City of Greenbelt create a science fund for studying the Forest Preserve): Mayor Jordan read the agenda comments. It was moved by Ms. Davis and seconded by Ms. Pope. The motion carried 6-0.

Electric Vehicle Charging Station at Roosevelt Center: Mayor Jordan read the agenda comments. It was moved by Ms. Davis that Council approve a pay to charge rate schedule. It was seconded by Ms. Pope. The motion failed 3-3. (Mr. Byrd, Mr. Putens and Mr. Roberts.) It was moved by Ms. Davis that Council approve a pay to charge rate schedule outlined in the staff report, along with further research into giving a price break to the residents of Greenbelt and whether the cost is enough for sustainability. Nobody seconded. It was moved by Mr. Roberts that staff find a favorable outcome that will cover the cost of additional equipment and replacement of equipment. It was seconded by Ms. Pope. Mayor Jordan reiterated the motion and Ms. Pope withdrew her second to the motion. It was moved by Ms. Davis that Council approve a pay to charge rate schedule outlined in the staff report with staff researching a price break for the residents of Greenbelt and an update for a sustainable process. It was seconded by Mr. Byrd. The motion carried 4-2. (Ms. Pope and Mr. Roberts)

Petition from Composting Advocacy Group on CB-13-2018: Mayor Jordan read the agenda comments. It was moved by Ms. Davis that Council send a letter of support. It was seconded by Mr. Byrd. The motion carried 5-0. (Mr. Putens was out of the room).

CB-25-2018 – Royal Farms Legislation: Ms. Hruby provided Council with an update on the legislation. It was moved by Ms. Davis that Council write a letter for delay. The motion carried 6-0.

Award of Purchase – Police Vehicles: Mayor Jordan read the agenda comments. It was moved by Ms. Pope that Council approve the purchase of new police vehicles. It was seconded by Mr. Byrd. The motion carried 6-0.

Award of Purchase – Public Works Vehicles & Community Development Vehicle: Mayor Jordan read the agenda comments. It was moved by Ms. Davis that Council approve the purchase of Public Works vehicles and a Community Development vehicle. The motion carried 6-0.

Greenbrook Estates Landscaping: Mayor Jordan read the agenda comments. It was moved by Ms. Davis that Council approve payment for all past invoices. It was seconded by Mayor Jordan. The motion carried 5-1. (Mr. Putens recused.)

Submission of FY 2020 Community Parks & Playground Application: Mayor Jordan read the agenda comments. It was moved by Ms. Davis that Council approve the application. It was seconded by Ms. Pope. The motion carried 6-0.

Economic Development Policy: Mayor Jordan read the agenda comments. It was moved by Ms. Pope to accept the policy with amendments. It was seconded by Ms. Davis. The residents expressed their concerns about the policy and asked the Council to review their suggestions. Ms.

Pope withdrew her motion. It was moved by Ms. Davis to postpone the policy until the next regular meeting. It was seconded by Mr. Putens. The motion carried 6-0.

General Orders for City Police and Federal Immigration Enforcement: Mayor Jordan read the agenda comments. It was moved by Ms. Davis to postpone the general orders until the next regular meeting. It was seconded by Mr. Roberts. The motion carried 4-2. (Mr. Byrd and Mr. Putens).

Approval of CAD Support Agreement with Tyler Technologies: Mayor Jordan read the agenda comments. It was moved by Ms. Davis that Council support the renewal of the contract agreement. It was seconded by Ms. Pope. The motion carried 6-0.

Council Activities:

- Camp Encore's production of Cymbeline, Greenbelt Arts Center (Ms. Davis)
- Annual Meeting, Prince George's Elected Municipal Women, Upper Marlboro (Ms. Davis and Ms. Mach)
- Maryland Department of Transportation Public Workshop, Managed Lane Study I-495 and I-270, Eleanor Roosevelt High School (Mayor Jordan, Ms. Davis and Mr. Byrd)
- Roosevelt Center Merchants Association (Ms. Davis)
- Friends of Greenbelt Museum Lecture, US Route 1: Baltimore to DC (Ms. Davis, Ms. Mach and Mr. Byrd)
- The Hidden Guest (Ms. Davis)
- Central Maryland Transportation and Mobility Commission (Ms. Davis)
- Metropolitan Washington Air Quality Committee conference call (Ms. Mach)
- Boxwood Civic Association yard contest committee meeting (Ms. Mach)
- Chesapeake Bay Policy Committee, Council of Governments (Ms. Davis)
- Ribbon cutting, Community Center Playground (Mayor Jordan, Ms. Davis, Ms. Mach, Ms. Byrd and Ms. Pope)
- Creative Kids Camp's production of Magic in the Attic (Ms. Davis)
- Notary Club Presentation (Mayor Jordan and Mr. Byrd)
- Dean of the Washington Bible College, conference call (Mayor Jordan)
- Doctor's Hospital, Paul Downs, conference call (Mayor Jordan)
- Washington Metropolitan Council of Governments Retreat (Mayor Jordan)
- NASA Goddard Reception for the New Administrator (Mayor Jordan)

Council Reports: None

MEETINGS: Council reviewed the meeting schedule.

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Byrd and seconded by Mr. Putens. The motion carried 6-0. The Mayor adjourned the regular meeting of August 13th, 2018, at 12:06 am on August 14th, 2018.

Respectfully submitted,

Bonita Anderson
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 August 13th, 2018.

Emmett V. Jordan
Mayor

Agenda Item No:*

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: David Moran
Submitting Department: Administration
Item Type: Meeting Minutes
Agenda Section: Minutes

Subject:
*Regular Meeting, October 8, 2018

Suggested Action:

Attachments:
RM181008rev.pdf

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, October 8, 2018.

Mayor Jordan called the meeting to order at 8:03 p.m.

ROLL CALL was answered by Councilmembers Colin A. Byrd, Judith F. Davis, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan.

ALSO PRESENT were Nicole Ard, City Manager; Todd Pounds, City Solicitor and David E. Moran, Assistant City Manager.

Mayor Jordan asked for a moment of silence in honor of former resident Marjorie Lee Wilkinson. Ms. Pope then led the pledge of allegiance to the flag. Mayor Jordan noted that it was Columbus Day and Indigenous Peoples Day.

<u>CONSENT AGENDA</u>: Ms. Mach removed Item 21 entitled "Letter to Maryland Transit Administration on MAGLEV Alternatives Report Status." With that change, it was moved by Mr. Putens and seconded by Ms. Mach that the consent agenda be approved with that amendment. The motion passed 7-0.

Council thereby took the following actions:

<u>MINUTES:</u>

* Work Session, October 16, 2017
* Public Hearing, April 3, 2018
* Regular Meeting, April 23, 2018
* Regular Meeting, May 14, 2018
* Work Session, May 16, 2018
* Work Session, August 1, 2018
* Interview, August 22, 2018
* Work Session, August 22, 2018

Approved as presented.

<u>COMMITTEE REPORTS</u>

<u>Arts Advisory Board Report #19-1 (Recommendation for a City of Greenbelt Public Arts Policy)</u>: Council accepted this report and agreed to consider it later on the agenda.

<u>Forest Preserve Advisory Board Report #2018-04, (Revisions to City Code Chapter 12 Articles VIII and IX)</u>: Council accepted this report and agreed to consider it on a future agenda.

<u>ELECTRIC VEHICLE CHARGING STATION AT ROOSEVELT CENTER</u>: Council approved a "pay to charge" rate schedule as outlined in the Memorandum from Luisa Robles dated August 1, 2018, supporting a maximum charge of $7.10 for up to 30 minutes of charging time.

NO NEW FOSSIL FUELS IN MARYLAND CAMPAIGN LETTER: Council approved the letter.

COUNTY SHORT-TERM RENTAL LEGISLATION, CB-10-2018 & CB-11-2018 LETTER OF SUPPORT: Council approved the letter.

UNIVERSITY OF MARYLAND CAMPUS COMMUNITY CONNECTION: Council approved a $15,000 contribution towards the City's participation in the University of Maryland Campus Community Connection program.

. ARTS ADVISORY BOARD REPORT #19-2, REQUEST TO AMEND ARTS ADVISORY BOARD BY-LAWS: Council approved Arts Advisory Board Report #19-2.

GREENBELT ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY (GREENACES) RECOMMENDATION #2018-02, MARYLAND PUBLIC SERVICE COMMISSION'S HEARING PC44-TRANSFORMING MARYLAND'S ELECTRIC GRID, LETTER OF SUPPORT: Council agreed to support GreenACES recommendation.

APPROVAL OF AGENDA: Mr. Roberts requested the City send a letter to the Transportation Planning Board (TPB) regarding the 2045 plan. With that addition, it was moved by Mr. Putens and seconded by Ms. Davis that the agenda be approved as presented. The motion passed 7-0.

Mayor Jordan announced he had to leave at 10:30 pm.

PRESENTATIONS:

Cooperative Month Proclamation: Mayor Jordan read the agenda comments. Ms. Mach noted there were actually seven cooperatives in Greenbelt. Mayor Jordan read the Proclamation. Representatives from six of Greenbelt's cooperatives accepted proclamations announcing the City's support and recognizing cooperative businesses and organizations during the month of October.

Steve Skolnik, Greenbelt Homes Incorporated, reported on Greenbelt's participation at the National COOP Festival on the National Mall. He stated it was a worthwhile event.

Sylvia Lewis encouraged everyone to read the News Review.

Barbara Ford encouraged everyone to remember the COOP Supermarket and indicated they were raising funds for a roof replacement.

A representative from Greenbelt Nursery School announced the upcoming spaghetti dinner fundraiser on November 10 at the Greenbelt Community Church.

Ms. Mach thanked everyone for participating in the COOP Festival on the National Mall and indicated it was successful. She encouraged everyone to visit the COOP month display at the Greenbelt Library.

Nonprofit Awareness Week Proclamation: Mayor Jordan read the agenda comments and read the Proclamation. Representatives from Greenbelt's nonprofits accepted the proclamation announcing the City's support and recognition of nonprofits during this week.

Caitlin McGrath, Friends of Greenbelt Theatre, mentioned the Utopia Film Festival, the upcoming pumpkin carving and pumpkin walk, and a spooky cartoon after the Halloween Parade. She also noted that film the *First Man* was opening on Friday.

Carol Shaw, Greenbelt Foundation, announced that the Greenbelt Foundation now had its own 501(c)(3) designation. She announced the October 15 deadline for submission of grant proposals.

Stephen Oetken, Friends of the Greenbelt Museum, noted a visit from the Greendale community on Thursday. He also announced the upcoming lecture on October 18.

Domestic Violence Awareness Month: Mayor Jordan read the agenda comments.

Captain Seung Lee stated that the goal was to bring awareness to domestic violence during the month. He noted that many such incidents go unreported. Captain Lee provided some statistics. He indicated that often children are impacted by domestic violence.

Mayor Jordan read the proclamation. Captain Lee accepted the Proclamation.

Ms. Davis asked about education programs for hotel employees. Captain Lee responded that they do receive reports from City hotels.

PETITIONS AND REQUESTS: Michael Hartman, 2-R Gardenway, thanked the City for supporting efforts to secure a booth at the National COOP Festival. He thanked Ms. Mach for her leadership with the Greenbelt Cooperative Alliance. Mr. Byrd also expressed appreciation for Ms. Mach's efforts.

Lore Rosenthal, 2-R Gardenway, stated that the fossil fuel letter listed an individual resident as the contact and that she requested that the name be removed. Council agreed to amend the letter.

ADMINISTRATIVE REPORTS: Ms. Ard recognized Cynthia Brown for her lifesaving efforts at the Aquatic and Fitness Center. She requested that Council provide 4-Cities agenda items. She noted the General Order on immigration had been signed and posted online. She welcomed Judith Howerton, the City's new Community Planner, and reported on her attendance at a Metropolitan Washington Council of Governments (MWCOG) retreat on Emergency Preparedness.

Ms. Davis asked about a bus shelter removal on Springhill Lane. Ms. Ard noted work underway at several shelters due to repair and safety issues and agreed to follow-up. Ms. Davis asked if the damage to the floor at the Community Center dance studio was created by the new HVAC units. Mr. Varda responded that the new units were leaking and Public Works was aware of the problem. Ms. Davis appreciated that Public Works was looking at interior and exterior steps at the Community Center to make them move visible (lighting, contrasting paint, etc.). Ms. Pope and Mr. Byrd also expressed appreciation.

Mr. Byrd expressed appreciation for the City's work on the opioid issue. Mr. Byrd relayed that he heard that there have been incidents at the Library where Police were called regarding individuals urinating in seats. He asked staff to follow-up with the Library.

Mr. Byrd reported that there are ticks in the woods. Ms. Davis suggested educating residents and forest users. Ms. Rosenthal noted that Jason Martin had conducted an excellent "tick talk" program and suggested repeating this. Mr. Putens indicated this was a regional problem.

Mayor Jordan observed that the ramp from westbound MD 193 onto Southway had a damaged guardrail which had been there for several months. He requested that the City notify the State Highway Administration.

LEGISLATION

> An Ordinance Authorizing And Empowering The City Of Greenbelt, Maryland (The "City") To Issue Up To $8,000,000.00 Of Its Special Obligation Bonds At A Maximum Interest Rate Not To Exceed 8% Per Annum In Order To Finance Or Reimburse The Cost Of Certain Public Improvements Relating To The Development District Known As The Greenbelt Station Development District And The Special Taxing District Known As The Greenbelt Station Special Taxing District And Other Costs Permitted Under The Acts (As Identified Herein); Providing That Such Bonds And The Interest Thereon Shall Never Constitute A General Obligation Of The City Or A Pledge Of Its Full Faith And Credit; Providing For The Further Specification, Prescription, Determination, Provision For Or Approval Of Various Other Matters, Details, Documents And Procedures In Connection With The Authorization, Issuance, Security, Sale And Payment For Any Such Bonds; Making Certain Legislative Findings; And Generally Providing For The Levy, Imposition, Collection And Application Of Such Special Tax And The Issuance Of Special Obligation Bonds In Accordance With The Acts Identified Herein
>
> Mayor Jordan read the agenda comments. Ms. Davis introduced the resolution.

APPROVAL OF THE PUBLIC ARTS POLICY: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council approve the City of Greenbelt Public Arts Policy. Ms. Pope seconded.

Greg Varda, Assistant Director of Recreation Programs, thanked the Arts Advisory Board and Nicole DeWald, Arts Supervisor, for putting the program together.

Ms. Mach wanted to make sure the policy allowed for art from children. Ms. DeWald responded that the program valued quality and inclusion and would include children's art.

Mr. Byrd thanked staff and the Arts Advisory Board for their work. He expressed support for the new policy. Mr. Byrd requested an amendment. He wanted City Council to weigh in on the composition of the Public Art Project Committee.

Mr. Byrd moved that the Policy be amended to allow Council to approve the composition of the Project Committee in conjunction with the City Manager. Mr. Putens seconded. The motion passed 4 to 3 (Davis, Mach and Pope). Council Members explained their vote.

Mayor Jordan thanked staff and the Arts Advisory Board for their work.

Ms. Davis thanked staff for incorporating Council's comments from the Work Session.

The initial motion passed 7 to 0.

RFP SPACE PLANNING FOR GREENBELT MUSEUM VISITOR & EDUCATION CENTER AND OFFICES: Mayor Jordan read the agenda comments.

Megan Young explained that this was the next step in transforming the former residence to a Visitor and Education Center. She indicated this would allow architectural plans to be developed.

Mayor Jordan asked about the timing of the RFP release and selection of a firm. Ms. Young indicated the hope was that work would be completed 60 days after selection of a firm. She welcomed participation from staff and Council in the process.

Ms. Davis asked about the revised document. Mr. Moran described several minor edits to the RFP document.

Mr. Putens moved Council approval of the RFP. Ms. Pope seconded.

Mr. Hartman stated that the Museum has always been very supportive of making the new space accessible to people with disabilities. He asked that Council encourage the active participation of individuals with disabilities throughout the process. Mr. Putens agreed. Mr. Hartman stated that there are people with disabilities who are eager to participate in the process.

Ms. Young stated that the Friends of the Greenbelt Museum (FOGM) was requesting that all design work incorporate the goal of universal design from the very beginning of the process.

The motion passed 7 to 0.

ACCEPT THE FOREST PRESERVE ADVISORY BOARD REPORT #2018-03 RESPONSE TO A LETTER IN THE GREENBELT NEWS REVIEW ABOUT PROHIBITED ACTIVITIES IN THE FOREST PRESERVE: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council approve the letter as drafted by the Forest Preserve Advisory Board. Mr. Putens seconded.

Mr. Byrd commented that the City's approval does not necessarily mean Council endorses every aspect of the Forest Preserve Advisory Board's letter.

The motion passed 7 to 0.

ADVISORY BOARD NOTICE FOR FORTHCOMING DEVELOPMENT PROPOSALS: Mayor Jordan read the agenda comments and suggested the addition of the Arts Advisory Board to the list of groups to receive Advisory Planning Board (APB) agendas.

Council Members clarified that all Boards and Committees should be able to participate.

Ms. Ard relayed staff's concern that the timelines for review of development proposals, including the proposed terms of the upcoming draft County Zoning Ordinance Rewrite, are often determined by the County, not the City. Ms. Davis agreed that timeframe is sometimes a problem.

Mr. Byrd stated that Mr. Hartman had requested this item and asked Mr. Hartman to share his rationale for making the request. Mr. Hartman stated there was an environmental aspect to almost every development proposal and favored including all advisory groups. He noted this would allow the City to take advantage of these volunteer assets.

Mr. Byrd moved that Council direct APB referrals to all advisory groups and this has to be done in a timely manner. Ms. Davis seconded.

Ms. Rosenthal stated that this was of particular interest because development was a concern in Greenbelt.

Mayor Jordan indicated that there may not be as much time for these reviews as in the past. Ms. Davis clarified that the processes could proceed simultaneously.

Ms. Pope asked about the process for scheduling this multi-board meeting. Mr. Byrd responded this new process only gave the advisory groups a little more role in the process. Council clarified that only one multi-board meeting would occur.

Mr. Roberts wanted to fight the County's timeline for the zoning rewrite.

Mr. Byrd stated this was a separate issue and noted the City's concerns had already been expressed to the County.

Mr. Byrd restated the motion that the City Council direct City staff to provide notice to all City advisory groups regarding any and all development proposals, to provide for at least one presentation/meeting opportunity, in addition to the Advisory Planning Board meeting, for other advisory groups, that any advisory group may submit a report/feedback, and that all of this process has to be done in a reasonable timely manner in accordance with relevant City and County deadlines.

Council clarified that this new process applied to all City advisory groups.

Ms. Ard reported that Planning staff had already started this process with all advisory groups.

Mr. Orleans was supportive that all advisory groups should feel free to comment. He stated that any developer knows about their plans well in advance of 30 days.

Ms. Davis stated that past developers had come to the City early. She hoped this would continue. However, she noted that the County sets the review timeline and deadlines.

Mr. Byrd clarified that the City would not wait for advisory group input in a time-sensitive matter.

Mayor Jordan encouraged that Planning Director to be as clear as possible about the timeline.

The motion passed 7 to 0.

Ms. Ard encouraged residents to sign up online for City news and meeting information.

INTERNET IN THE COMMUNITY CENTER: Mayor Jordan read the agenda comments.

Ms. Davis asked if the City could provide this service. Mayor Jordan asked if it would work given the building's block construction. Mr. Worley responded that it was doable and at least two units were needed to cover the entire first floor.

Mayor Jordan advocated for one of the rooms (i.e. Multi-Purpose Room) at the Community Center to be equipped to do webinars or live feeds.

Mr. Byrd stated there was a need and moved that Council direct City staff to provide Wi-Fi access on the first floor of the Community Center at a cost of $2,000 for wiring and $1,000 for subscription.

Ms. Davis observed that younger residents may have a greater need for this service.

Ms. Pope favored providing Wi-Fi access for the entire building.

Ms. Mach believed the cost for the entire building was a budget issue and should be discussed during the budget process.

Mr. Roberts questioned who would use this service on the first floor. He thought there would be more use on the second floor. Mr. Roberts agreed this should be done as part of the budget process.

There was discussion of the portable Wi-Fi hotspot. Several Council members commented that users may not know about the availability of the hotspot.

Mr. Byrd was supportive of providing the service for the whole building and wanted to discuss it at budget time.

Ms. Ard stated that Council had undesignated funds available to cover the cost.

Mr. Hartman favored providing the service throughout the entire building. He indicated that all of the rooms in the Community Center hold meetings for recognition groups and suggested that the City budget could handle this expenditure.

Mayor Jordan observed that some residents would oppose this request due to concerns about radiation.

Ms. Rosenthal stated that her group uses meeting rooms at the Community Center and can't stream anything. She relayed that speakers are often surprised that the Community Center doesn't have this capability.

Ms. Davis clarified that the motion included both wings on the first floor. She also wanted to add this to the budget list.

The motion passed 7 to 0. [Editorial Note: While preparing the Minutes, staff discovered that Mr. Byrd's motion did not receive a second. Therefore, this vote was invalid.]

Mayor Jordan announced he would have to leave shortly.

<u>FIBER NETWORK TASK FORCE</u>: Mayor Jordan read the agenda comments.

Mr. Byrd moved that Council create a task force to study the issue of a City-wide fiber network and becoming a broadband community and to allow city staff to advertise an RFP related to the use of Public, Education, Government (PEG) access fees to do a feasibility study. Ms. Pope seconded.

Ms. Davis requested a work session on this issue. Mr. Putens agreed.

Mayor Jordan liked the proposal but believed the motion was premature. He requested more staff work and also liked the idea of a work session.

Ms. Pope reported that this subject matter comes up every year at National League of Cities (NLC) meetings. She also favored a work session.

Mr. Worley noted that a company had approached the City and City staff had talked with other jurisdictions who have done this. He believed a feasibility study would help answer questions at a work session.

Ms. Mach asked if PEG access fees could be used for this. Mr. Worley stated it could.

Mr. Byrd believed the task force would help the City answer its questions. He asked about the other communities.

Mr. Worley stated there were 200-300 communities nationwide. He specifically referenced Westminster and also cited Wilson, NC. Mr. Worley stated Greenbelt was well suited for this because of the community size (six square miles) and population density.

Ms. Davis clarified that she wanted a work session to better understand the concept.

Ms. Pope referenced an NLC report and also noted the possibility of grants being out there.

Mayor Jordan was excited, but wanted staff to work on it longer.

Mr. Putens noted that the citizens needed to understand it. He requested a work session in the next month or so.

Mayor Jordan moved to call the question. Ms. Mach seconded. The motion passed 6 to 1.

The previous (initial) motion failed 2 (Byrd & Pope) – 5.

Mr. Byrd moved to have a feasibility study. Ms. Pope seconded. The motion failed 2 (Byrd & Pope) – 5.

There was Council consensus to schedule a work session on the subject.

Mayor Jordan departed at 10:29 p.m. for a business-related trip.

<u>LETTER TO STATE RETIREMENT AGENCY ON PENSION FUND FOSSIL FUEL INVESTMENTS</u>: Mayor Pro-Tem Davis read the agenda comments.

Mr. Byrd noted that a revised letter was on the dais with the changes highlighted.

Michael Travers stated that climate change was highlighted today in a *Washington Post* article regarding the United Nations climate change report. He expressed concern that the Maryland State Retirement & Pension System (MSRPS) was investing in fossil fuel industries.

Ms. Davis noted that divestiture may cost money for the retirees and she indicated that she may have to abstain since she received a Maryland State Pension.

Ms. Mach was curious why the requestor was only focusing on fossil fuels and asked about other social concerns. Some people noted this was a slippery slope matter.

Mr. Byrd did not believe that Ms. Davis needed to recuse herself. He respected Ms. Mach's concern but did not believe the City could address it at tonight's meeting.

Mr. Roberts did not believe anyone on Council needed to recuse themselves. He reiterated the impacts of global warming. Mr. Roberts stated that it was outrageous for the State to invest in these types of companies.

Mr. Byrd moved that Council send a letter to the State Retirement Agency expressing concerns about the pension fund's fossil fuel investments. Mr. Roberts seconded.

Mr. Byrd referenced a study that showed "green" investments perform well. He stated the benefits outweighed the potential costs.

Ms. Ard noted that City employees had not been consulted and indicated that this could impact them.

Ms. Ard noted State efforts to evaluate fossil fuel investment over several years. She indicated that staff had a shared commitment to the City's green and environmental goals. Ms. Ard shared concerns relayed by staff that City employees had not been consulted about this idea.

Ms. Rosenthal stated that Ms. Lester had investigated this matter. She wanted to find out if there was a State policy. Ms. Rosenthal discussed stranded assets.

Ms. Mach indicated that more information was needed and this request was not broad enough.

Ms. Rosenthal stated that climate change is upon us. She noted that individuals would have to use their own retirement funds to deal with climate change impacts and associated costs.

Mr. Byrd thanked everyone for bringing this issue forward. He did not believe the votes were there for his motion. Mr. Byrd suggested a substitute motion that would just ask some questions of MSRPS.

Mr. Byrd withdrew his motion and Mr. Roberts concurred.

LETTER TO MARYLAND TRANSIT ADMINISTRATION ON MAGLEV ALTERNATIVES REPORT STATUS: Mayor Jordan read the agenda comments.

Ms. Mach did not believe the letter was strong enough. She wanted to change the word "hopes" in the last sentence to "expects."

Ms. Mach moved that Council approve the letter with these changes. Mr. Byrd seconded. The motion passed 6 to 0.

LETTER TO TRANSPORTATION PLANNING BOARD: Mr. Roberts described the letter he was requesting opposing road widening and indicating it was a global warming issue. He stated the letter would express Greenbelt's opposition to having Governor Hogan's highway plan as part of the Regional 2045 plan. Mr. Roberts moved that Council send the letter. Mr. Byrd seconded. The motion passed 6 to 0.

GREENBELT ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY (GREENACES) RECOMMENDATION #2018-02, MARYLAND PUBLIC SERVICE COMMISSION'S HEARING PC44-TRANSFORMING MARYLAND'S ELECTRIC GRID, LETTER OF SUPPORT: Mayor Pro Tem Davis returned to this item. She asked if the City had a copy of the letter in addition to the report. Staff responded that the letter was not available. Council wanted to see the letter before it was sent.

COUNCIL ACTIVITIES:

Council Members commented on their attendance at the following events:

- Maryland Municipal League (MML) Engagement & Outreach Committee (Mach)
- National League of Cities (NLC) Human Development Committee Conference Call (Mach)
- Coop Festival on the National Mall (Mach)
- Central Maryland Transportation and Mobility Commission (Davis)
- Roosevelt Center Merchants Association (Davis)
- Greenbriar Lunch and Bingo – Active Aging Week (Jordan, Davis)
- Cookies at the Bridge (Davis, Mach)

- 2nd Annual Journey to SCT (Sickle Cell Trait) Wellness 5K at Buddy Attick Park (Davis)
- National Public Lands Day – Dora Kennedy French Immersion School (Jordan, Davis, Mach, Putens)
- Greenbelt Volunteer Fire Department Crab Feast (Jordan, Davis, Roberts, Putens)
- Greenbelt Rotary Club Wine Gala at Aviation Museum (Davis)

COUNCIL REPORTS: There were none.

MEETINGS:

Ms. Davis moved that Council schedule a Closed Session on Wednesday, October 10th at 7:30 pm in the Municipal Building Library in accordance with the General Provisions Article 3-305(b)(1) of the General Provisions Article of the Annotated Code of the Public General Laws of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals. Mr. Byrd seconded.

ROLL CALL:	Ms. Davis	- yes
	Mr. Byrd	- yes
	Ms. Mach	- yes
	Ms. Pope	- yes
	Mr. Putens	- yes
	Mr. Roberts	- no
	Mayor Jordan	- absent

Council reviewed the upcoming meeting schedule.

ADJOURNMENT: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Putens. The motion carried 6-0. The Mayor Pro Tem adjourned the regular meeting of October 8, 2018, at 11:10p.m.

Respectfully submitted,

David E. Moran
Assistant City Manager

"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 October 8, 2018.

Judith F. Davis
Mayor Pro Tem

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: LEGISLATION

Subject:
An Ordinance to Amend Article I "In General" and Article II "Campaign Contributions and Expenditures" of Chapter 8, "Elections" of the Greenbelt City Code

Suggested Action:
- 1st Reading

Reference: Ordinance

At the Council work session on September 17, 2018, Council and the Board of Elections recommended several changes to campaign contributions and expenditures of Chapter 8, Elections of the city code. In summary, the amendments are as follows:

Electioneering section will sets up a procedure whereby election judges, the City Clerk, and the Board of Elections may impose fees for violations.

Early Voting section will add the Municipal Center as an additional weekend polling place and also adds a week to the early voting period.

Campaign Finance Reports section will expand the campaign finance reporting requirements, as to subject matter and report format. They also provide for the payment of a $50 fee for every full or partial business day a report is filed late, and they require the Board of Elections to review reports for Code compliance.

Minor amendments are suggested throughout, intended to consolidate subject matter in and readability of Election Code sections. These changes are included in this ordinance.

Another amendment the Board would like to include, involves the composition of the Board of Elections. Because of proposed added duties, the Board members agreed that their number should be increased from five to seven. That change in City law would be made by amending Section 16(a) of the City Charter. These changes will be made by staff.

It is recommended the ordinance be introduced for first reading tonight.

Attachments:
Ord13xx_Chapter 8 Elections.pdf

Introduced:
1st Reading:
Passed:
Posted:
Effective:

ORDINANCE NUMBER 13XX

AN ORDINANCE TO AMEND ARTICLE I "IN GENERAL" AND ARTICLE II "CAMPAIGN CONTRIBUTIONS AND EXPENDITURES" OF CHAPTER 8, "ELECTIONS" OF THE GREENBELT CITY CODE

WHEREAS, the City Council has reviewed the Greenbelt Board of Elections proposed amendments to Chapter 8, "Elections," of the Greenbelt City Code; and

WHEREAS, the Council desires to make certain changes to these provisions. *NOW, THEREFORE,*

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that Chapter 8, "Elections," be amended to read as follows:

Chapter 8

ARTICLE I.

IN GENERAL

* * * * *

~~**Sec. 8-11. Conducting electioneering activities near polling places.**~~

~~No person may canvass, electioneer or post any campaign literature or material in a polling place or within a one hundred fifty-foot radius from the entrance and exit of the building closest to that part of the building in which voting occurs.~~

Sec. 8-11. Electioneering near polling places.

(a) No person is permitted to canvass, electioneer, or post campaign materials at a polling place or within a radius of one hundred fifty feet from the building's entrance and exit closest to the room where voting occurs.

(b) This procedure shall be followed, if an Election Judge concludes that a worker for a candidate has violated and then ignored warnings about electioneering restrictions in this Code:

(1) The Election Judge shall first warn the worker of the restrictions. The judge must then conclude that the worker after more than one warning continues to violate the restrictions.

(2) The Election Judge after reaching this conclusion is authorized to inform the City Clerk of the violations.

(3) The City Clerk is authorized, after informing the Board of Elections, to advise the candidate that a fee of $100 must be paid to the finance department before the candidate's final campaign financial report can be accepted for filing.

(4) The Board of Elections shall review, on the candidate's written request, the determination by an Election Judge and the City Clerk that a worker for the candidate continually violated electioneering restrictions. The Board, after hearing the City Clerk's report and considering the candidate's written request, shall by majority vote decide whether the candidate's worker failed after warnings to comply with electioneering restrictions. The decision by the Board of Elections shall be final.

* * * * *

Sec. 8-13. Early voting.

~~(a) Residents of the city who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by early voting in municipal elections, as provided in this section.~~

~~(b) For purposes of this Code, an "early voting ballot" is a ballot not used in a polling place on election day nor for "absentee voting," and "election day" means the day of a municipal election.~~

~~(c) Voting by early voting in municipal elections shall be as follows:~~

~~(1) Early voting will begin on the third Saturday prior to the election and end on the first Friday prior to the election on the following schedule: Third Saturday (9:00 a.m. to 1:00 p.m.) and third Sunday (11 a.m. to 2:00 p.m.) prior to the election in Greenbelt East; second Saturday (9:00 a.m. to 1:00 p.m.) and second Sunday (11 a.m. to 2:00 p.m.) prior to the election in Greenbelt West; and Mondays, Wednesdays, Thursdays and Fridays (9:00 a.m. to 5:00 p.m.) and Tuesdays (9:00 a.m. to 8:00 p.m.) in the Municipal Building throughout this period.~~

~~(2) To cast an early voting ballot, the voter must complete the ballot on the premises, place it in a blank, sealed envelope, and then place the sealed envelope in the early voting envelope on which are written the voter's name as registered and signature. The voter shall place the early voting envelope in the designated early voting ballot box. Early voting envelopes that contain more than one blank, sealed envelope shall be kept by the City Clerk, and those early voting~~

~~ballots shall not be counted. If a ballot is submitted in a properly signed and sealed early voting envelope without being contained in a blank, sealed envelope, then the board shall determine by majority vote whether a violation of the voter's privacy has occurred or whether the ballot may be counted. If a determination is made to count the ballot, then a member of the board shall place the ballot in a blank, sealed envelope.~~

~~(3) The City Clerk shall deliver the ballot box containing the early voting sealed, blank envelopes to the early voting clerks appointed by the board of elections for the counting of early voting ballots. The City Clerk shall advise the early voting clerks of the numbers of early voting ballots cast, and shall keep the same record of the early voting ballots as is kept by the clerks of election at their polling places.~~

~~(4) Upon receipt of the ballot box containing the early voting sealed, blank envelopes, the early voting clerks shall open the sealed envelopes and determine that no envelope contains more than one (1) ballot. Ballots in sealed envelopes that contain more than one (1) ballot shall not be counted.~~

~~(5) If an early voting ballot is challenged by the City Clerk or an early voting ballot clerk for noncompliance with this section, it may not be counted until the board of elections determines that it is valid. Early voting ballot validity shall be determined by rules adopted by the board.~~

Sec. 8-13. Early voting.

(a) Residents of the City who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by early voting in municipal elections, as provided in this section.

(b) For purposes of this Code, an "early voting ballot" is a ballot not used for absentee voting or in a polling place on election day, and "election day" is the day of a municipal election.

(c) Early voting is authorized during the period from the fourth Saturday to the first Friday prior to an election, as follows:

(1) During the period, from 9:00 a.m. to 5:00 p.m. on all Mondays, Wednesdays, Thursdays, and Fridays, and from 9:00 a.m. to 8:00 p.m. on all Tuesdays, in the Municipal Building;

(2) From 9:00 a.m. to 1:00 p.m. on all Saturdays and from 11:00 a.m. to 2:00 p.m. on all Sundays during the period, at the Municipal Building;

(3) From 9:00 a.m. to 1:00 p.m. on the second Saturday and from 11:00 a.m. to 2:00 p.m. on the second Sunday prior to the election, also in Greenbelt West; and

(4) From 9:00 a.m. to 1:00 p.m. on the third Saturday and from 11:00 a.m. to 2:00 p.m. on the third Sunday prior to the election, also in Greenbelt East.

(d) Early voting ballots shall be cast and counted as follows:

(1) The voter must obtain and complete an early voting ballot on the designated premises; seal it in a blank envelope; place and seal the blank envelope in an early voting envelope, signed by the voter, with the name as registered printed on it; and then place the envelope in a designated ballot box.

(2) Ballots in early voting envelopes that contain more than one blank, sealed envelope shall be kept by the City Clerk but may not be counted.

(3) If a ballot is submitted in a properly signed and sealed early voting envelope but not contained within a blank, sealed envelope, then the Board shall decide by majority vote whether the ballot may be counted and whether the voter's privacy has been violated. If such a ballot is to be counted, it shall be placed in a blank, sealed envelope and then included with all other envelopes containing early voting ballots. The City Clerk shall notify by mail every voter whose privacy the Board determines has or might have been violated.

(4) The City Clerk shall deliver the early voting sealed, blank envelopes to the Clerks appointed by the Board for the counting of early voting ballots. The City Clerk shall advise them of the number of ballots cast and shall keep the same record of early voting ballots as is kept by the Clerks of election at their polling places.

(5) Upon receipt of the early voting sealed, blank envelopes, the Early Voting Clerks shall open them and determine whether any contain more than one ballot. A ballot in an envelope containing more than one ballot may not be counted.

(6) If the City Clerk or an Early Voting Clerk challenges a ballot for noncompliance with the Code, then the Board shall decide whether it may be counted. All such Board decisions, by majority vote, shall be final.

* * * * *

ARTICLE II.

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

~~**Sec. 8-21. Report required.**~~

~~Each candidate for the office of council member and the designated campaign treasurer shall file with the City Clerk reports as specified below which shall list each contribution, including any contribution of an in-kind service, and expenditure of more than twenty-five dollars~~ 54

~~($25.00) in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions and expenditures including those of twenty-five dollars ($25.00) or less. The reports shall include all contributions received and expenditures made by the candidate or, with the knowledge of the candidate or the candidate's treasurer, by any other person. The reports shall include contributions made by the candidate or a member of his/her immediate family. All reports filed shall be available for examination by any member of the public during the normal office hours of the City Clerk.~~

~~Sec. 8-23. Form; affirmation of report.~~

~~The reports shall be made on forms provided by the City Clerk and approved by the city solicitor. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer.~~

Sec. 8-21. Campaign Financial Reports.

(a) Each candidate for the office of council member and the candidate's treasurer shall file with the City Clerk an original and a copy of a campaign financial report, as specified below.

(b) Reports shall be available for public examination during the City Clerk's normal office hours.

(c) As soon as practicable after a report is filed, the City Clerk shall forward a copy to the Board of Elections. The Board shall review the report for compliance with this section.

(d) In this Code, a "contribution" to a candidate includes, as separately reportable categories: money and other financial assets, campaign materials and other physical assets, and services to a campaign, as further provided below.

(e) Campaign financial reports shall include the following:

(1) Each contribution of money or other financial assets whose value exceeds twenty-five dollars ($25.00);

(2) Each contribution of campaign materials or other physical assets whose value exceeds twenty-five dollars ($25.00);

(3) Each contribution of services to a campaign, where the services have value exceeding twenty-five dollars ($25.00) and are provided by an accountant or bookkeeper, an attorney or legal adviser, or any other person, such as an artist or designer, whose services the candidate would ordinarily pay for;

(4) All contributions whose value exceeds twenty-five dollars ($25.00) by candidates themselves or any member of their immediate families, in which listings the category and value of each contribution is separately stated;

(5) The total value of all contributions, of every category, regardless of the value of individual items;

(6) Each expenditure whose amount exceeds twenty-five dollars ($25.00); and

(7) The total of all expenditures, regardless of amount.

(f) The campaign financial reports for each candidate shall be subscribed and sworn to, or affirmed, by the candidate and by the candidate's treasurer.

(g) The Board of Elections shall prepare and from time to time revise the form used for campaign financial reports, which must also be approved by the City Solicitor.

~~**Sec. 8-22. Deadline for filing report.**~~

~~A first interim report of campaign contributions and expenditures received since the date of the last preceding regular election and prior to the seventh Monday preceding the election shall be filed no later than 12:00 p.m. on the sixth Friday preceding the election. A second interim report of campaign contributions and expenditures received between the seventh Monday preceding the election and prior to the third Monday preceding the election shall be filed no later than 12:00 p.m. on the second Friday preceding the election. A final report of campaign contributions and expenditures not previously reported shall be filed no later than 12:00 p.m. of the Friday following the election.~~

~~**Sec. 8-26. Failure to appoint a treasurer or file reports.**~~

~~Any candidate who fails to appoint a treasurer or file the interim reports as required herein shall be deemed unqualified and the board of elections shall remove that candidate's name from the ballot prior to the election. Any candidate who fails to file the final report, if elected, shall not take office until such time as said report is filed. No person shall be deemed qualified for a future election to city council or allowed to submit a nomination petition who is in violation of any city election law and/or reporting requirements pursuant to the city Code.~~

Sec. 8-22. Times for filing; lateness fees; striking a candidate's name.

(a) Campaign financial reports shall be filed at the times specified below.

(1) A first interim campaign financial report, covering contributions received and expenditures made since the most recent regular election and prior to the seventh Monday preceding the election, shall be filed no later than 12:00 p.m. on the sixth Friday preceding the election. The first interim report shall also state whether the candidate's campaign account was opened for the present campaign or was also open for a prior campaign.

(2) A second interim report, for contributions received and expenditures made between the seventh Monday preceding the election and prior to the third Monday preceding the election, shall be filed no later than 12:00 p.m. on the second Friday preceding the election.

(3) A final campaign financial report, covering all contributions received and expenditures made and not previously reported, shall be filed no later than 12:00 p.m. on the Friday following the election.

(b) For each full or partial business day a report is filed late, a candidate must pay a fee of $50.00, to a maximum of $500.00. The City Clerk may not accept for filing a late report unless the full fee is first paid to the finance department and a receipt for the payment accompanies the report.

(c) A candidate who fails to file the final report, if elected, shall not take office until the report is filed.

(d) The Board of Elections is authorized to strike from the ballot the name of any candidate whose report or reports it finds are substantially late, if the Board also finds that the lateness shows purposeful disregard for financial reporting requirements.

(e) The Board of Elections is further authorized to strike the name of any candidate whom it finds has not substantially complied with financial reporting requirements.

(f) A candidate found to be in violation of financial reporting requirements may correct the violations, on terms approved by the Board of Elections. In reviewing a candidate's request, submitted in writing within ten business days of the date the City Clerk sends written notification of the violation or violations, the Board shall consider the circumstances reported by the candidate and the reasons offered for the candidate's noncompliance.

(g) No person who is in violation of a City Election law or reporting requirement in this Code may submit a nomination petition or run for the office of City Council. If a complaint is filed with the City Clerk against a candidate under this section, then the Board of Elections shall determine whether the candidate is eligible for office.

Sec. 8-~~24~~ 23. Contributions not required to be reported.

The name of any person who shall pay or share in the paying of the total cost of an advertisement or printed matter in support of a candidate which prominently displays the person's name and the names of all other persons who may be sharing in the cost and who has 57 *otherwise made no contribution to the candidate in excess of twenty-five dollars ($25.00) shall not be required to be reported by the candidate or by the candidate's treasurer as having made a campaign contribution. The name of any person who shall make a contribution on behalf of more than one candidate shall not be reported if the contribution is shared equally by the candidates for whose benefit it is made and if the contribution amounts to not more than twenty-five dollars ($25.00) for each candidate sharing in and benefiting from the contribution.*

~~Sec. 8-25. Appointment of campaign treasurer.~~

~~Each candidate for nomination to the office of council member shall appoint one campaign treasurer and shall file the name and address of the campaign treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the city clerk.~~

~~Sec. 8-26. Failure to appoint a treasurer or file reports.~~

~~Any candidate who fails to appoint a treasurer or file the interim reports as required herein shall be deemed unqualified and the board of elections shall remove that candidate's name from the ballot prior to the election. Any candidate who fails to file the final report, if elected, shall not take office until such time as said report is filed. No person shall be deemed qualified for a future election to city council or allowed to submit a nomination petition who is in violation of any city election law and/or reporting requirements pursuant to the city Code.~~

Sec. 8-24. Campaign treasurer.

(a) Prior to nomination for the office of Councilmember, a candidate shall state, on a form provided by the City Clerk, the name, address, and daytime telephone number of the candidate's campaign treasurer. The treasurer must accept the appointment by signing and dating the form. The City Clerk shall not receive or file a candidate's nomination petition, if the candidate or treasurer has not met these requirements.

(b) If a campaign treasurer leaves the position prior to the Friday before an election, then the candidate shall forthwith appoint a successor treasurer. If a treasurer violates reporting requirements in this Code, then the candidate must correct the violation. The Board of Elections is authorized to strike from the ballot any candidate who has not complied promptly with these requirements.

(c) A person who remains in violation of reporting or other requirements in this Code may not submit a nomination petition for a future election.

~~Sec. 8-27. Campaign account.~~

~~Each candidate or campaign treasurer shall establish a bank account for the sole purpose of accepting and dispersing campaign funds. This bank account shall be separate from any other bank account owned or maintained by the candidate or campaign treasurer.~~

~~If a candidate has funds remaining in their account and wishes to disperse these funds for a purpose other than an expense of their campaign, they can donate the funds to another candidate, elected official and/or a qualified charitable organization. This section does not apply to funds donated by the candidate to his campaign.~~

<u>*Sec. 8-25. Campaign accounts.*</u>

<u>*(a) Each candidate or campaign treasurer shall establish an account in a financial institution for the sole purpose of accepting and distributing campaign funds.*</u>

<u>*(b) Candidates may donate any of their campaign account funds to the campaign accounts of other candidates or elected officials, or to qualified charitable organizations.*</u>

<u>*(c) This section does not apply to funds donated by candidates to their own campaigns, but candidates must report all such contributions and any expenditures, as provided in this Code.*</u>

<u>*(d) In the final campaign financial report, each candidate shall state whether the campaign account will remain open. If the account will be closed, the report shall state how any remaining funds will be disbursed.*</u>

* * * * *

PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of November __, 2018.

____
Emmett V. Jordan, Mayor

ATTEST:

____
Bonita Anders, City Clerk

Key:
<u>Underscoring</u> indicates language added to existing law.
~~Overstriking~~ indicates language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: LEGISLATION
Agenda Section: LEGISLATION

Subject:
A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article XI-E 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 16(a), Titled "Appointments" to Expand the Number of Members (Charter Amendment Resolution No. 2018-1)

Suggested Action:
- 1st Reading

Reference: Resolution

At the Regular Meeting on November 13, 2018, the Council reviewed Board of Elections (BOE) Report #18-1 and considered modifying the size of the City's Board of Elections Advisory Board. With that, the BOE itself had recommended changing its size, with the recent amendments to the Section 8 "Election", of the City Code, that now requires additional responsibilities of the board. Council directed staff to prepare a Charter Amendment Resolution that would change the size of BOE from 5 to 7 members.

It's recommended that this resolution be introduced for first reading.

Attachments:
Charter Amend Res_Members.pdf

Introduced:
1st Reading:
Passed:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION NUMBER 2018-1

RESOLUTION NUMBER __

A RESOLUTION OF THE CITY OF GREENBELT ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E 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 16(A), TITLED “APPOINTMENTS” TO EXPAND THE NUMBER OF MEMBERS (CHARTER AMENDMENT RESOLUTION NO. 2018-1)

SECTION I WHEREAS, the City Council and the City’s Board of Elections additional duties in Section 8 “Elections” of the City Code; and

SECTION II WHEREAS, the City’s Board of Election desires to increase the number of members from five (5) to seven (7) to accommodate the additional responsibilities; and

SECTION III BE IT RESOLVED AND ORDAINED by the Council of the City of Greenbelt that the Charter of the City, 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, shall be amended by repealing and reenacting with amendment Section 16(a), titled “Appointments” as follows:

* * * * * *

Sec. 16. Board of Elections -- Generally.

(a) *Appointment.* There shall be a board of elections consisting of [five (5)] seven (7) members who shall be appointed by the city council. The members shall be appointed for a term ending on the third Monday of January in even numbered years or until their successors are appointed. Members shall serve for a term of four (4) years, or until their successors are appointed; except that, of the members first appointed, three (3) shall be appointed for a term expiring on the third Monday in January, 1978; and two (2) shall be appointed for a term expiring on the third Monday in January, 1976.

* * * * * *

SECTION IV BE IT FURTHER RESOLVED that the date of the adoption of this resolution is December 10, 2018, and that the amendment to the Charter of the City, as herein adopted, shall be and become effective on January 29, 2018, unless on or before January 19, 2018, a proper petition for referendum on this resolution shall be filed as permitted by law.

SECTION V BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at the Greenbelt City Office, 25 Crescent Road, Greenbelt, Maryland, until January 19, 2018, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Greenbelt not fewer than four (4) times at weekly intervals before January 19, 2018.

SECTION VI BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City Manager shall send to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

SECTION VII AND BE IT FURTHER RESOLVED that the City Manager of the City of Greenbelt be and hereby is specifically enjoined and instructed to carry out or cause to be carried out the provisions of Sections V and VI.

____
Emmett V. Jordan, Mayor

ATTEST:

____
Bonita Anderson, City Clerk

Key:
<u>Underscoring</u> indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Beverly Palau
Submitting Department: Administration
Item Type: LEGISLATION
Agenda Section: LEGISLATION

Subject:
An Ordinance to Amend Chapter 5 of the Code of the City of Greenbelt, Maryland to add a new Chapter 5A, titled "Franchises and Permits for Wireless Telecommunications Facilities and to amend Chapter 18 of the Code of the City of Greenbelt by adding a new Division 6, "Minimum Requirements for Occupation of Rights-of-Way" to comply with Federal and State law - 1st Reading

Suggested Action:
The Federal Communications Commission (FCC) recently enacted rules and regulations to provide for Small Cell installations. The new order sets rules and regulations for the placement of small cell facilities and severely limits occurrences in which a governmental authority can prohibit them. It also establishes "shot clocks" for when a Small Cell application must be acted upon by a local government. A Small Cell facility is defined as a structure mounted on an existing structure that is 50 ft. or less including the antennas, or are mounted on structures no more that 10 percent taller than other adjacent structures. The FCC also outlined provision for any fees that can be charged to Small Cell companies by governments for the use of Right-of-Ways. Provisions for the allowance of aesthetics requirements of the Small Cell are also included stating that those requirements can not be more burdensome than those applied to other types of infrastructure deployments. The new FCC ruling will go into effect early next year. City staff members have been working with legal counsel who specialize in telecommunications law and advise municipalities. Staff and legal counsel recommend amending Chapter 18 of the Greenbelt City Code in order to address any Small Cell applications that may be received by in the future.

Attachments:
Summary of FCC ruling.pdf

Small Cell Ordinance.pdf

The FCC's Small Cell Order – What It Says and How It Affects Review

Best Best & Krieger LLP
Attorneys at Law

Time Periods – What Is Next?

- Effective Date – 90 days following publication in Federal Register
- Appeal – heard by U.S. Ct. of Appeals (not trial court) - time for appeal runs from date summary published in the FR (10 days for lottery; 60 days otherwise)
- Reconsideration – 30 days after summary published
- Order is <u>not automatically </u>stayed on appeal

Major Elements of Order

- Creates rules for “small cells”
- Redefines what it means to prohibit or effectively prohibit a “small cell”
  - Establishes tests for when fees, aesthetic requirements, and other requirements effectively prohibit
- Establishes two new shot clocks for small cells
  - “Enhanced” remedy for failing to meet shot clocks

What Is a Small Cell?

(1) The facilities—

(i) are mounted on structures 50 feet or less in height including their antennas …, or

(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or

(iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment … is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume...

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).

Redefinition of Effective Prohibition

- 9th Circuit “significant gap” and “least intrusive alternative” appear abandoned – see n. 94
- A state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment”
- “We clarify that an effective prohibition occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service. This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities…also by materially inhibiting the introduction of new services or the improvement of existing services.”

Fees and Effective Prohibition

- Three types of fees
  - Application fees (for facilities on and off rights of way)
  - Fees for access to RoW
  - Fees for rental of government-owned structures in RoW
- All small cell fees limited to reasonable costs

According to FCC A Fee Is Permitted If…

(1) The fees are a reasonable approximation of the state or local government’s costs,

(2) Only objectively reasonable costs are factored into those fees, and

(3) Fees are no higher than the fees charged to similarly-situated competitors in similar situations.

(4) Presumptively reasonable:

- Non-recurring fees = $500 for first 5/$100 for each additional
- Recurring fees = $270 per facility including RoW fee or fee for attachment to municipal infrastructrure
- Specifically rejects rights of localities to act as a landlord in setting rates for infrastructure

Existing Agreements

- 66. "… [T]his Declaratory Ruling's effect on any particular existing agreement will depend upon all the facts and circumstances of that specific case. Without examining the particular features of an agreement, including any exchanges of value that might not be reflected by looking at fee provisions alone, we cannot state that today's decision does or does not impact any particular agreement entered into before this decision…."

Aesthetics

- Aesthetics requirements not preempted if:
  (1) reasonable,
  (2) no more burdensome than those applied to other types of infrastructure deployments, and
  (3) objective and published in advance.
- "…aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible."

Undergrounding

- “Further, a requirement that materially inhibits wireless service, even if it does not go so far as requiring that all wireless facilities be deployed underground, also would be considered an effective prohibition of service. Thus, the same criteria discussed above in the context of aesthetics generally would apply to state or local undergrounding requirements”

Spacing Requirements

- Order says prohibitory at one point, but at para. 91 says:
- "Some parties complain of municipal requirements regarding the spacing of wireless installations… ostensibly to avoid excessive overhead "clutter" that would be visible from public areas. We acknowledge that while some such requirements may violate 253(a), others may be reasonable aesthetic requirements."
- "For example, under the principle that any such requirements be reasonable and publicly available in advance, it is difficult to envision any circumstances in which a municipality could reasonably promulgate a new minimum spacing requirement that, in effect, prevents a provider from replacing its preexisting facilities or collocating new equipment on a structure already in use."

Shot Clocks

- Apply to all permits required for deployment, not just wireless permits
- "We conclude that if an applicant proffers an application, but a…locality refuses to accept it until a pre-application review has been completed, the shot clock begins to run when the application is proffered…"
- Locality must accept "batched" applications
- Failure to meet shot clocks deemed an "effective prohibition"

Small Cell Shot Clock Reset

- Siting authority must:
  - Notify the applicant on or before the 10th day after submission that the application is materially incomplete.
  - Clearly and specifically identify the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information,
- Shot clock date calculation "shall restart at zero on the date on which the applicant submits all the documents and information required…"
- But…operators will argue shot clock starts on resubmission additional incompleteness notice is required if resubmission is inadequate

Collocation

- Two meanings:
  - Non 6409 context – there is a structure present, but not a wireless device. This provides 60 day shot clock for small cell and 90 day shot clock for all others
  - 6409 Context – there is a structure and the structure has a permitted wireless device.

Putting Time Frames Together… New Concept of Collocation

10 Day Review of Amended Applications

10 Days | 30 Days | 60 Days | 90 Days | 150 Days

- **10 Days:** Incomplete Small Cell with Reset
- **30 Days:** Incomplete for Non Small Cell
- **60 Days:** Small Cell On Existing Structure
- **90 Days:** Small Cell On New Structure // Any Cell on Existing Structure
- **150 Days:** New Cell on New Structure

Introduced:
1st Reading:
Passed:
Posted:
Effective:

ORDINANCE NUMBER 13XX

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE TO ADD A NEW CHAPTER 5A TITLED "FRANCHISES AND PERMITS FOR WIRELESS TELECOMMUNCATIONS FACILITIES" AND AMEND CHAPTER 18 OF THE CITY CODE BY ADDING A NEW DIVISION 6 TITLED "MINIMUM REQUIREMENTS FOR OCCUPATION OF RIGHTS-OF-WAY"

WHEREAS, 5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of Greenbelt have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, 2(a)(13) of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of Greenbelt have the authority to pass such ordinances to provide for the City to generally grant public utility franchises; and

WHEREAS, the City Code, Chapter 5, "Cable Television", the City's Cable Communications Regulatory Code and lends itself to outline the Regulatory Code for other Communications Systems; including wireless facilities; and

WHEREAS, § 3(5) of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of Greenbelt to regulate the use of sidewalks and all structures in, under, or above them; and

WHEREAS, the City deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of telecommunications towers, antennas and other structures within the City's public rights-of-way, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority. NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that the City Code be amended to read as follows:

******

Chapter 5A

Franchises and Permits for Wireless Telecommunications Facilities

Section 5A-1. General provisions.

(a) *Title.* This chapter shall be known and may be cited as the "Wireless Telecommunications Code."

(b) *Effective date and repealer.* This chapter shall take effect and be in force from and after passage. All prior ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

(c) *Findings and purpose.*

(1) The City of Greenbelt, Maryland (the "City") finds that the further development of wireless communications may result in great benefits for the people of the City. However, it is projected that development of wireless telecommunications networks may require placement of more and different facilities in the rights-of-way than have been placed in the rights-of-way previously, and those facilities can vary dramatically in size and form, and may have significant impacts on the community.

(2) The City finds that minimization of clutter and vertical structures in the rights-of-way is important to the welfare of the community, and that placement near residential structures, in underground areas, or areas that will be undergrounded, and in historical areas should be restricted where not critical to the provision of services.

(3) The City already regulates the placement and design of other facilities that are placed in the rights-of-way, to the extent permissible under law, through franchising and permitting processes and local regulations and practices. The City intends to apply similar principles to the regulation of wireless telecommunications facilities.

(4) However, because Federal Communications Commission regulations and federal law require that special procedures be applied to consideration of applications for certain wireless telecommunications facilities, the City finds that it is appropriate to specify certain requirements in the code to provide clearer guidance with respect to the placement of wireless telecommunications facilities in the rights-of-way.

(d) *Intent.* The City intends that all provisions set forth in this chapter be construed to serve the public interest and the foregoing public purposes, and that any franchise issued pursuant to this chapter be construed to include the foregoing findings and public purposes as integral parts thereof.

(e) *Delegation of powers.* The City may delegate the performance of any act, duty, or obligation, or the exercise of any power, under this chapter or any franchise agreement to any employee, officer, department or agency, except where prohibited by applicable law.

(f) *Implementing regulations.* The provisions of this chapter, and the forms for submission of applications may be adopted by administrative regulation, approved as provided in this Code.

(g) *Public use*. Except as otherwise provided by Maryland law, any use of the rights-of-way authorized pursuant to this Chapter will be subordinate to the City's use and use by the public.

Section 5A-2. Definitions and usage.

(a) *Definitions and usage, general*. For the purposes of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender, and vice versa. The words "shall" and "will" are mandatory, and "may" is permissive. References to state or federal laws or regulations refer to those laws or regulations as they may be amended. References to agencies refer to the agencies or their successors or designees.

(b) *Application:* A formal request, including all required and requested documentation and information submitted by an Applicant to the City for a wireless placement permit.

(c) *Applicant:* A person filing an application for placement or modification of a wireless telecommunications facility in the right-of-way.

(d) *Base Station*: The term "base station" shall have[s] the same meaning as in 47 C.F.R. Section 1.40001.

(e) *City Manager:* The chief administrative officer for the City of Greenbelt, or its designee.

(f) *Construction, modification and repair:* shall be broadly construed to include all activities conducted in the rights-of-way with respect to a facility, including but not limited to construction, removal, relocation, alteration, and replacement.

(g) *FCC:* The Federal Communications Commission.

(h) *Micro wireless facility*: A wireless facility having dimensions no larger than twenty four (24) inches in length, fifteen (15) inches in width and twelve (12) inches in height, and an exterior antenna, if any, no longer than eleven (11) inches, and which antenna may be enclosed in an imaginary cylinder no larger than one (1) inch in diameter.

(i) *Operation:* Activities affecting detectable attributes of facilities in the rights-of-way that may physically affect persons or property, such as noise and radio frequency emissions. The term as used in this section does not include radio frequency interference with other licensed facilities.

(j) *Right-of-Way, or ROW:* The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, park, parkway, easement, or similar property within the City, and in whole or part under the control of the City which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a wireless telecommunications facility.

(k) *Support Structure*: Any structure capable of supporting a base station.

(l) *Tower*: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wirelessservices, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

(m) *Underground areas*: Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right-of-way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled, whether now or at a future time, to be converted from overhead to underground. “Electrical facilities” are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

(n) *Utility Pole*: A structure in the rights-of-way designed to support electric, telephone, and/or similar utility lines, and which cable operators or telecommunications service providers may use at regulated rates. A utility pole is not a tower.

(o) *Wireless Permit*: A permit issued pursuant to this Chapter, authorizing the construction, modification, or repair of a wireless telecommunications facility of a design specified in the permit at a particular location within the right-of-way.

(p) *Wireless Service Provider*. An entity that provides wireless services to end users.

(q) *Wireless services:* Any FCC-licensed or authorized service, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul and the associated site.

(r) *Wireless Infrastructure Provider*: A person that owns, controls, operates, or manages a wireless telecommunications facility or portion thereof within the right-of-way.

(s) *Wireless Regulations*: Regulations adopted implementing the provisions of this Chapter.

(t) *Wireless Telecommunications Facility*: A facility at, or proposed for, a fixed location consisting of a base station, any accessory equipment, and the support structure, if any, associated that is, or that the application proposes will be, associated with the base station.

Section 5A-3. Franchise Required.

(a) *Franchise required.* Any person (other than the City, the State, or a subdivision of the State) who will own or control a wireless telecommunications facility in the right-of-way used to provide wireless services must obtain a franchise therefore from the City, unless that person holds a franchise from the State which authorizes it to use the rights-of-way for that purpose, without further permission of the City. An additional franchise is not required for installation of a utility pole or equipment required to install communications lines, electricity or other services to a wireless telecommunications facility by an entity that occupies the rights-of-way and is permitted to perform such work pursuant to a franchise from the City or State.

(b) *Not in lieu of permit or agreements.* The franchise is not in lieu of a wireless permit, or any other permit that may be required under this Code in connection with the construction, modification or repair or operation of a wireless telecommunications facility. The permit is not in lieu of agreements required for use of City-owned or controlled support structures, conduit, pipes or other infrastructure which may be used to deploy facilities.

(c) *Divisibility/Transferability.* A franchise is not divisible, nor may it be transferred without the permission of City as specified in the franchise.

(d) *Exceptions.*

(1) Facilities used exclusively for public safety purposes are excepted from the requirements of this Section.

(2) Because a wireless infrastructure providers may not own or control all of the facilities within the wireless telecommunications facility that are used in the provision of wireless services, and may bear full responsibility for constructing, modifying and maintaining those facilities, the franchise for a wireless infrastructure provider may except any customer of the provider from this franchise requirement with respect to a wireless telecommunications facility, if a customer who owns or controls equipment within the wireless telecommunications facility acknowledges and agrees, in a form acceptable to the City Attorney, that the City has not granted it a franchise or consent to be in the rights-of-way for any purpose; that it is bound by franchisee's representations; that it shall have no rights or claims against the City of any sort related to the facilities; that its facilities may be subject to taxes, fees or assessments as provided in Section Section 5A-3(d)(3); that the City may treat any equipment owned by such entity as if it were owned by franchisee for all purposes (including, but not limited to, removal and relocation); and that the facilities may only be used for services specified in the franchise. Such customer must further acknowledge and agree that, to the extent it operates a wireless facility, it is responsible for complying with applicable law governing radio frequency emissions, and the City may take appropriate action against it and the franchisee

for a violation thereof; and that it agrees that it will be jointly and severally liable for any acts or omissions associated with the wireless telecommunications facility; and will jointly and severally indemnify the City in accordance with this Code and any applicable provision of the franchise. The acknowledgement and agreement may be provided for all wireless telecommunications facilities of a franchisee occupied by the customer within the City, and need not be provided separately, facility by facility.

(3) Wireless telecommunications facilities installed by a franchised utility solely for internal communications purposes do not require an additional franchise or a permit under this chapter, but the placement and design of such facilities is subject to the review and approval of the City.

(e) *Franchise fees.* As a condition of exercising the franchise, each franchisee shall pay a franchise fee, which fee may be set from time to time by the City so that entities making similar use of the rights-of-way, for similar purposes, pay similar fees.

(f) *Limitations.* The City may issue a franchise for placement of wireless facilities in the rights-of-way used in the provision of personal wireless services, or in the provision of Internet services to the public, subject to such conditions as the City may reasonably establish. For any other wireless services, City shall only issue a franchise upon a showing that the services to be provided are in the interest of the City, and placement in the right-of-way is appropriate; or that a franchise must be issued as a matter of law.

Section 5A-4. Wireless Permit Required.

(a) *Permit.* A wireless permit is required for the construction, modification or repair of any wireless telecommunications facility, except as provided herein.

(b) *Exemptions.* A wireless permit is not required for:

(1) The placement or modification of wireless telecommunications facilities on support structures owned, or under the control of, the City, the use of which is subject to control by enforceable contract for use of the facility between the City and the entity or entities that own or control the wireless telecommunications facility.

(2) The placement or modification of wireless telecommunications facilities by the City or by any other agency of the state solely for public safety purposes.

(3) Modifications to an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity necessary to modify the facility does not disrupt or impede traffic in the traveled portion of a street or sidewalk, and if the work activity does not change the visual or audible characteristics of the wireless telecommunications facility.

(4) Installation of a "cell on wheels," “cell on truck” or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement or removal of existing facilities.

(5) A micro wireless facility strung between two utility poles and provided further that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles, and complies with all applicable safety codes.

(6) The City, by wireless regulation, may also exempt wireless telecommunications facilities that otherwise are subject to the provisions of this section from the obligation to obtain a permit to install or modify a wireless telecommunications facility where it is determined that because of the physical characteristics of the proposed facilities, and the work associated with them, such a permit is not required to protect the public health, welfare or safety, to maintain the character of a neighborhood or corridor, or to otherwise serve the purposes of this ordinance.

Section 5A-5. General Standards for Placement in the Rights-of-Way.

(a) *Generally.* Wireless telecommunications facilities shall meet the minimum requirements set forth in this ordinance and the wireless regulations, in addition to the requirements of any other applicable law. Without limitation, the provisions of Chapter 18, Divisions 3, 5 and 6 apply to the construction, modification, repair and operation of wireless telecommunications facilities in the rights-of-way.

(b) *Waiver of Requirements*. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the rights-of-way shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations, under circumstances such that deployment of the facilities must be authorized. If that determination is made, the requirements of this ordinance, including any regulations and forms to implement this ordinance, may be waived, but only to the minimum extent required to avoid conflict with federal law.

(c) *Standards.* Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the rights-of-way and compliance with health and safety codes; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon or vacate the rights-of-way or any portion thereof, or the ability of the City or other government agencies to cause the improvement, modification, relocation, vacation or abandonment of facilities in the rights-of-way.

(d) *Concealment*. Wireless permits shall incorporate specific concealment elements to minimize visual impacts, and shall incorporate design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive or placement is required under applicable law:

(1) Antennas located at the top of support structures shall be incorporated into the structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure;

(2) Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.

(3) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on the utility pole, placed to avoid interfering or creating any hazard to any other use of the public rights-of-way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.

(4) Wiring and cabling shall be neat and concealed within, or or within conduit, flush to the support structure, ensuring concealment of these components to the greatest extent possible.

(5) Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be undergrounded, located in alleys or otherwise shielded. Ground-mounted equipment shall not interfere with pedestrian or vehicular traffic.

(6) Wireless telecommunications facilities shall comply with FCC regulations governing radio frequency (“RF”) emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing RF emissions, and failure to comply shall be a treated as a material violation of the terms of any permit or lease. No permit shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with those regulations; any areas where occupational or general public exposures will exceed FCC limits are

identified, and there is a clear plan addressing safety for any areas where exposures may exceed those limits.

(7) No towers shall be permitted in the public rights-of-way, and no wireless telecommunications facilities shall be permitted above-ground in underground areas; provided that the City may permit placements where all elements of the wireless telecommunications facility are concealed and the facility does not appear to a casual observer to be a wireless telecommunications facility. Any tower design must in any case be consistent with the corridor in which the facility is placed, and minimize the obtrusiveness of the facility considered individually and as part of a network of wireless telecommunications facilities.

(e) *No speculation.* No permit shall be issued except to wireless service providers with immediate plans for use of the proposed wireless telecommunications facility; or wireless infrastructure providers with contracts with wireless service providers which require the service provider immediately to use the proposed wireless telecommunications facility.

(f) *Historic Districts.* For placement of wireless telecommunications facilities in rights-of-way in historic districts:

(1) The application must describe the impacts of the proposed construction, modification or repair, if any on the historic district, which analysis must consider the impact of any construction work required as well as the impact of the wireless telecommunications facility on the district. If any impacts are identified, the report should describe the steps taken by the applicant to mitigate the effect on the district.

(2) Wireless telecommunications facilities in historic districts should be placed or designed so that they are not readily visible to the public, and should be designed so that the size of the facility cannot be increased except with the discretionary approval of the City.

(3) Permits will not be granted for construction, modification or repair of the wireless telecommunications facility if the City determines that there would be a material adverse effect on the district.

Section 5A-6. Application Submission Requirements.

(a) *Submission*. Unless the wireless regulations provide otherwise, applicant shall submit a paper copy and an electronic copy of any application, amendments or supplements to an application, or responses to requests for information regarding an application to the Department of Planning and Community Development, or such other Department as the City Manager may specify. If forms are prescribed by the City, applications for a permit for a wireless telecommunications facility, and any other permit required in connection with that facility, must be submitted on those forms. Each application must be for a single wireless telecommunications facility, but to avoid duplication, applicant may cross-reference information from one application to another if the applications are submitted at the same time.

(b) *Content.* An application must contain:

(1) Any information required pursuant to the wireless regulations;

(2) The name of the applicant, its telephone number and contact information, and if different, the name and contact information for the owner, operator, and/or wireless service provider that will be using the wireless telecommunications facility;

(3) A complete description of the proposed wireless telecommunications facility and the work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility and each piece of equipment, and specifications for each element of the wireless telecommunications facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo-simulations must be provided. The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.

(4) If the application is an eligible facilities request, within the meaning of 47 C.F.R. Section 1.40001, the application must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must include all the information required by Section 5A-6 (b)(1)-(3), and must:

a. include the permit that was granted for the existing facility;

b. show compliance with all conditions associated with that permit;

c. identify all changes to the facility from the date of the issuance of the permit;

d. provide before and after 360-degree photo-simulations;

e. specify the excavation, if any, that will associated with the facility;

f. specify whether the supporting structure will be replaced, or a new supporting structure installed;

g. identify the number of ground cabinets and their sizes associated with the existing wireless telecommunications facility, and the number and sizes of all ground cabinets that will be associated with the wireless telecommunications facility after modification; and

h. identify changes to the height of the support structure; identify what, if any horizontal additions will be attached to the support structure; and identify the size and volume of all components of the wireless telecommunications facility before and after modification.

(5) If applicant contends that denial of the application would prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations, under circumstances such that deployment of the facilities must be authorized, the application must provide all information on which the applicant relies in support of that claim. Applicants are not permitted to supplement this showing, if doing so would prevent City from complying with any deadline for action on an application and applicant does not agree to toll such deadline for the of time necessary to accomplish review of the supplemental materials.

(6) Applicant must submit any required fees as part of the application.

(7) To the extent that filing of the wireless application establishes a deadline for action on any other permit that may be required in connection with the facility, the application shall include complete copies of applications for every required permit, including, without limitation, electrical permits, building permits, traffic control permits, and excavation permits, with all engineering completed, and with all fees associated with each permit included with the application. It is the applicant’s sole responsibility to determine which, if any, additional permits are required in connection with the facility.

(8) Requests for waivers from any requirement of this section shall be made in writing to the City Manager or his or her designee. The same may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the City will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought.

Section 5A-7.

(a) *Fees.* For wireless telecommunications facilities, applicant must provide an initial deposit and agree as part of its application to pay costs reasonably incurred by the City in reviewing the application.

(1) The City Manager may set the fees for review, and shall review the fees periodically, and raise or lower those fees based on costs the City expects to incur.

(2) Until and unless the City Manager directs otherwise, the deposit will be $2,000 for each wireless telecommunication facility and an additional $5,000 if applicant contends denial would result in an effective prohibition. Two hundred and fifty dollars ($250) of any deposit will be non-refundable.

(3) City will charge against the deposit an hourly rate for the employee time required to review each application, plus the out-of-pocket costs it incurs, including costs charged to it for review of the applications by third parties retained by the City to review the application.

(4) Applicant shall restore the deposit to its original level upon request of the City Manager when the remaining amount on deposit is one-quarter (1/4) of the original amount. Deposits must be restored within three (3) days of a request therefore.

(5) The unused portion of the deposit (other than the non-refundable amount) will be returned to the applicant upon final action on the application, or upon withdrawal of the application.

Section 5A-8. Rejection for Incompleteness.

(a) For personal wireless facilities, as that term is defined under federal law, and eligible facilities requests, as that term is defined under federal law, applications will be processed, and notices of incompleteness provided, in conformity with state, and local and federal law.

(b) Incomplete applications may be rejected by a written order specifying the material omitted from the application, or the City may notify the applicant of the material omitted and provide an opportunity to submit the missing material. If the wireless application is incomplete, all permits that must be acted upon by the same date as that application will also be deemed incomplete, or denied. If any permit that must be acted upon by the same date as the wireless application is incomplete, both it the wireless application, and any other permit application associated therewith shall be declared incomplete or denied.

Section 5A-9. Termination of Permit/Breach.

(a) *For breach.* A wireless telecommunications permit may be revoked for failure to comply with the conditions of the permit, franchise, or applicable law. Upon revocation, the wireless telecommunications facility must be removed; provided that, a support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

(b) *For installation without a permit.* A wireless telecommunications facility installed without a wireless permit (unlessfor those exempted by this Chapter) must be removed; provided that, removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

(c) *Term*. A wireless permit, other than a permit issued pursuant to an eligible facilities request, shall be valid for a period of five (5) years. A permit issued in response to an application constituting an eligible facilities request shall expire at the same time as the permit for the underlying existing wireless telecommunications facility, and shall only be valid so long as federal law requires the City to issue permits in response to eligible facilities requests. A person holding a wireless telecommunications permit must either remove the wireless telecommunications facility upon expiration (provided that removal of a support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or, at least ninety (90) days prior to expiration, must submit an application to renew the permit, which application must demonstrate that the visual impact of the wireless telecommunications facility cannot be reduced. The wireless telecommunications facility may remain in place until the application is acted upon by the City, and any appeals from the City's decision are exhausted.

(d) *Municipal Infraction*. Any violation of this ordinance will be subject to the same penalties as a violation of the _________________.

Section 5A-10. Vertical Infrastructure Controlled By City.

(a) *Statement of Policy.* The City, as a matter of policy, will negotiate agreements for the use of City-owned or controlled light standards and traffic signals in the public rights-of-way.

(b) *Subject to Agreement.* The placement of wireless telecommunications facilities on City-owned or controlled light standards and traffic signals in the public rights-of-way is contingent upon entry into, and shall be subject to the terms and conditions in the agreement. The agreement shall specify the compensation to the City for use of the structures. The person seeking the agreement shall additionally reimburse the City for all costs the City incurs in connection with its review of, and action upon the person's request for an agreement. It may, in its discretion, refuse attachment. Proposed placements will be expected to be consistent with the design of the light standards and/or traffic signals to which the wireless telecommunications facility is to be attached, and consistent with the design of other attachments to light standards and traffic signals in the area. Generally, the wireless telecommunications facility should be concealed, unless placement without concealment will better preserve the design of the underlying facility. The placement may not adversely affect the operation of any light standard or traffic signal, or the financing for the same. Subject to the foregoing, in considering whether to permit a particular use, the City will consider standards that apply to other wireless telecommunications facilities in the same rights-of-way.

Section 5A-11. Administration.

(a) *City Manager*. The City Manager is responsible for administering this Chapter. As part of the administration of this Chapter, the City Manager may:

(1) Adopt administrative regulations governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this Chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless telecommunications facilities, and guidelines for placement of wireless telecommunications facilities on City-owned or controlled structures in the rights-of-way.

(2) Interpret the provisions of this Chapter;

(3) Develop acceptable designs for wireless telecommunications facilities in particular corridors, taking into account the zoning districts bounding the rights-of-way. If an applicant uses an approved design for a particular corridor it will be deemed to satisfy the aesthetic standards of this ordinance and the wireless regulations.

(4) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued.

(5) Develop forms and procedures for submission of applications for placement or modification of wireless telecommunications facilities, and proposed changes to any support structure consistent with this Chapter.

(6) Collect, as a condition of the completeness of any application, any required fees.

(7) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

(8) Subject to appeal as provided herein, determine whether to grant, grant subject to conditions, or deny an application; and

(9) Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including, without limitation, issuing written decisions and entering into agreements to extend the time for action on an application.

(b) *Decision; Appeal*.

(1) The City Manager may, in its discretion, conduct any investigation and take any steps necessary to determine, within the time limits specified by applicable law whether an application for a wireless telecommunications facility complies with the requirements of this Chapter, applicable provisions of the City Code, and any wireless regulations, and whether, based on that review, it should be granted,

denied, or granted subject to conditions. Any person adversely affected by a decision of the City Manager may submit a request for reconsideration of that decision, and the City Manager may deny that request or grant it, and conduct such further investigations, or take such additional steps as may be required to reconsider the issues. Any decision on an application for a wireless telecommunications facility shall be in writing and based upon substantial evidence in a written record.

(2) Reconsideration requests that involve eligible facilities requests, or small wireless facilities as defined in FCC regulations, or any successor provision, must be filed within five (5) business days of the written decision of the City Manager; all other appeals must be filed within ten (10) days of the written decision of the City Manager, unless the City Manager extends the time to do so; provided, however, that an extension may not be granted where an extension would result in approval of the application by operation of law. If no reconsideration request is filed, the decision of the City is final on the day after the last day reconsideration may be filed; if a request is filed, the decision of City is final on the date that the City Manager acts on the request.

(3) Reconsideration is not permitted where reconsideration would result in a violation of applicable deadlines for action on an application.

Section 5A-12. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

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Chapter 18

STREETS AND SIDEWALKS

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DIVISION 6. MINIMUM REQUIREMENTS FOR OCCUPATION OF RIGHTS-OF-WAY

Section 18-122. Application.

(a) *Occupant Defined.* An "occupant" is a person who owns or controls permanent facilities in the rights-of-way, or (in the case of an application that will result in occupation of the rights-of-way), a person who will own or control permanent facilities in the rights-of-way.

(b) *Generally*. Each occupant shall be subject to the requirements of this Section, except as may be provided in a valid franchise held by such occupant, or as may be prohibited by law; provided that, an occupant's obligations may be limited to the duty to indemnify where:

(1) the facilities of an occupant (such occupant being a "secondary occupant"); are wholly within the facilities of another occupant;

(2) the secondary occupant holds no franchise, and has no right to enter into the rights-of-way, or perform any work on its facilities;

(3) the secondary occupant's property may be treated for all purposes (including notice) as the property of the occupant within whose facilities the secondary occupant is located;

(4) the occupant within whose property the secondary occupant's property is located accepts full responsibility and liability for complying with all obligations hereunder with respect to the facilities of the secondary occupant and can grant such access to the secondary occupant's facilities as necessary to permit the City, without liability to the secondary occupant, to perform any action contemplated hereunder;

(5) the secondary occupant accepts joint and several liability for the acts and omissions of the occupant;

(6) the City owes no duties to the secondary occupant; and

(7) the secondary occupant and the occupant responsible for the secondary occupant's facilities submit a jointly-signed writing affirming the provisions hereof.

(c) *Code Compliance.* An occupant shall at all times comply with all applicable provisions of the City Code and regulations. Any permit and any franchise authorizing occupancy of the rights-of-way may be terminated for violations of the Code and regulations, or the terms of any permit, as provided in this Chapter. Costs associated with compliance shall be borne solely by the occupant, and not by City, except as explicitly provided in a franchise or in the Code or regulations.

(d) *Inspections; Emergencies*. The City may inspect an occupant's property upon forty eight (48) hours prior notice to the occupant, and may as a condition of the inspection require occupant to disconnect or remove any facilities that may present a hazard to the inspectors. City may direct occupant to correct any non-compliance found. The occupant shall cooperate with all inspections and may be present for any inspection of its facility by the City. Notwithstanding the foregoing, in an emergency or when the facility threatens imminent harm to persons or property, City may, without notice, inspect, support, repair, disable, or remove any elements of the occupant's facilities and charge occupant the costs therefore, which costs may be recoverable from the bond provided by occupant.

(e) *Contact.* The occupant shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person who may be contacted at all times in the event of an emergency.

(f) *Resources.* An occupant shall maintain the persons and equipment necessary to allow it to respond immediately to any condition of or relating to the facility presenting a hazard to persons or property.

(g) *No guarantee or warranty by City.* The City does not guarantee it has the authority necessary to permit an occupant to place or maintain a facility at any site. An occupant is responsible for ensuring it has all authorizations required in order to place a facility at a particular location. Permits improperly granted may be revoked. An occupant assumes all risks associated with placement of facilities in the rights-of-way.

(h) *Insurance.* Occupant shall obtain and maintain insurance in the amounts and of types, and subject to such conditions, as may be specified in administrative regulations adopted by the City. Any permit or franchise may specify higher or lower insurance requirements, based on the risks presented to the public and the City, and taking into the account the size of any particular project. Insurance must cover harms that may be caused by any dangerous substance or characteristic of the facilities, including, for example, harms associated with electrification, and harms associated with emissions from facilities.

(i) *Indemnities.* The occupant shall defend, indemnify and hold harmless the City, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the City or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with any action, or failure to act of occupant or those acting on its behalf, and arising out of the construction, modification, maintenance or operation of facilities in the rights-of-way, except where instances where indemnification is prohibited by Maryland law.

(j) *Performance Bond.*

(1) Prior to issuance of a permit, the occupant shall file with the City, and shall maintain in good standing for so long as the facility is in place, a performance bond or other surety or form of security for the removal of the facility in the event that the use is abandoned or the occupant's rights to occupy expire, or are

revoked, or are otherwise terminated, or which may be drawn upon to reimburse City for any costs it incurs as a result of the failure of an occupant to comply with its obligations.

(2) The amount of the performance bond will be specified by City and adjusted from time to time, following the valuation guidelines for determination of the amount of the bond required under Division 3. The City may increase or decrease the amount of the security based on the type and extent of the facilities of an occupant.

(3) Where an occupant is required to obtain a bond under Division 3, the City may permit it to satisfy this requirement by a single bond covering construction of the facility and the ongoing occupancy of the rights-of-way.

(k) *Adverse Impacts on Adjacent Properties*. Occupant shall place and maintain its facilities to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility, and is responsible for restoring property damages to theircondition prior to the facility's installation, except as state law otherwise provides.

(l) *Visual burden minimized. Maintenance of facilities.* All facilities shall be neatly placed and maintained, with unused facilities removed, so that the burden and visual impact of the facilities in the rights-of-way is minimized. Without limitation, it is not permissible to leave wires hanging, or leaving disconnected cabling and conduits on the sides of supporting structures in the rights-of-way.

(m) *Noninterference with pedestrian and vehicular traffic*. Use by any occupant is secondary to use of the rights-of-way by vehicular and pedestrian traffic, and no facility may be placed in a manner that interferes with such uses. Without limitation, facilities may not be placed or maintained at locations that present a hazard to pedestrians or vehicular traffic (whether physically, or by obstructing sight lines); that violate ADA requirements; or that overhang any street, sidewalk, ramp or driveway unless the City has specifically approved that placement.

(n) *Noninterference with public projects.* An occupant must promptly move, alter, temporarily relocate, or remove its facilities as necessary for any public project, including, but not limited to, installation of any publicly-owned utility, structure or facility, street widening or regrading, widening or installation of sidewalks, or as part of an undergrounding project. If an occupant fails to move, alter, temporarily relocate, or remove its facilities by a time specified by City, City may cause the facilities to be removed, and charge the occupant for the cost thereof, which cost shall be recoverable against the bond.

(o) *Movement for others.* An occupant must promptly, and at no charge to the City, move, alter, or temporarily relocate its facilities as necessary to permit use of the rights-of-way by other franchised entities or entities holding special permits from City that require such movement, alteration or relocation. An occupant may charge the entity that causes such work to be performed for the cost of the work, except as may otherwise be provided by applicable laws or contract.

(p) *No Right, Title, or Interest*. Permissions granted by the City to occupy the rights-of-way shall not in any event constitute an easement on or an encumbrance against the public right-of-way. No right, title, or interest in the public right-of-way, or any part thereof, shall vest or accrue in an occupant by reason of issuance of such permissions.

(q) *General Maintenance*. The site and the facility, including, but not limited to, all landscaping, fencing, and related equipment, must be maintained in a neat and clean manner and in accordance with all approved plans. All graffiti on facilities must be removed at the sole expense of the occupant permittee within forty eight (48) hours after notification from the City.

(r) *Abandonment and termination.* If a facility is not operated for a continuous period of six (6) months, rights to occupy the rights-of-way it may be treated as abandoned and rights to occupy terminated. City will provide notice of abandonment, and unless an occupant contends in in writing submitted within ten (10) days of the notice, that the facility has not been abandoned , the facility will be deemed abandoned and the rights to occupy terminated. If an occupant contends that the facility has not been abandoned, it must provide all facts on which it relies for that contention as part of the submission to City. The City may then determine whether or not the facility is abandoned. If the facility is deemed or determined to be abandoned, City may direct the facility to be removed, and if not removed City by a time specified by the City, City may remove the facility and charge the occupant the cost therefore, which cost may be charged against the bond.

(s) *Records.* Any occupant must maintain complete and accurate copies of all applications filed, and all permits and other regulatory approvals issued in connection with the facility, and maintain full and complete records identifying and showing the location of the facilities of occupant in the rights-of-way. Copies of the record shall be promptly provided to City on request, unless production of the records is prohibited by law. Maps of facilities must be provided in a format that will permit the information to be incorporated in the City's GIS system.

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BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon the date of its passage.

PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of ____________________, 2018.

____

Emmett V. Jordan, Mayor

ATTEST:

____

Bonita Anderson, City Clerk

Key:
Underscoring indicates language added to existing law.
~~Overstriking~~ indicates language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: David Moran
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS

Subject:
Community Pledge Update

Suggested Action:
At the Regular Meeting on November 27, 2017, Council referred this matter to CRAB. Council suggested that CRAB consider more inclusive language such as the addition of “ages and genders” to the second sentence. This recommendation came in response to requests from the community.

The Pledge was originally drafted by the City’s Community Relations Advisory Board (CRAB) and adopted by the City Council in 1997. Then in 2001, as part of the City’s Peace and Non-Violence initiative, CRAB recommended the Pledge be modified and a revised Pledge was adopted by the City Council in 2001.

CRAB discussed this referral at several meetings and looked for ways to make the pledge more inclusive. CRAB discussed adding language to the “cultures, faiths and races” sentence to try and broaden the scope to include ages, gender, sexual orientation, abilities, etc. At the same time, CRAB recognized, and deliberated on, the challenges with trying to develop an inclusive Pledge that contained an exhaustive list of attributes covering every current and future group.

CRAB recommends the following modified Community Pledge be adopted by the City Council:

The strength of Greenbelt is diverse people living together in a spirit of cooperation. We celebrate all people. By sharing together all are enriched.

We strive to be a respectful community that is open, accessible, safe and fair.

Attachments:
Report 2018-2 Final.pdf

COMMUNITY RELATIONS ADVISORY BOARD (CRAB)
REPORT TO CITY COUNCIL

SUBJECT: Council Referral – Community Pledge

BACKGROUND: At the Regular Meeting on November 27, 2017, Council referred this matter to CRAB. Council suggested that CRAB consider more inclusive language such as the addition of "ages and genders" to the second sentence. This recommendation came in response to requests from the community.

The Pledge was originally drafted by the City's Community Relations Advisory Board (CRAB) and adopted by the City Council in 1997. Then in 2001, as part of the City's Peace and Non-Violence initiative, CRAB recommended the Pledge be modified and a revised Pledge was adopted by the City Council in 2001.

The current Community Pledge is:

The strength of Greenbelt is diverse people living together in a spirit of cooperation. We celebrate people of many cultures, faiths, and races living together. By sharing together all are enriched.

We pledge to foster a community which is respectful, safe, and fair for all people.

DISCUSSION: CRAB considered and discussed this referral at meetings on:

- February 13, 2018
- April 12, 2018
- May 10, 2018
- June 5, 2018
- October 11, 2018

In its deliberations, CRAB sought to favorably respond to Council and the community and look for ways to make the pledge more inclusive. CRAB discussed adding language to the "cultures, faiths and races" sentence to try and broaden the scope to include ages, gender, sexual orientation, abilities, etc. At the same time, CRAB recognized, and deliberated on, the challenges with trying to develop an inclusive Pledge that contained an exhaustive list of attributes covering every current and future group. CRAB wished to strike a balance that would allow the pledge to remain timeless for years to come. There was also discussion about adding the word accessible to the Pledge in acknowledgement that the City is for all physical abilities as well. After considerable discussion and careful deliberation, CRAB proposed edits to the Pledge that focus on diversity and inclusion for all people, without a list of “groups”.

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RECOMENDATION: CRAB recommends the following modified Community Pledge be adopted by the City Council:

The strength of Greenbelt is diverse people living together in a spirit of cooperation. We celebrate all people. By sharing together all are enriched.

We strive to be a respectful community that is open, accessible, safe and fair.

Respectfully Submitted,

Rick Ransom, Chair
Community Relations Advisory Board

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: David Moran
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS

Subject:
2019 Legislative Program

Suggested Action:
Each year in December, the Council holds a Legislative Dinner with the City's State and County representatives to present and outline the City's top legislative priorities. This dinner meeting will be held on Monday, December 17, 2018 at the Greenbelt Crowne Plaza.

Included in Council's packet is a proposed Legislative Program for 2019. Staff is recommending a short list of priorities under two categories to focus the attention and efforts of our legislators.

Three "Top" priorities are proposed. These are:

- Oppose Maryland's takeover and privatization of the B/W Parkway
- Block the Maglev Train Routes through Greenbelt and Prince George's County
- Greenbelt Road Streetscape Improvements

There are two "Other Priorities":

- Children living in Greenbelt Station should attend Greenbelt schools
- Increase M-NCPPC Funding for City Recreation Programs

The 2018 list of priorities was lengthy with a total of 17 items. Staff strongly suggests that the City's 2019 priorities be limited to a small number because it is better to present a concise, manageable package of initiatives to our State and County representatives. Based on Council's action on this item, staff will develop a booklet describing each item in detail and providing appropriate background materials. Staff will also email the summary to State and County legislators in advance of the dinner.

Council direction is sought. (DEM)

Attachments:
Fall Dinner Summary 19.pdf

Legislative Suggestions 10.17.17.pdf

Fall Dinner Summary 18.pdf

CITY OF GREENBELT 2019 LEGISLATIVE PROGRAM SUMMARY

LEGISLATIVE PRIORITIES

Top Priorities:

- **OPPOSE MARYLAND'S TAKEOVER AND PRIVATIZATION OF THE BALTIMORE/WASHINGTON PARKWAY**

  Governor Hogan has proposed widening the BW Parkway with toll lanes through some type of public-private arrangement. The City opposes this effort.

- **BLOCK THE MAGLEV TRAIN ROUTES THROUGH GREENBELT AND PRINCE GEORGE'S COUNTY**

  Both proposed alignments would run through Greenbelt. This project negatively impacts Greenbelt and the County with little benefit to our residents.

- **GREENBELT ROAD STREETSCAPE IMPROVEMENTS**

  Fund the SHA Streetscape Improvement Program on Greenbelt Road (MD 193). An Urban Land Institute (ULI) Technical Assistance Panel (TAP) of regional experts met in June and issued a report.

Other Items of Concern:

- **CHILDREN LIVING IN GREENBELT STATION SHOULD ATTEND GREENBELT SCHOOLS**

  Children living in the new community of Greenbelt Station are assigned to Berwyn Heights Elementary, Greenbelt Middle School and Parkdale High School. These students should be attending schools located in Greenbelt.

- **INCREASE M-NCPPC FUNDING FOR CITY RECREATION PROGRAMS**

  The City receives $234,000 annually from M-NCPPC to help support City Recreation programs. This funding level has not increased since FY 2013. City taxpayers pay approximately $1.7 Million in M-NCPPC Recreation Fund taxes.

Legislative Suggestions Raised by City Council
Updated October 17, 2017

#	Item	Venue	Date
1	Enable New Site Plan Authority/Full Planning & Zoning	2009 Legislative Program	12/2008
2	Funding for Greenbelt Lake dredging	2009 Legislative Program	12/2008
3	Encourage/Require Gas Stations to offer alternative fuels	2009 Program/2010 & 2011 MML LAR	6/23/09
4	Reestablish County Landlord/Tenant Commission	2009 Legislative Program	12/2008
5	Increase M-NCPPC Funds Provided to Greenbelt	2009 Legislative Program	12/2008
6	New Greenbelt Fire Station	2009 Legislative Program	12/2008
7	Oppose Kenilworth Ave (MD 201) Extension/Expansion	2009 Legislative Program	12/2008
8	Support Purple Line/Oppose Intercounty connector	2009 Legislative Program	12/2008
9	Prohibit Transfer of Gas Station Liquor Licenses	2009 Legislative Program	12/2008
10	Financial Reporting for Circulation of Municipal Petitions	2009 Legislative Program	12/2008
11	Additional Funding for Noise Barriers/Change Criteria	2009 Legislative Program	12/2008
12	Creation of Container Deposit Program	2009 Legislative Program	12/2008
13	Municipal Electric Aggregation	2009 Legislative Program	12/2008
14	Increased Penalties for Red Light Camera Violations (assess points, remove license, etc.)	2009 Legislative Program	12/2008
15	Transit Service Issues (more weekend service, less duplication, etc.)	2009 Legislative Program	12/2008
16	Full Funding of Bridge to Excellence (Thornton)	2009 Legislative Program	12/2008
17	Ask County to Require Art for New Development	Budget Work Session	5/6/09
18	End Homelessness	Regular Meeting/Mr. Herling	6/22/09
19	Apartment Assessment Inequity Issue	2008 & 2010 MML LAR	6/23/09
20	Expand definition of Pawn Shop (County Issue)	Regular Meeting	6/7/10
21	Increase Transit Funding	Special Meeting	7/20/10
22	Allow municipalities to receive funds currently directed to TheBus	Regular Meeting	9/27/10
23	Funding for Schools to Clear Snow	Work Session	10/20/10
24	Prohibition on Plastic Grocery Bags	Regular Meeting	10/26/10
25	Concern about New Ethics Law (Financial Disclosure Forms)	Work Session	8/3/11
26	During a Power Outage – Pepco can Raise Rates	Regular Meeting	9/13/11
27	Pit Bull Legislation – Court of Appeals Decision	Regular Meeting	11/14/12
28	Bond Bill for Theater Phase II	Work Session	7/16/14
29	Undergrounding of Utilities	Work Session	7/22/15
30	Legal housing discrimination based on “Source of Income”	Work Session	8/15/16
31	Prevent Utilities from Retroactively Billing Customers	Work Session	2/8/17
32	Establish a municipal liquor tax	Regular Meeting	9/25/17
33	SHA must fund sidewalk replacement of State Roads	Work Session	10/16/17

CITY OF GREENBELT 2018 LEGISLATIVE PROGRAM SUMMARY

LEGISLATIVE PRIORITIES

Top Priorities:

- **RESTORE FUNDING FOR THE I-495 INTERCHANGE AT GREENBELT METRO STATION**

  Restore the State Highway Administration (SHA) funding for these interchange improvements.

- **OPPOSE MARYLAND'S TAKEOVER AND PRIVATIZATION OF THE BALTIMORE-WASHINGTON PARKWAY**

  Governor Hogan has proposed widening the B-W Parkway with toll lanes through some type of public-private arrangement. The City opposes this effort.

- **BLOCK THE MAGLEV TRAIN ROUTES THROUGH GREENBELT AND PRINCE GEORGE'S COUNTY**

  Two of three proposed alignments would run through Greenbelt. This project negatively impacts Greenbelt and the County with little benefit.

- **GREENBELT ROAD STREETSCAPE IMPROVEMENTS**

  Fund the SHA Streetscape Improvement Program on Greenbelt Road (MD 193). Plans are underway to host a 2018 panel of regional experts to evaluate this project.

- **WMATA TRAIL – GREENBELT STATION NEIGHBORHOOD TO METRO**

  Advocate for a safe, affordable pedestrian/bike trail from Greenbelt Station neighborhood to the Greenbelt Metro Station.

- **PROTECT OLD GEENBELT**

  As part of the Zoning Rewrite process, protect the historic character of Old Greenbelt.

- **GREENBELT INNOVATION ZONE FOR ECONOMIC DEVELOPMENT**

  Create an Innovation Zone in Greenbelt to spur Economic Development.

- **FUNDS FOR CITY BUS REPLACEMENT**

  Provide funding to replace the Greenbelt Connection Bus which was totaled due to a vehicle fire.

Information Item:

UPDATE ON GREENBELT LAKE DAM PROJECT

On November 7, voters approved general obligation borrowing of up to $2.5 Million through an MDE Revolving Loan Program for this project. Staff plans to solicit bids in 2018.

Other Items of Concern:

- **CHILDREN LIVING IN GREENBELT STATION SHOULD ATTEND GREENBELT SCHOOLS**

  Children living in the new community of Greenbelt Station are assigned to Berwyn Heights Elementary, Greenbelt Middle School and Parkdale High School. These students should be attending schools located in Greenbelt.

- **PROVIDE M-NCPPC FUNDING FOR NCO ZONE AND SMALL AREA PLAN**

  The County Planning Department should include funds in their FY 2019 Budget to develop a Greenbelt Neighborhood Conservation Overlay (NCO) Zone and Small Area Plan.

- **INCREASE FUNDING FOR THE MOSQUITO CONTROL PROGRAM**

  Provide additional funds so that all interested communities in Prince George's County can participate in the program.

- **REPLACE SIDEWALKS ON STATE ROADS**

  Include funds in the State Budget for SHA to replace and maintain sidewalks along State roads.

- **INCREASE FUNDING AND COMMUNICATION OF PERFORMANCE EXPECTATIONS FOR YOUTH SERVICE BUREAUS**

  Increase funding for Youth Service Bureaus (YSB's) and clarify performance standards for these agencies.

- **RETROACTIVE UTILITY BILLING**

  Prevent utility companies from retroactively billing customers when the utility company makes a mistake regarding account type or service.

- **SPECIAL ENTERTAINMENT PERMIT TIERED FEE OR EXEMPTION (New Deal Café)**

  Provide a lower fee or exemption for the Special Entertainment Permit for smaller non-profit venues.

- **BAN ON PLASTIC STRAWS**

  Prohibit plastic straws due to their negative impact on the environment.

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: David Moran
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS

Subject:
*Employee Special Holiday

Suggested Action:
Since December 1969, the City Council has granted an extra holiday to classified employees during the holiday season. In some years, when Christmas has fallen on a Tuesday or Thursday, Council has assigned the holiday to create a four-day weekend. However, it should be noted that fixing the Special Holiday increases overtime expenditures by approximately $25,000 that were not approved in the adopted budget. This year, Christmas Day is Tuesday, December 25.

Otherwise, the holiday has been granted as a "floating day" that employees may use whenever they wish during the remainder of the fiscal year. Approving the Special Holiday as a floating day does not increase overtime costs.

It is recommended that Council grant the FY 2019 Special Holiday as a floating holiday to employees. A floating holiday allows employees with other faith traditions to use this holiday at other times of the year if desired.

Approval of this item on the consent agenda will indicate Council's approval to grant an extra floating holiday to City employees. (DEM)

Attachments:

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: David Moran
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS

Subject:
*Internet in the Community Center

Suggested Action:
At the Regular Meeting on October 8, Council discussed this discussed this item and voted to approve a motion by Councilmember Byrd. Mr. Byrd's motion to Council direct City staff to provide Wi-Fi access on the first floor of the Community Center at a cost of $2,000 for wiring and $1,000 for subscription.

While preparing the Minutes for the October 8 meeting staff discovered this motion did not receive a second and therefore was not a valid motion. This means the subsequent unanimous vote to approve the motion was also invalid.

Approval of this item on the consent agenda will approve the motion listed above. (DEM)

Attachments:
RM181008rev.pdf

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, October 8, 2018.

Mayor Jordan called the meeting to order at 8:03 p.m.

ROLL CALL was answered by Councilmembers Colin A. Byrd, Judith F. Davis, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan.

ALSO PRESENT were Nicole Ard, City Manager; Todd Pounds, City Solicitor and David E. Moran, Assistant City Manager.

Mayor Jordan asked for a moment of silence in honor of former resident Marjorie Lee Wilkinson. Ms. Pope then led the pledge of allegiance to the flag. Mayor Jordan noted that it was Columbus Day and Indigenous Peoples Day.

CONSENT AGENDA: Ms. Mach removed Item 21 entitled "Letter to Maryland Transit Administration on MAGLEV Alternatives Report Status." With that change, it was moved by Mr. Putens and seconded by Ms. Mach that the consent agenda be approved with that amendment. The motion passed 7-0.

Council thereby took the following actions:

MINUTES:

* Work Session, October 16, 2017
* Public Hearing, April 3, 2018
* Regular Meeting, April 23, 2018
* Regular Meeting, May 14, 2018
* Work Session, May 16, 2018
* Work Session, August 1, 2018
* Interview, August 22, 2018
* Work Session, August 22, 2018

Approved as presented.

COMMITTEE REPORTS

Arts Advisory Board Report #19-1 (Recommendation for a City of Greenbelt Public Arts Policy): Council accepted this report and agreed to consider it later on the agenda.

Forest Preserve Advisory Board Report #2018-04, (Revisions to City Code Chapter 12 Articles VIII and IX): Council accepted this report and agreed to consider it on a future agenda.

ELECTRIC VEHICLE CHARGING STATION AT ROOSEVELT CENTER: Council approved a "pay to charge" rate schedule as outlined in the Memorandum from Luisa Robles dated August 1, 2018, supporting a maximum charge of $7.10 for up to 30 minutes of charging time.

NO NEW FOSSIL FUELS IN MARYLAND CAMPAIGN LETTER: Council approved the letter.

COUNTY SHORT-TERM RENTAL LEGISLATION, CB-10-2018 & CB-11-2018 LETTER OF SUPPORT: Council approved the letter.

UNIVERSITY OF MARYLAND CAMPUS COMMUNITY CONNECTION: Council approved a $15,000 contribution towards the City's participation in the University of Maryland Campus Community Connection program.

. ARTS ADVISORY BOARD REPORT #19-2, REQUEST TO AMEND ARTS ADVISORY BOARD BY-LAWS: Council approved Arts Advisory Board Report #19-2.

GREENBELT ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY (GREENACES) RECOMMENDATION #2018-02, MARYLAND PUBLIC SERVICE COMMISSION'S HEARING PC44-TRANSFORMING MARYLAND'S ELECTRIC GRID, LETTER OF SUPPORT: Council agreed to support GreenACES recommendation.

APPROVAL OF AGENDA: Mr. Roberts requested the City send a letter to the Transportation Planning Board (TPB) regarding the 2045 plan. With that addition, it was moved by Mr. Putens and seconded by Ms. Davis that the agenda be approved as presented. The motion passed 7-0.

Mayor Jordan announced he had to leave at 10:30 pm.

PRESENTATIONS:

Cooperative Month Proclamation: Mayor Jordan read the agenda comments. Ms. Mach noted there were actually seven cooperatives in Greenbelt. Mayor Jordan read the Proclamation. Representatives from six of Greenbelt's cooperatives accepted proclamations announcing the City's support and recognizing cooperative businesses and organizations during the month of October.

Steve Skolnik, Greenbelt Homes Incorporated, reported on Greenbelt's participation at the National COOP Festival on the National Mall. He stated it was a worthwhile event.

Sylvia Lewis encouraged everyone to read the News Review.

Barbara Ford encouraged everyone to remember the COOP Supermarket and indicated they were raising funds for a roof replacement.

A representative from Greenbelt Nursery School announced the upcoming spaghetti dinner fundraiser on November 10 at the Greenbelt Community Church.

Ms. Mach thanked everyone for participating in the COOP Festival on the National Mall and indicated it was successful. She encouraged everyone to visit the COOP month display at the Greenbelt Library.

Nonprofit Awareness Week Proclamation: Mayor Jordan read the agenda comments and read the Proclamation. Representatives from Greenbelt's nonprofits accepted the proclamation announcing the City's support and recognition of nonprofits during this week.

Caitlin McGrath, Friends of Greenbelt Theatre, mentioned the Utopia Film Festival, the upcoming pumpkin carving and pumpkin walk, and a spooky cartoon after the Halloween Parade. She also noted that film the *First Man* was opening on Friday.

Carol Shaw, Greenbelt Foundation, announced that the Greenbelt Foundation now had its own 501(c)(3) designation. She announced the October 15 deadline for submission of grant proposals.

Stephen Oetken, Friends of the Greenbelt Museum, noted a visit from the Greendale community on Thursday. He also announced the upcoming lecture on October 18.

Domestic Violence Awareness Month: Mayor Jordan read the agenda comments.

Captain Seung Lee stated that the goal was to bring awareness to domestic violence during the month. He noted that many such incidents go unreported. Captain Lee provided some statistics. He indicated that often children are impacted by domestic violence.

Mayor Jordan read the proclamation. Captain Lee accepted the Proclamation.

Ms. Davis asked about education programs for hotel employees. Captain Lee responded that they do receive reports from City hotels.

PETITIONS AND REQUESTS: Michael Hartman, 2-R Gardenway, thanked the City for supporting efforts to secure a booth at the National COOP Festival. He thanked Ms. Mach for her leadership with the Greenbelt Cooperative Alliance. Mr. Byrd also expressed appreciation for Ms. Mach's efforts.

Lore Rosenthal, 2-R Gardenway, stated that the fossil fuel letter listed an individual resident as the contact and that she requested that the name be removed. Council agreed to amend the letter.

ADMINISTRATIVE REPORTS: Ms. Ard recognized Cynthia Brown for her lifesaving efforts at the Aquatic and Fitness Center. She requested that Council provide 4-Cities agenda items. She noted the General Order on immigration had been signed and posted online. She welcomed Judith Howerton, the City's new Community Planner, and reported on her attendance at a Metropolitan Washington Council of Governments (MWCOG) retreat on Emergency Preparedness.

Ms. Davis asked about a bus shelter removal on Springhill Lane. Ms. Ard noted work underway at several shelters due to repair and safety issues and agreed to follow-up. Ms. Davis asked if the damage to the floor at the Community Center dance studio was created by the new HVAC units. Mr. Varda responded that the new units were leaking and Public Works was aware of the problem. Ms. Davis appreciated that Public Works was looking at interior and exterior steps at the Community Center to make them move visible (lighting, contrasting paint, etc.). Ms. Pope and Mr. Byrd also expressed appreciation.

Mr. Byrd expressed appreciation for the City's work on the opioid issue. Mr. Byrd relayed that he heard that there have been incidents at the Library where Police were called regarding individuals urinating in seats. He asked staff to follow-up with the Library.

Mr. Byrd reported that there are ticks in the woods. Ms. Davis suggested educating residents and forest users. Ms. Rosenthal noted that Jason Martin had conducted an excellent "tick talk" program and suggested repeating this. Mr. Putens indicated this was a regional problem.

Mayor Jordan observed that the ramp from westbound MD 193 onto Southway had a damaged guardrail which had been there for several months. He requested that the City notify the State Highway Administration.

LEGISLATION

An Ordinance Authorizing And Empowering The City Of Greenbelt, Maryland (The "City") To Issue Up To $8,000,000.00 Of Its Special Obligation Bonds At A Maximum Interest Rate Not To Exceed 8% Per Annum In Order To Finance Or Reimburse The Cost Of Certain Public Improvements Relating To The Development District Known As The Greenbelt Station Development District And The Special Taxing District Known As The Greenbelt Station Special Taxing District And Other Costs Permitted Under The Acts (As Identified Herein); Providing That Such Bonds And The Interest Thereon Shall Never Constitute A General Obligation Of The City Or A Pledge Of Its Full Faith And Credit; Providing For The Further Specification, Prescription, Determination, Provision For Or Approval Of Various Other Matters, Details, Documents And Procedures In Connection With The Authorization, Issuance, Security, Sale And Payment For Any Such Bonds; Making Certain Legislative Findings; And Generally Providing For The Levy, Imposition, Collection And Application Of Such Special Tax And The Issuance Of Special Obligation Bonds In Accordance With The Acts Identified Herein

Mayor Jordan read the agenda comments. Ms. Davis introduced the resolution.

APPROVAL OF THE PUBLIC ARTS POLICY: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council approve the City of Greenbelt Public Arts Policy. Ms. Pope seconded.

Greg Varda, Assistant Director of Recreation Programs, thanked the Arts Advisory Board and Nicole DeWald, Arts Supervisor, for putting the program together.

Ms. Mach wanted to make sure the policy allowed for art from children. Ms. DeWald responded that the program valued quality and inclusion and would include children's art.

Mr. Byrd thanked staff and the Arts Advisory Board for their work. He expressed support for the new policy. Mr. Byrd requested an amendment. He wanted City Council to weigh in on the composition of the Public Art Project Committee.

Mr. Byrd moved that the Policy be amended to allow Council to approve the composition of the Project Committee in conjunction with the City Manager. Mr. Putens seconded. The motion passed 4 to 3 (Davis, Mach and Pope). Council Members explained their vote.

Mayor Jordan thanked staff and the Arts Advisory Board for their work.

Ms. Davis thanked staff for incorporating Council's comments from the Work Session.

The initial motion passed 7 to 0.

RFP SPACE PLANNING FOR GREENBELT MUSEUM VISITOR & EDUCATION CENTER AND OFFICES: Mayor Jordan read the agenda comments.

Megan Young explained that this was the next step in transforming the former residence to a Visitor and Education Center. She indicated this would allow architectural plans to be developed.

Mayor Jordan asked about the timing of the RFP release and selection of a firm. Ms. Young indicated the hope was that work would be completed 60 days after selection of a firm. She welcomed participation from staff and Council in the process.

Ms. Davis asked about the revised document. Mr. Moran described several minor edits to the RFP document.

Mr. Putens moved Council approval of the RFP. Ms. Pope seconded.

Mr. Hartman stated that the Museum has always been very supportive of making the new space accessible to people with disabilities. He asked that Council encourage the active participation of individuals with disabilities throughout the process. Mr. Putens agreed. Mr. Hartman stated that there are people with disabilities who are eager to participate in the process.

Ms. Young stated that the Friends of the Greenbelt Museum (FOGM) was requesting that all design work incorporate the goal of universal design from the very beginning of the process.

The motion passed 7 to 0.

ACCEPT THE FOREST PRESERVE ADVISORY BOARD REPORT #2018-03 RESPONSE TO A LETTER IN THE GREENBELT NEWS REVIEW ABOUT PROHIBITED ACTIVITIES IN THE FOREST PRESERVE: Mayor Jordan read the agenda comments.

Ms. Davis moved that Council approve the letter as drafted by the Forest Preserve Advisory Board. Mr. Putens seconded.

Mr. Byrd commented that the City's approval does not necessarily mean Council endorses every aspect of the Forest Preserve Advisory Board's letter.

The motion passed 7 to 0.

<u>ADVISORY BOARD NOTICE FOR FORTHCOMING DEVELOPMENT PROPOSALS</u>: Mayor Jordan read the agenda comments and suggested the addition of the Arts Advisory Board to the list of groups to receive Advisory Planning Board (APB) agendas.

Council Members clarified that all Boards and Committees should be able to participate.

Ms. Ard relayed staff's concern that the timelines for review of development proposals, including the proposed terms of the upcoming draft County Zoning Ordinance Rewrite, are often determined by the County, not the City. Ms. Davis agreed that timeframe is sometimes a problem.

Mr. Byrd stated that Mr. Hartman had requested this item and asked Mr. Hartman to share his rationale for making the request. Mr. Hartman stated there was an environmental aspect to almost every development proposal and favored including all advisory groups. He noted this would allow the City to take advantage of these volunteer assets.

Mr. Byrd moved that Council direct APB referrals to all advisory groups and this has to be done in a timely manner. Ms. Davis seconded.

Ms. Rosenthal stated that this was of particular interest because development was a concern in Greenbelt.

Mayor Jordan indicated that there may not be as much time for these reviews as in the past. Ms. Davis clarified that the processes could proceed simultaneously.

Ms. Pope asked about the process for scheduling this multi-board meeting. Mr. Byrd responded this new process only gave the advisory groups a little more role in the process. Council clarified that only one multi-board meeting would occur.

Mr. Roberts wanted to fight the County's timeline for the zoning rewrite.

Mr. Byrd stated this was a separate issue and noted the City's concerns had already been expressed to the County.

Mr. Byrd restated the motion that the City Council direct City staff to provide notice to all City advisory groups regarding any and all development proposals, to provide for at least one presentation/meeting opportunity, in addition to the Advisory Planning Board meeting, for other advisory groups, that any advisory group may submit a report/feedback, and that all of this process has to be done in a reasonable timely manner in accordance with relevant City and County deadlines.

Council clarified that this new process applied to all City advisory groups.

Ms. Ard reported that Planning staff had already started this process with all advisory groups.

Mr. Orleans was supportive that all advisory groups should feel free to comment. He stated that any developer knows about their plans well in advance of 30 days.

Ms. Davis stated that past developers had come to the City early. She hoped this would continue. However, she noted that the County sets the review timeline and deadlines.

Mr. Byrd clarified that the City would not wait for advisory group input in a time-sensitive matter.

Mayor Jordan encouraged that Planning Director to be as clear as possible about the timeline.

The motion passed 7 to 0.

Ms. Ard encouraged residents to sign up online for City news and meeting information.

INTERNET IN THE COMMUNITY CENTER: Mayor Jordan read the agenda comments.

Ms. Davis asked if the City could provide this service. Mayor Jordan asked if it would work given the building's block construction. Mr. Worley responded that it was doable and at least two units were needed to cover the entire first floor.

Mayor Jordan advocated for one of the rooms (i.e. Multi-Purpose Room) at the Community Center to be equipped to do webinars or live feeds.

Mr. Byrd stated there was a need and moved that Council direct City staff to provide Wi-Fi access on the first floor of the Community Center at a cost of $2,000 for wiring and $1,000 for subscription.

Ms. Davis observed that younger residents may have a greater need for this service.

Ms. Pope favored providing Wi-Fi access for the entire building.

Ms. Mach believed the cost for the entire building was a budget issue and should be discussed during the budget process.

Mr. Roberts questioned who would use this service on the first floor. He thought there would be more use on the second floor. Mr. Roberts agreed this should be done as part of the budget process.

There was discussion of the portable Wi-Fi hotspot. Several Council members commented that users may not know about the availability of the hotspot.

Mr. Byrd was supportive of providing the service for the whole building and wanted to discuss it at budget time.

Ms. Ard stated that Council had undesignated funds available to cover the cost.

Mr. Hartman favored providing the service throughout the entire building. He indicated that all of the rooms in the Community Center hold meetings for recognition groups and suggested that the City budget could handle this expenditure.

Mayor Jordan observed that some residents would oppose this request due to concerns about radiation.

Ms. Rosenthal stated that her group uses meeting rooms at the Community Center and can't stream anything. She relayed that speakers are often surprised that the Community Center doesn't have this capability.

Ms. Davis clarified that the motion included both wings on the first floor. She also wanted to add this to the budget list.

The motion passed 7 to 0. [Editorial Note: While preparing the Minutes, staff discovered that Mr. Byrd's motion did not receive a second. Therefore, this vote was invalid.]

Mayor Jordan announced he would have to leave shortly.

FIBER NETWORK TASK FORCE: Mayor Jordan read the agenda comments.

Mr. Byrd moved that Council create a task force to study the issue of a City-wide fiber network and becoming a broadband community and to allow city staff to advertise an RFP related to the use of Public, Education, Government (PEG) access fees to do a feasibility study. Ms. Pope seconded.

Ms. Davis requested a work session on this issue. Mr. Putens agreed.

Mayor Jordan liked the proposal but believed the motion was premature. He requested more staff work and also liked the idea of a work session.

Ms. Pope reported that this subject matter comes up every year at National League of Cities (NLC) meetings. She also favored a work session.

Mr. Worley noted that a company had approached the City and City staff had talked with other jurisdictions who have done this. He believed a feasibility study would help answer questions at a work session.

Ms. Mach asked if PEG access fees could be used for this. Mr. Worley stated it could.

Mr. Byrd believed the task force would help the City answer its questions. He asked about the other communities.

Mr. Worley stated there were 200-300 communities nationwide. He specifically referenced Westminster and also cited Wilson, NC. Mr. Worley stated Greenbelt was well suited for this because of the community size (six square miles) and population density.

Ms. Davis clarified that she wanted a work session to better understand the concept.

Ms. Pope referenced an NLC report and also noted the possibility of grants being out there.

Mayor Jordan was excited, but wanted staff to work on it longer.

Mr. Putens noted that the citizens needed to understand it. He requested a work session in the next month or so. 116

Mayor Jordan moved to call the question. Ms. Mach seconded. The motion passed 6 to 1.

The previous (initial) motion failed 2 (Byrd & Pope) – 5.

Mr. Byrd moved to have a feasibility study. Ms. Pope seconded. The motion failed 2 (Byrd & Pope) – 5.

There was Council consensus to schedule a work session on the subject.

Mayor Jordan departed at 10:29 p.m. for a business-related trip.

LETTER TO STATE RETIREMENT AGENCY ON PENSION FUND FOSSIL FUEL INVESTMENTS: Mayor Pro-Tem Davis read the agenda comments.

Mr. Byrd noted that a revised letter was on the dais with the changes highlighted.

Michael Travers stated that climate change was highlighted today in a *Washington Post* article regarding the United Nations climate change report. He expressed concern that the Maryland State Retirement & Pension System (MSRPS) was investing in fossil fuel industries.

Ms. Davis noted that divestiture may cost money for the retirees and she indicated that she may have to abstain since she received a Maryland State Pension.

Ms. Mach was curious why the requestor was only focusing on fossil fuels and asked about other social concerns. Some people noted this was a slippery slope matter.

Mr. Byrd did not believe that Ms. Davis needed to recuse herself. He respected Ms. Mach's concern but did not believe the City could address it at tonight's meeting.

Mr. Roberts did not believe anyone on Council needed to recuse themselves. He reiterated the impacts of global warming. Mr. Roberts stated that it was outrageous for the State to invest in these types of companies.

Mr. Byrd moved that Council send a letter to the State Retirement Agency expressing concerns about the pension fund's fossil fuel investments. Mr. Roberts seconded.

Mr. Byrd referenced a study that showed "green" investments perform well. He stated the benefits outweighed the potential costs.

Ms. Ard noted that City employees had not been consulted and indicated that this could impact them.

Ms. Ard noted State efforts to evaluate fossil fuel investment over several years. She indicated that staff had a shared commitment to the City's green and environmental goals. Ms. Ard shared concerns relayed by staff that City employees had not been consulted about this idea.

Ms. Rosenthal stated that Ms. Lester had investigated this matter. She wanted to find out if there was a State policy. Ms. Rosenthal discussed stranded assets.

Ms. Mach indicated that more information was needed and this request was not broad enough.

Ms. Rosenthal stated that climate change is upon us. She noted that individuals would have to use their own retirement funds to deal with climate change impacts and associated costs.

Mr. Byrd thanked everyone for bringing this issue forward. He did not believe the votes were there for his motion. Mr. Byrd suggested a substitute motion that would just ask some questions of MSRPS.

Mr. Byrd withdrew his motion and Mr. Roberts concurred.

LETTER TO MARYLAND TRANSIT ADMINISTRATION ON MAGLEV ALTERNATIVES REPORT STATUS: Mayor Jordan read the agenda comments.

Ms. Mach did not believe the letter was strong enough. She wanted to change the word "hopes" in the last sentence to "expects."

Ms. Mach moved that Council approve the letter with these changes. Mr. Byrd seconded. The motion passed 6 to 0.

LETTER TO TRANSPORTATION PLANNING BOARD: Mr. Roberts described the letter he was requesting opposing road widening and indicating it was a global warming issue. He stated the letter would express Greenbelt's opposition to having Governor Hogan's highway plan as part of the Regional 2045 plan. Mr. Roberts moved that Council send the letter. Mr. Byrd seconded. The motion passed 6 to 0.

GREENBELT ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY (GREENACES) RECOMMENDATION #2018-02, MARYLAND PUBLIC SERVICE COMMISSION'S HEARING PC44-TRANSFORMING MARYLAND'S ELECTRIC GRID, LETTER OF SUPPORT: Mayor Pro Tem Davis returned to this item. She asked if the City had a copy of the letter in addition to the report. Staff responded that the letter was not available. Council wanted to see the letter before it was sent.

COUNCIL ACTIVITIES:

Council Members commented on their attendance at the following events:

- Maryland Municipal League (MML) Engagement & Outreach Committee (Mach)
- National League of Cities (NLC) Human Development Committee Conference Call (Mach)
- Coop Festival on the National Mall (Mach)
- Central Maryland Transportation and Mobility Commission (Davis)
- Roosevelt Center Merchants Association (Davis)
- Greenbriar Lunch and Bingo – Active Aging Week (Jordan, Davis)
- Cookies at the Bridge (Davis, Mach)

- 2nd Annual Journey to SCT (Sickle Cell Trait) Wellness 5K at Buddy Attick Park (Davis)
- National Public Lands Day – Dora Kennedy French Immersion School (Jordan, Davis, Mach, Putens)
- Greenbelt Volunteer Fire Department Crab Feast (Jordan, Davis, Roberts, Putens)
- Greenbelt Rotary Club Wine Gala at Aviation Museum (Davis)

COUNCIL REPORTS: There were none.

MEETINGS:

Ms. Davis moved that Council schedule a Closed Session on Wednesday, October 10th at 7:30 pm in the Municipal Building Library in accordance with the General Provisions Article 3-305(b)(1) of the General Provisions Article of the Annotated Code of the Public General Laws of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals. Mr. Byrd seconded.

ROLL CALL:	Ms. Davis	- yes
	Mr. Byrd	- yes
	Ms. Mach	- yes
	Ms. Pope	- yes
	Mr. Putens	- yes
	Mr. Roberts	- no
	Mayor Jordan	- absent

Council reviewed the upcoming meeting schedule.

ADJOURNMENT: A motion to adjourn the meeting was made by Ms. Mach and seconded by Mr. Putens. The motion carried 6-0. The Mayor Pro Tem adjourned the regular meeting of October 8, 2018, at 11:10p.m.

Respectfully submitted,

David E. Moran
Assistant City Manager

"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 October 8, 2018.

Judith F. Davis
Mayor Pro Tem

Agenda Item No:

City Council Agenda Item Report

Meeting Date: November 26, 2018
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: MEETINGS
Agenda Section: MEETINGS

Subject:
Meeting

Suggested Action:

Attachments:
meetings.pdf

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891

11/21/2018 12:45 PM

City Council Meetings & Work Sessions November – December

Regular Meeting	Mon.	11/26	8:00 pm
Business Coffee	Wed.	11/28	7:30 am
Work Session – Recreation Master Plan, (CC)	Wed.	11/28	8:00 pm
Work Session – University Square Outfall Restoration Project	Mon.	12/03	7:00 pm
Work Session - Public Safety with Chief Bowers	Mon.	12/03	8:30 pm
PGCMA Legislative Dinner, (Martin's Crosswinds)	Wed.	12/05	6:00 pm
Breakfast with Santa	Sat.	12/08	10:00 am-12:00 pm
Regular Meeting	Mon.	12/10	8:00 pm
MWCOG Membership Meeting and Luncheon	Wed.	12/12	11:30 am-2:00 pm
Work Session – City-Wide Fiber Network/ City Manager Updates, (tentatively) (CC)	Wed.	12/12	8:00 pm
City Legislative Dinner (Crowne Plaza)	Mon.	12/17	6:00 pm
Work Session – Franklin Park, (CC)	Wed.	12/19	8:00 pm
No Meeting – Christmas Eve	Mon.	12/24	
No Meeting – Christmas	Wed.	12/26	

- *Councilmembers will present reports on conferences, meetings and events as the last item of business at Monday Work Sessions.*

This schedule is subject to change. For confirmation, call 301-474-8000. Regular and Special meetings and Work Sessions are open to the public. If special accommodations are required for any disabled person, please call 301-474-8000 or 301-474-3870 no later than 10 a.m. on the meeting day. Deaf individuals are advised to use MD RELAY at 711 or e-mail banderson@greenbeltmd.gov to reach the City Clerk. Unless otherwise noted, meetings will be held in the Council Room of the Municipal Building (MB) at 25 Crescent Rd. Meetings marked "CC" will be held in the Community Center at 15 Crescent Rd.

Bonita Anderson, City Clerk

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891

11/21/2018 12:45 PM

Ready to be scheduled:
Prince George's County Executive Alsobrooks/County Council member Todd Turner/State's Attorney Braveboy
WSSC
Forest Preserve/Community Gardens
Sustainable Land Care Policy
Capital Office Park
Dog Park
CRAB Report – Police Community Relations
Verizon
Greenbelt Watershed Groups
ULI-TAP
Cemetery Plans
Greenway Shopping Center
University of Maryland (2019)
Roosevelt Center Owner
Faith-based Organizations Coffee

For Later scheduling:
Zoning Enforcement
Parkway Apartment Owners/GHI (parking)
Northway Fields Master Plan
City Manager Updates (Jan, Pre-budget; July & Sept/Oct)
Meeting with County on Transportation Plan
Hotels
PRAB – Buddy Attick Park Master Plan
Forest Preserve Health Assessment