



CITY COUNCIL AGENDA COUNCIL MEETINGS WILL BE ONLINE

Due to the COVID-19 precautions, the Council Meetings will be held online and is planned to be cablecast on Verizon 21, Comcast 71 and 996 and streamed to www.greenbeltmd.gov/municipaltv.

**Resident participation:
Join By Phone: (301) 715-8592
Webinar ID: 834 4776 4081
Passcode: 736144**

**In advance, the hearing impaired is advised to use MD RELAY at 711 to submit your questions/comments or contact the City Clerk at (301) 474-8000 or email banderson@greenbeltmd.gov.
Monday, October 26, 2020
8:00 PM**

I. ORGANIZATION

1. Call to Order
2. Roll Call
3. Meditation and Pledge of Allegiance to the Flag
4. Consent Agenda - Approval of Staff Recommendations (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

6a. National Disability Employment Awareness Month

Suggested Action:

National Disability Employment Awareness Month is recognized annually during October. This year theme is "Increasing Access and Opportunity". Mayor Byrd will present a proclamation in recognition of National Disability Employment Awareness Month.

[National Disability Employment Awareness Month.pdf](#)

6b. Sustainable Maryland Certified

Suggested Action:

The City of Greenbelt received the Prestigious Sustainable Maryland Certified Award at the Maryland Municipal League Conference, Named the "2020 Sustainability Champion". The Environmental Finance Center at the University of Maryland announced that **the City of Greenbelt** was one of eleven Maryland municipalities honored at the **Sustainable Maryland Awards Ceremony** at the Maryland Municipal League's virtual annual Fall Conference on October 9.

Greenbelt is this year's Sustainability Champion, for having amassed an impressive 795 points on their application, more than any other community in 2020, and more than any other town since the inception of the program in 2011.

Luisa Robles, City Sustainability Coordinator, along with members of the City's Green Team and Greenbelt Advisory Committee on Environmental Sustainability, will be present at the meeting.

[Press_Release_Greenbelt_Sustainable_MD_Award_2020.pdf](#)

7. Petitions and Requests

*8. * Minutes of Council Meetings

Suggested Action:

* Special Meeting, September 30, 2020

* Interview, October 21, 2020

[SM200930.pdf](#)

[INT201021.pdf](#)

8a. Closed Session Statement, September 21, 2020

Suggested Action:

Closed Session of September 21, 2020: The following motion is needed: In accordance with the General Provisions Article, Section 3-306(c)(2) of the Annotated Code of Public General Laws of Maryland, I move that the minutes of tonight's meeting reflect that Council met in closed session on Monday, September 21, 2020, at 8:04 p.m. virtual by zoom. Council held this closed meeting in accordance with the General Provisions Article, §3-305(b)(1) 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 this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

The purpose of this meeting was to discuss the City Manager's evaluation.

Vote to close session:

Ms. Davis - Yes

Mr. Jordan- Yes

Ms. Mach - Yes

Ms. Pope - Yes

Mr. Putens - Absent

Mr. Roberts - Yes

Mayor Byrd- Yes

The following staff members were in attendance: Nicole Ard, City Manager and Bonita Anderson, City Clerk (left at 8:06 pm).

Council took no actions during this session.

[Closed Session Form_09 21 20.pdf](#)

9. Administrative Reports

*10. * Committee Reports

10a. Employee Relations Board Report #2020-01 (Procedure for Employee Appeals and Grievances — Summary for Employees)

Suggested Action:

It is recommended that Council accept this report.

[Transmittal Letter for Grievance and Appeals Summary \(1\).PDF](#)

[Procedure for Employee Appeals and Grievances Revision Oct 2019.pdf](#)

III. LEGISLATION

11. Eviction Freeze Ordinance
- 1st Reading

Suggested Action:

Reference:

Ordinance

Email, J. Davis, 10/20/2020

Governor Hogan's Executive Order - Eviction Moratorium Extension

Prince George's County Amended CB-16-2020

Mayor Byrd requested this item to be added to the agenda.

A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the State of Maryland, and the state of emergency and catastrophic health emergency still exists.

The spread of COVID-19 is likely to result in loss of work and loss of income for some residents of Greenbelt, which may impact their ability to pay for rental housing, potentially resulting in loss of housing due to eviction.

Included in Council's packet is an Eviction Freeze Ordinance to assist Greenbelt residents with their rental issues, on a temporally basis.

It is recommended this Ordinance be introduced for first reading.

[Eviction Freeze Ordinance.pdf](#)
[Email, J. Davis, 10/20/2020.pdf](#)
[Governor Hogan's Executive Order - Eviction Moratorium Extensionpdf](#)
[Prince George's County Amended CB-16-2020pdf](#)

IV. OTHER BUSINESS

12. Live Music Outdoors at the Roosevelt Center and Other Places in Greenbelt
Suggested Action:

Mayor Byrd requested this item be added to the agenda.

Staff has since confirmed with Mayor Byrd that the request is for clarification regarding the City's ability to allow music at Roosevelt Center. As discussed during Council's COVID-19 work sessions in Spring/Summer 2020, individuals may still request a public meeting reservation at Roosevelt Center or nearby areas, or a park permit as appropriate.

Staff would review the activity considering factors such as compliance with City Code, Federal, County or State health guidance or other regulations, safety, crowd and traffic control, and impacts on business, residents, public facilities and resources, such as City staff. The County may also need to review it.

Staff has not received music related reservation requests for Roosevelt Center during the pandemic. A reservation was approved for an outdoor church service in a nearby parking lot.

13. Municipal Building Electric Vehicle Charger
Suggested Action:

Mayor Pro Tem Jordan requested this item to be added to the agenda. The motion is to make the Roosevelt Center charging station free going forward.

14. I-495 & I-270 Managed Lane Department of Environmental Impact Statement (DEIS)
Suggested Action:

Reference: Memorandum and Attachments, T. Hruby, 10/22/20

On July 10, 2020, the Federal Highway Administration and the Maryland Department of Transportation State Highway Administration released the Notice of the Availability of the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f)

Evaluation for the I-495 and I-270 Managed Lanes Study. The agencies extended the 90-day review day by 30 days making comments due November 9, 2020.

The project is aimed to address congestion, improve trip reliability on I-495 and I-270, and enhance existing and planned multi-modal mobility and connectivity. The Study area includes 48 miles from I-495 south of the George Washington Memorial Parkway to west of MD 5 and along I-170 from I-495 to north of I-370 and approximately 300 feet on either side of the centerline of I-495 and I-270. The DEIS analyzes seven alternatives, including a no-build alternative. All six of the build options include some form of toll system, whether it be Express Toll Lanes or High Occupancy Toll Lanes. Of the alternatives under consideration non-include a standalone transit alternative.

Staff has prepared a detailed summary of the key elements of the DEIS and Draft Section 4(f) Evaluation which is included in Council's reference materials. The memo highlights key issues and deficiencies in the DEIS and focuses on the significant adverse impacts the build alternatives will have on the City's natural, socioeconomic, cultural, and built environment.

Staff recommends that City Council submit a letter, to include a list of the City's key issues with the DEIS, to the Maryland Department of Transportation State Highway Administration stating the City's support for the no-build alternative and strongly stating the City's opposition to the six build alternatives under consideration.

[Comment Memo DEIS FINAL draft.pdf](#)

[Memo Attachment A.pdf](#)

[Memo Attachment B.pdf](#)

[Attachment C - Highlighted Issues.pdf](#)

15. Zoom Meeting Format

Suggested Action:

Councilmember Roberts requested this item be added to the agenda.

[Suggested Requirements for Zoom Meeting Format.pdf](#)

16. Discussion of Signage at Former Precinct Polling Places and Use of Both Greenbelt Connection Buses to Provide Transportation to Eleanor Roosevelt High School on

Election Day

Suggested Action:

Councilmember Davis requested this item be added to the agenda.

Given COVID-19 safety concerns, the County Board of Elections consolidated polling places in Greenbelt. To help residents plan their voting experience, City staff advertised County elections information and obtained signage to supplement County Election Board directional signage. In follow-up to prior Council discussion, the City is advertising Greenbelt Connection bus rides to take any Greenbelt resident to nearby polling places. Advance reservations and health guidance compliance is required.

Staff will be available to further discuss details.

[ride the connection\[9272\].png](#)

17. Pine Trees at Buddy Attick Lake Park

Suggested Action:

Mayor Byrd requested this item be added to the agenda.

The motion would be to have the City Solicitor draft an ordinance that would prohibit the removal of the pine trees at Buddy Attick Lake Park.

18. Council Activities

19. Council Reports

*20. * Greenbelt Homes Inc and City of Greenbelt Joint Letter to Washington Suburban Sanitary Commission

Suggested Action:

On February 27, 2020, Greenbelt Homes Inc. (GHI) submitted a letter to the City in response to one received from WSSC's General Manager Ms. Carla Reid and requested that the Mayor of Greenbelt/City Council review the letter that GHI drafted, propose changes if necessary and the Mayor cosign it in support of GHI's position.

This letter was included in the City Manager weekly report to Council on February 28, 2020. It was slated for an agenda at the start of the pandemic and was inadvertently omitted.

Approval of this item on the consent agenda will indicate Council support and approval to send this joint signature letter to WSSC.

V. MEETINGS

Meetings

Closed Session: A Closed Session has been requested by the Council to discuss the City Manager's compensation. It is recommended this meeting be scheduled for Thursday, November 5, 2020, at 7:30 pm by Zoom.

Suggested Action:

The following motion is required to schedule the Closed Session: I move that Council schedule a Closed Session on Thursday, November 5, 2020, at 7:30 pm virtually by Zoom.

Council will hold this closed meeting in accordance with the General Provisions Article 3-305(b)(1) of the Annotated Code of the Public General Laws of Maryland; 1) 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.

The purpose of this meeting is to discuss the City Manager's compensation.

[meetings.pdf](#)

Stakeholders

[Stakeholder Schedule.pdf](#)

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Presentations

Agenda Section: COMMUNICATIONS

Subject:

Presentations

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Proclamation

Agenda Section: COMMUNICATIONS

Subject:

National Disability Employment Awareness Month

Suggested Action:

National Disability Employment Awareness Month is recognized annually during October. This year theme is "Increasing Access and Opportunity". Mayor Byrd will present a proclamation in recognition of National Disability Employment Awareness Month.

Attachments:

[National Disability Employment Awareness Month.pdf](#)

PROCLAMATION

WHEREAS, in 1945, Congress enacted Public Law 176, which declared the first week of October as National Employ the Physically Handicapped Week; and

WHEREAS, in 1962, the word physically was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities; and

WHEREAS, in 1988, Congress expanded the first week of October to the entire month and changed the name to National Disability Employment Awareness Month; and

WHEREAS, the theme of National Disability Employment Month 2020 “Increasing Access and Opportunity”; and

THEREFORE BE IT RESOLVED that I, Colin Byrd, by the authority vested in me by the citizens and City Council of Greenbelt, declare the month of October, NATIONAL DISABILITY EMPLOYMENT AWARENESS in the City of Greenbelt and do hereby issue this proclamation in honor of

National Disability Employment Awareness

to work together to observe this month with appropriate programs and activities to advance the important message that people with disabilities are equal to the task throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 26th day of October, 2020.

COLIN A. BYRD, MAYOR

ATTEST:

Bonita Anderson
City Clerk

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: COMMUNICATIONS

Agenda Section: COMMUNICATIONS

Subject:

Sustainable Maryland Certified

Suggested Action:

The City of Greenbelt received the Prestigious Sustainable Maryland Certified Award at the Maryland Municipal League Conference, Named the “2020 Sustainability Champion”. The Environmental Finance Center at the University of Maryland announced that **the City of Greenbelt** was one of eleven Maryland municipalities honored at the **Sustainable Maryland Awards Ceremony** at the Maryland Municipal League’s virtual annual Fall Conference on October 9.

Greenbelt is this year’s Sustainability Champion, for having amassed an impressive 795 points on their application, more than any other community in 2020, and more than any other town since the inception of the program in 2011.

Luisa Robles, City Sustainability Coordinator, along with members of the City’s Green Team and Greenbelt Advisory Committee on Environmental Sustainability, will be present at the meeting.

Attachments:

[Press_Release_Greenbelt_Sustainable_MD_Award_2020.pdf](#)



Press Release

FOR IMMEDIATE RELEASE: October 12, 2020

Contact: Mike Hunninghake, Program Manager, Sustainable Maryland, 301-405-7956, mikeh75@umd.edu

Town of Greenbelt Receives Prestigious Sustainable Maryland Certified Award at Maryland Municipal League Conference, Named the “2020 Sustainability Champion”

College Park, MD (October 12, 2020) – The Environmental Finance Center at the University of Maryland announced that **the Town of Greenbelt** was one of eleven Maryland municipalities honored at the **Sustainable Maryland Awards Ceremony** at the Maryland Municipal League’s virtual annual Fall Conference on Friday.

Greenbelt is this year’s Sustainability Champion, for having amassed an impressive 795 points on their application, more than any other community in 2020, and more than any other town since the inception of the program in 2011.

A detailed summary of Greenbelt’s sustainability Actions can be found in their Certification Report, attached as a PDF.

Highlights of Greenbelt’s recent accomplishments include:

- Featuring 20 vendors, the Greenbelt Farmers Market celebrated its 12th year in 2020, and is almost entirely volunteer-driven with over 300 volunteer shifts through the entire season.
- The City offsets 100% of its electricity usage, purchasing wind-based renewable energy credits to offset 3,054,121 kilowatt hours of electricity in 2019.
- Installed a level 3 fast charging station capable of charging two electric vehicles at once at the municipal building.
- Adopted a Complete and Green Streets Policy in 2019, which envisions the City as a place where pedestrians, cyclists, public transportation, and motorists can navigate safely and with ease.
- Celebrated its 20th year as a Tree City USA community.

“There are many exciting sustainability programs going on in the City of Greenbelt, including solar, electric vehicles and charging stations, composting, health and wellness, just to mention a few,” said **Mayor Colin Byrd**. “I am very proud of our Green ACES/Green Team, and all the staff that help make Greenbelt a wonderful community in which to live, play, and work.”

According to **Mike Hunninghake, Program Manager for Sustainable Maryland**, “This year’s eleven Sustainable Maryland Certified communities represent a broad cross-section of the state, from small towns to large cities, from rural agricultural areas to dense urban communities. Each one has demonstrated a firm and on-going commitment to meeting the urgent sustainability challenges we face here in Maryland, and as part of a planetary community in crisis.”

Also attached is Greenbelt’s Sustainable Maryland Certified logo.

A short video of the Sustainable Maryland Awards Ceremony on Oct. 9 is here:

<https://www.youtube.com/channel/UCgG96iwVAdX7Y-RNL2u8pow?reload=9>

For detailed information about Greenbelt’s sustainability initiatives, please contact Lisa Robles, Sustainability Coordinator, lrobles@greenbeltmd.gov, 301-474-8004

Sustainable Maryland Certification: To achieve certification, municipalities are required to form a Green Team comprised of local residents, community leaders, municipal staff and officials; complete a variety sustainability-related Actions worth **a total of at least 150 points** (including two mandatory actions and two of six priority actions), and submit the appropriate documentation as evidence that the Sustainable Maryland Certified requirements have been satisfied. The Sustainable Maryland Action Menu can be seen here: <http://sustainablemaryland.com/actions-certification/actions/>

The complete list of 2020 newly certified (denoted by *) and re-certified communities includes:

Bel Air (*first certified in 2014, re-certified in 2017*)

Berwyn Heights (*first certified in 2014, re-certified in 2017*)

Boonsboro (*first certified in 2014, re-certified in 2017*)

Chesapeake Beach (*first certified in 2014, re-certified in 2017*)

Frostburg (*first certified in 2017*)

Greenbelt (*2020 Sustainability Champion - highest point total; first certified in 2014, re-certified in 2017*)

***Landover Hills** (*NEW!*)

Mount Airy (*first certified in 2017*)

Riverdale Park (*first certified in 2014, re-certified in 2017*)

Takoma Park (*first certified 2014, re-certified in 2017*)

University Park (first certified in 2014, re-certified in 2017)

Our 2020 Sustainability Champion:

A full report on each certified community's Actions can be viewed here:

<http://sustainablemaryland.com/actions-certification/participating-communities/>

Sustainable Maryland Certified Municipalities as of 2020 (9th full year of the program):

- Total Municipalities Sustainable Maryland Certified: **40 (25% of Maryland's municipalities)**
- Total Municipalities Sustainable Maryland Registered: **79 (50% of Maryland's municipalities)**

About Sustainable Maryland: Sustainable Maryland is an initiative of the **Environmental Finance Center at the University of Maryland** that is designed to support Maryland's 157 municipalities as they look for cost-effective and strategic ways to protect their natural assets and revitalize their communities. Using best practices in resource areas like water, energy, planning, health, food, and economy, a municipality can earn points toward sustainability certification. **Sustainable Maryland** offers a customizable menu of concrete actions, allowing communities to select initiatives that best fit their specific needs. This free and voluntary program, with the support of the **Maryland Municipal League and the US Environmental Protection Agency** helps communities choose a direction for their greening efforts; complete their chosen actions with help from program tools, trainings, expert guidance, and other resources; and be recognized statewide for their accomplishments. For more information about Sustainable Maryland: www.sustainablemaryland.com



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City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Meeting Minutes

Agenda Section: COMMUNICATIONS

Subject:

* Minutes of Council Meetings

Suggested Action:

* Special Meeting, September 30, 2020

* Interview, October 21, 2020

Attachments:

[SM200930.pdf](#)

[INT201021.pdf](#)

SPECIAL MEETING OF THE GREENBELT CITY COUNCIL held Wednesday, September 30, 2020, to receive an update from the Comptroller Franchot's Office.

Mayor Byrd started the meeting at 7:01 p.m. The meeting was held virtually via Zoom.

Present were: Councilmembers, Judith F. Davis, Emmett V. Jordan, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts (7:46pm) and Mayor Colin A. Byrd. Councilmember Leta M. Mach was unable to attend due to another meeting.

STAFF PRESENT WERE: David Moran, Assistant City Manager; Charise Liggins, Economic Development Coordinator; and Shaniya Lashley-Mullen, Assistant to the City Clerk.

Also present were: Peter Franchot, Maryland Comptroller, Sharonne Bonardi, Deputy Maryland Comptroller; David Farkas, Acting Director of the Bureau of Revenue Estimates, Emily Gontrum, Intergovernmental Affairs; and others.

Mayor Byrd stated that the financial report was just released recently regarding the current status of the State of Maryland's fiscal situation that has been dramatically impacted by the COVID-19 pandemic.

Mr. Franchot introduced his staff and noted that Ms. Bonardi, Mr. Farkas, and several other employees in the Comptroller's Office worked hard on the new financial estimates for the State of Maryland. He stated that more than a million Marylanders applied for unemployment; and that there would be a significant drop in the State's economy. Mr. Franchot explained that Fiscal Year 2021 wasn't impacted significantly due to the \$2.2 trillion CARES Act Relief Plan. He stated the report that was just released was temporary and the final Revenue Estimate Report would be released by December 2020. The final report will show an anticipated downturn because might not be a second stimulus package and there could be a resurgence of the virus during flu season. Mr. Franchot anticipate a billion-dollar deficit in this current fiscal year and the next if there isn't a Federal stimulus package.

Mr. Franchot stated that the State of Maryland reported a positive Fund Balance of \$585.8 million, at the end of the last fiscal year. He advised that he suggested to the Governor and the legislative leaders to release the funds for a Small Business Rescue and Stimulus Grant Program. Mr. Franchot explained the importance of the Small Business Rescue and Stimulus Grant Program and suggested that Council send a letter to the Governor requesting his support for this grant program. Mr. Franchot indicted economic recovery could take up to four years and the State should not to commit to any new taxes.

Mr. Franchot noted that the Comptroller's Greenbelt Office on Golden Triangle Drive is reopened by appointment only. He noted that the Comptroller's Office regulate the Petroleum, Alcohol, Tobacco Industries, and reported there has been a massive decline in vaping in young people due to the COVID-19 pandemic.

Ms. Bonardi stated the agency had processed more tax returns, has been responsive to taxpayers' needs, and continued customer services appointment via appointments. She explained that technologies have been deployed to employees to answer taxpayers' calls remotely. Ms. Bonardi noted that the Comptroller's Office is a member of the Federation of Tax Administrators

and led the charge for the Department of Revenue to ensure all employees are safe and following all the COVID-19 protocols.

Mr. Farkas provided an update on the forecast of the State of Maryland Economy. He noted that the prediction is based on the response from the Federal government and the continuation of support of fiscal policies. Mr. Farkas stated that the State Sales Taxes didn't fall as much as forecasted in May. He stated there will be a slow down on wage growth as the year continues and anticipated that the revenue growth will get worst.

In response to a question asked by Ms. Davis, Mr. Franchot noted that he was unsure about what was happening with the Highway User Grant Program. He stated it is a very important program, should be funded and is very important to a community like Greenbelt. Mr. Franchot noted the Highway User Grant Program was included in a potential cut that the State Legislators would have to vote on.

Ms. Davis asked if the Federal Government doesn't give a stimulus relief to cities and states, could the State give a stimulus to the cities. Mr. Franchot responded that he liked the idea of smaller municipalities receiving funds from the State of Maryland Rainy Day Fund, which is currently \$1.2 billion.

Ms. Davis informed Mr. Franchot that the City of Greenbelt is opposed to the widening of the Beltway and hoped the State of Maryland would publicly oppose the Maglev and favor the No-Build Option. Mr. Franchot responded that he like the monorail and they are studying that in regards to the Beltway Widening Project. In response to a question asked by Mr. Franchot, Ms. Davis answered that the Maglev impacts quite a bit of Prince George's County and the Laurel area.

Mr. Jordan suggested including nonprofits when discussing the State of Maryland Small Business Rescues Stimulus Program. He explained the City owns the Old Greenbelt Theater but a nonprofit runs the day to day operation, is struggling and wasn't able to apply for any of the relief programs. Mr. Franchot advised he will follow-up with Mr. Jordan regarding a nonprofit organization that has sent a letter to Governor Hogan.

In response to a question asked by Mr. Jordan, Mr. Franchot answered the Purple Line is 40% complete. He stated that the State of Maryland is in negotiation with the subcontractors, the project completion schedule has been extended an extra year, and the State of Maryland might have to partner with Washington Metropolitan Area Transit Authority (WMATA) to complete the project. Mr. Franchot requested that his staff send Mr. Jordan the briefing materials on the Purple Line.

The meeting ended at 7:55 p.m.

Respectfully submitted,

*Shaniya Lashley-Mullen
Assistant to the City Clerk*

WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, October 21, 2020, for the purpose of interviewing a candidate for a City Advisory Group.

The meeting began at 7:40 p.m. The meeting was held virtually via Zoom.

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

STAFF PRESENT WERE: Shaniya Lashley-Mullen, Assistant to the City Clerk.

Steven Mirsky was interviewed for appointment to the Public Safety Advisory Committee.

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

*Shaniya Lashley-Mullen
Assistant to the City Clerk*

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Meeting Minutes

Agenda Section: COMMUNICATIONS

Subject:

Closed Session Statement, September 21, 2020

Suggested Action:

Closed Session of September 21, 2020: The following motion is needed: In accordance with the General Provisions Article, Section 3-306(c)(2) of the Annotated Code of Public General Laws of Maryland, I move that the minutes of tonight's meeting reflect that Council met in closed session on Monday, September 21, 2020, at 8:04 p.m. virtual by zoom. Council held this closed meeting in accordance with the General Provisions Article, §3-305(b)(1) 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 this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

The purpose of this meeting was to discuss the City Manager's evaluation.

Vote to close session:

Ms. Davis - Yes

Mr. Jordan- Yes

Ms. Mach - Yes

Ms. Pope - Yes

Mr. Putens - Absent

Mr. Roberts - Yes

Mayor Byrd- Yes

The following staff members were in attendance: Nicole Ard, City Manager and Bonita Anderson, City Clerk (left at 8:06 pm).

Council took no actions during this session.

Attachments:

[Closed Session Form_09 21 20.pdf](#)

**WRITTEN STATEMENT FOR CLOSING A MEETING
OF THE GREENBELT CITY COUNCIL**

Date: 09/21/2020 Time: 8:05 pm Location: Virtual via Zoom

Motion to close meeting made by: Mr. Jordan Seconded by: Ms. Davis

Members voting to close meeting:

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

**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 EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (1) City Manager Evaluation .

§3-305(b) () _____

§3-305(b) () _____

This statement is made by 
Colin A. Byrd (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: [X] BYRD; [X] DAVIS; [X] JORDAN;
[X] MACH; [X] POPE; [] PUTENS; [X] ROBERTS

STAFF/OTHERS PRESENT:

Nicole Ard, City Manager and Bonita Anderson, City Clerk (left at 8:06 pm)

TOPICS DISCUSSED:

City Manager Evaluation

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

TIME CLOSED SESSION ADJOURNED:

PLACE OF CLOSED SESSION: Virtual via Zoom

PURPOSE OF CLOSED SESSION: To discuss City Manager Evaluation

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (1); (); ()

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

SIGNATURE OF PRESIDING OFFICER:

Colin Byrd

Form Revised: 12/4/19

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: COMMUNICATIONS

Agenda Section: COMMUNICATIONS

Subject:

* Committee Reports

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: Board and Committee Reports

Agenda Section: COMMUNICATIONS

Subject:

* Employee Relations Board Report #2020-01 (Procedure for Employee Appeals and Grievances — Summary for Employees)

Suggested Action:

It is recommended that Council accept this report.

Attachments:

[Transmittal Letter for Grievance and Appeals Summary \(1\).PDF](#)

[Procedure for Employee Appeals and Grievances Revision Oct 2019.pdf](#)

Report 2020-01

October 15, 2020

To: Greenbelt City Council

From: Employee Relations Advisory Board

Re: Procedure for Employee Appeals and Grievances – Summary for Employees

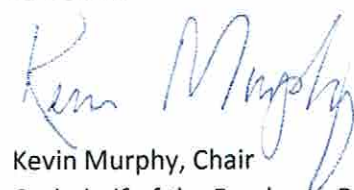
We completed updating the Summary for Employees of the Procedure for Employee Appeals and Grievances. It is attached. This was last updated in 2002.

It is intended as a summary of the process for non-represented classified employees in the City. With regard to represented employees in the Police Department, we understand that the scope of the grievance procedure and role of the Employee Relations Advisory Board is delineated in the Police CBA.

We recommend routinely posting the document on bulletin boards throughout City facilities in which information regarding compliance and other employment information is posted and accessible by all classified employees, including electronic bulletin boards and websites that provide human resource and employment information to classified employees, and distributed to classified employees at times they receive general information about human resource policies.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Murphy".

Kevin Murphy, Chair

On behalf of the Employee Relations Board

Procedure for Employee Appeals and Grievances Summary for Employees

Any classified employee holding a regular appointment has the right to file an appeal or a grievance with the Employee Relations Board. The procedures for filing an appeal or grievance are defined in the Greenbelt City Code Article VI (Section 13-174 through 13-180), and they reflect the City's intention to try to resolve employee-employer problems at the lowest possible level before involving the Employee Relations Board. The purpose of this summary is to assist the employee by outlining the steps in an appeal or grievance procedures, including any time limits for the steps. However, it is the Code or ordinance currently in force that must be relied upon for complete and authoritative information.

An Appeal or a Grievance?

- A classified employee holding a regular appointment has the right to file an appeal only in the case of receiving a written action of dismissal, suspension or demotion.
- A classified employee has the right to file a grievance regarding a classification or reclassification; or any unreasonable, abusive, unfair, discriminatory, or oppressive treatment or working conditions; or any retaliation arising out of any grievance or testimony before the Employee Relations Board.

Appeals Procedure

1. **Right of Reconsideration.** Prior to filing an appeal, an employee may ask for reconsideration of a dismissal, suspension, or demotion by filing such a request with the City Manager, or the City Manager's designee, no later than 10 working days after the employee receives written action of dismissal, suspension or demotion. The City Manager, or the City Manager's designee, will respond to a timely request for reconsideration no later than 10 working days from receipt of the request. If the request for consideration is filed untimely, the employee has lost his/her right to reconsideration, and the employee's only recourse is to file an appeal.
2. **Filing the Appeal.** If the employee does not request reconsideration, or if the employee does not agree with the City Manager's decision on the reconsideration, the employee may appeal the dismissal, suspension or demotion to the Employee Relations Board. An appeal must be made in writing and filed with the City Clerk. It should include the reasons why the employee thinks the City's action should be modified or overturned. If the employee has requested consideration by the City Manager, the appeal must be filed with the Clerk no later than 10 working days from the day the employee receives the written response from the City Manager. If the employee has not requested reconsideration, the appeal must be filed with the Clerk no later than 10 working days from the day the employee received written notice of the action. (See Section 13-178(a)(6) of the Code for conditions for extension of the time limit for filing the appeal.)

3. **Handling of the Appeal by the City Clerk.** If the Clerk judges the appeal to have met the procedural requirements, the Clerk will mail or deliver copies to the Employee Relations Board and the City Manager within 3 working days. The City Clerk shall also acknowledge in writing receipt of such appeal. If the Clerk determines that the appeal does not meet the requirements, the Clerk will notify the employee no later than close of business on the next working day after receiving the appeal. The employee may then choose to appeal the Clerk's decision to the Employee Relations Board within 10 working days. If the appeal is not filed timely with the City Clerk, the Employee Relations Board may accept such appeal and grant a waiver of the filing requirements for up to thirty (30) additional calendar days from the date the appeal should have been filed if the board determines that extenuating circumstances caused the delay. If such time extension still does not make the appeal valid, then the appeal shall be dismissed. The burden to demonstrate good and sufficient reasons for the delay rests with the employee.
4. **Setting a Hearing Date.** Within 10 working days of receiving the appeal, the Employee Relations Board will set a hearing date. This date will be negotiated with the employee and the City Manager until a suitable date is found. Once the date is set, the Employee Relations Board shall notify the parties in writing of the agreed upon date. This date should be within 30 days of the filing of the appeal with the City Clerk unless both the employee and the City Manager agree to extend it. The maximum extension period is sixty (60) days from the date the request for appeal was filed with the City Clerk.
5. **The Hearing.** The employee (now called the appellant) may be represented by counsel, present testimony and other evidence, call witnesses and cross-examine any of the City's witnesses. The appellant may request that the hearing be held in public or in private. The burden of proof shall rest with the City Manager.
6. **The Decision.** No later than 15 working days after the closing date of the appeal hearing, the Employee Relations Board will give its decision in writing to the appellant, the City Council, and the City Manager. The board's decision on an appeal stands as the final decision of the City.

Grievance Procedure

1. **Requirement to Notify Department Head.** In order to pursue a grievance with the Employee Relations Board, an employee must first notify his/her department head in writing, explaining the nature of the grievance. The department head shall promptly acknowledge, to the employee, receipt of the employee's notification. The notification to the department head must be done within 30 calendar days after the employee should reasonably have known the incident occurred. The department head will respond to the employee in writing within 10 working days.
2. **Requirement to Notify City Manager.** If the employee still wishes to grieve, the employee must then notify the City Manager by stating the nature of the grievance in writing. The City Manager shall promptly acknowledge, to the employee, receipt of the employee's notification. The notification to the City Manager must be done within 10 working days of receiving the response from the department head. (If the department head does not respond, the employee must

notify the City Manager regarding the grievance within 25 working days from the time the employee notified the department head). The City Manager will respond to the employee in writing within 10 working days.

3. **Filing the Grievance.** If the employee still wishes to grieve, the employee must file a grievance with the City Clerk that states the nature of the grievance in writing. This must be done within 10 working days of receiving the response from the City Manager. If the City Manager does not respond, the employee should file the grievance with the Clerk within 25 working days from the time the employee notified the City Manager. (See Section 13-180(b)(2) of the Code for conditions for extension of the time limit for filing the grievance.) If either notification to the department head or the City Manager, or the grievance to the City Clerk, are not filed timely, the Employee Relations Board may grant up to thirty (30) additional calendar days to the time period to file the grievance with the City Clerk, provided the board determines that extenuating circumstances caused the delay. If filed later than thirty (30) days, the Employee Relations Board shall dismiss such grievance as not timely filed. The burden to demonstrate good and sufficient reasons for the delay rests with the employee.
4. **Handling of the Grievance by the City Clerk.** After receiving the grievance, the Clerk will mail or deliver copies to the Employee Relations Board and the City Manager by the next working day. The City Manager will then promptly mail or deliver to the board and the Clerk copies of all responses to the employee's notification of the grievance.
5. **Setting a Hearing Date.** The Employee Relations Board will set a hearing date to be negotiated with the employee and the City Manager until a suitable date is found. This date should be within 30 calendar days of the filing of the grievance with the Clerk unless both the employee and the City Manager agree to extend it. The maximum extension period is sixty (60) calendar days from the date the request was filed with the City Clerk.
6. **The Hearing.** The employee (now called the grievant) may be represented by counsel, present testimony and other evidence, call witnesses and cross-examine any of the City's witnesses. The grievant may request that the hearing be held in public or in private. The burden of proof shall rest with the employee.
7. **The Recommendations.** No later than 15 working days after the closing day of the grievance hearing, the Employee Relations Board will give its findings and recommendations in writing to the grievant, the City Council, and the City Manager. These findings are not binding on the City. To the extent possible, the City Council will respond within 60 days after receiving the board's recommendations. The City will then notify the grievant, the City Manager, and the board of the Council's disposition of the board's recommendations.

October 1, 2019

(Based upon Article VI, Chapter 13 of the City Code: Ordinance No. 1212, passed April 22, 2002)

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: LEGISLATION

Agenda Section: LEGISLATION

Subject:

Eviction Freeze Ordinance

- 1st Reading

Suggested Action:

Reference:

Ordinance

Email, J. Davis, 10/20/2020

Governor Hogan's Executive Order - Eviction Moratorium Extension

Prince George's County Amended CB-16-2020

Mayor Byrd requested this item to be added to the agenda.

A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the State of Maryland, and the state of emergency and catastrophic health emergency still exists.

The spread of COVID-19 is likely to result in loss of work and loss of income for some residents of Greenbelt, which may impact their ability to pay for rental housing, potentially resulting in loss of housing due to eviction.

Included in Council's packet is an Eviction Freeze Ordinance to assist Greenbelt residents with their rental issues, on a temporally basis.

It is recommended this Ordinance be introduced for first reading.

Attachments:

[Eviction Freeze Ordinance.pdf](#)

[Email, J. Davis, 10/20/2020.pdf](#)

[Governor Hogan's Executive Order - Eviction Moratorium Extensionpdf](#)

[Prince George's County Amended CB-16-2020pdf](#)

Eviction Freeze Ordinance

As result of the tremendous hardship which many residents of Greenbelt have suffered as result of the recent health and economic events, the City of Greenbelt adopts this temporary Ordinance to assist those residents of Greenbelt with their rental issues, on a temporally basis. Therefore the City Council of Greenbelt adopts this Eviction Freeze to provide that between the date of this adoption and February 27, 2021, (six months) that there shall be an Eviction Freeze during this time which landlords are prohibited from filing for Evictions for failure to pay rent only. This Ordinance does not apply to any other potential cause of action other than failure to pay rent. As indicated, this Ordinance shall last for a period of approximately six (6) months to assist tenants and shall automatically expire as of the date indicated herein. Waivers of this Ordinance may be reviewed by the City Council.

Bonita Anderson

Subject: FW: Eviction Info

From: JUDITH DAVIS
Sent: Tuesday, October 20, 2020 3:40 PM
To: Nicole Ard; David Moran; Council; Bonita Anderson; Shaniya Lashley-Mullen
Subject: Fwd: Eviction Info

Please add this info to the background material for Mayor Byrd's agenda item. Thank you. J

Sent from my iPad

Begin forwarded message:

From: [Robert Goldberg-Strassler](#)
Sent: Monday, October 19, 2020 3:00 PM
To: [Lois Rosado](#); [Carolyn Lambright-Davis](#); [carol drees](#); [Rene Sewell-Rayson](#); [Ric Gordon](#); [Bob Rand](#)
Subject: Eviction Info

Please share this info with your communities...thanks

robert goldberg-strassler

Although Maryland courts are at Phase 5 reopening and are hearing all types of eviction cases, there are 3 orders that may prevent an eviction in MD and in PG County.

First, the **CDC moratorium** bans eviction for renters nationwide until 12/31. Please see its listing in ICarol to learn more. Callers should give a copy to their landlord and keep a copy for themselves. They can send this document through email or certified mail, or give them a copy in person. However, landlords can still bring tenants to court. If a caller is summoned to court, they should definitely come. If the caller gave their landlord a copy of the CDC moratorium, they should state that.

Second, **Governor Hogan has extended the eviction moratorium for those affected by COVID-19**. There can be no:

- repossession of a mobile home, trailer, or houseboat during the state of emergency (which is still in force!)
- Must tell borrowers with a federally-backed mortgage that they can request forbearance at least 30 days before sending a notice of intent to foreclose.
- Must tell borrowers with a non-federally-back mortgage that they can request a forbearance of up to 1 year if their financial problems were a result of COVID-19. They cannot ask for additional paperwork or additional fees, penalties, or interest.

- Until 1/4/2021, the Commissioner must suspend the operations of the Notice of Intent to Foreclose Electronic System and stop taking notices of intent to foreclose.
- Starting 1/4/2021 until the end of the State of Emergency, with every submission of Notice, there must be a certification of compliance with the mortgage-related items in the declaration.
- Cannot evict folks from their business or residence if they can demonstrate major loss of income.

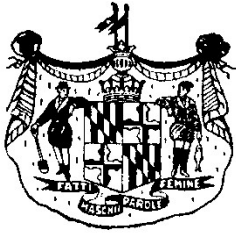
Please read this order in its entirety at <https://governor.maryland.gov/wp-content/uploads/2020/10/Evictions-Repossessions-Foreclosures-2d-AMENDED-10.16.20.pdf>.

Third, PG County has amended **CB-16-2020**, which mainly prohibits rent increases during the state of emergency for certain tenants, but has some other prohibitions of use to our callers:

- There can be no late fees or penalties for anyone. There can also be no notices of late fees, penalties, or an increase in rent for rent payments made during the state of emergency or 90 after it ends.
- Please see the order in full at <https://www.princegeorgescountymd.gov/DocumentCenter/View/31333/CB-16-2020-Website-Text---FINAL>.

If a caller is facing eviction, please let them know about these resources in addition to rent assistance. Please also consider offering legal aid as well, so callers with questions about these documents and their situation can receive guidance.

Greenbelt Intergenerational
Volunteer Exchange Service - GIVES
15 Crescent Road
Greenbelt, MD 20770



The State of Maryland
Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND
NUMBER 20-10-16-01

AMENDING AND RESTATING THE ORDER DATED APRIL 3, 2020,
TEMPORARILY PROHIBITING EVICTIONS OF TENANTS SUFFERING SUBSTANTIAL
LOSS OF INCOME DUE TO COVID-19, AND ADDITIONALLY PROHIBITING CERTAIN
REPOSSESSIONS, RESTRICTING INITIATION OF RESIDENTIAL MORTGAGE
FORECLOSURES, AND PROHIBITING COMMERCIAL EVICTIONS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, April 10, May 6, June 3, July 1, July 31, August 10, September 8, and October 6, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, The spread of COVID-19 is likely to result in loss of work and loss of income for some residents of Maryland, which may impact their ability to pay for rental housing or repay mortgages, potentially resulting in loss of housing due to eviction or foreclosure;

WHEREAS, The spread of COVID-19 is likely to result in loss of business and income for some businesses in Maryland, which may impact their ability to pay for rental real estate, potentially resulting in eviction;

WHEREAS, To treat, prevent, or reduce the spread of COVID-19 caused by the transmission of the novel coronavirus, it may become medically necessary and reasonable to require individuals to remain in isolation or quarantine at their homes or to remain indoors;

WHEREAS, To protect the public health, welfare, and safety, it is necessary to suspend the effect of certain states, rules, or regulations of agencies of the State or political subdivisions relating to real property and breach of leases;

WHEREAS, To protect life and property, and control the public health catastrophe in Maryland, it is necessary to control the occupancy and use of buildings; and

WHEREAS, To avoid the serious health, welfare, and safety consequences that may result if Marylanders lose their housing as a result of COVID-19, it is necessary and reasonable to restrict certain evictions and residential foreclosures;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

- I. The Order of the Governor of the State of Maryland, dated March 16, 2020, entitled “Temporarily Prohibiting Evictions of Tenants Suffering Substantial Loss of Income Due to COVID-19”, as amended and restated by Order of the Governor of the State of Maryland Number 20-04-03-01, dated April 3, 2020, is further amended and restated in its entirety as set forth herein.
- II. Definitions. As used herein, the following terms have the following meaning:
 - a. “Borrower” means, with respect to a mortgage or deed of trust, the mortgagor or grantor.
 - b. “CARES Act” means the CARES Act, Pub. L. 116-136, as it may be amended from time to time.
 - c. “Chattel Home” means personal property used as a person’s residence, including without limitation, mobile homes, trailers, and live-aboard boats.
 - d. “CL” means the Commercial Law Article of the Maryland Code.
 - e. “Commissioner” means the Commissioner of Financial Regulation of the State of Maryland.
 - f. “Creditor” means a lender, credit grantor, lessor, or secured party.
 - g. “Federal Mortgage Loan” means a loan secured by a mortgage or deed of trust that is a “federally backed mortgage loan”, as defined in Section 4022(a)(2) of the CARES Act.
 - h. “Mortgage Loan” means, interchangeably and collectively, a Federal Mortgage Loan or a Non-Federal Mortgage Loan.
 - i. “Non-Federal Mortgage Loan” means a loan secured by a mortgage or deed of trust that is not a Federal Mortgage Loan.
 - j. “RP” means the Real Property Article of the Maryland Code.
 - k. “Servicer” means the person responsible for the servicing of a Mortgage Loan (including

the person who makes or holds such loan if such person also services the loan).

1. “Substantial Loss of Income” means (i) with respect to an individual, a substantial loss of income resulting from COVID-19 or the related proclamation of a state of emergency and catastrophic health emergency, including, without limitation, due to job loss, reduction in compensated hours of work, closure of place of employment, or the need to miss work to care for a home-bound school-age child; and (ii) with respect to an entity, a substantial loss of income resulting from COVID-19 or the related proclamation of a state of emergency and catastrophic health emergency, including, without limitation, due to lost or reduced business, required closure, or temporary or permanent loss of employees.

III. Prohibition on Certain Repossessions. To the extent any statute, rule or regulation of the State of Maryland or any political subdivision would permit a Creditor to repossess any Chattel Home by self-help (including, without limitation, CL §§ 9-609, 12-115, 12-624, 12-1021, or 14-2008), such statute, rule, or regulation is hereby suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.

IV. Residential Foreclosures.

- a. Until the state of emergency is terminated and the catastrophic health emergency is rescinded, the effect of RP § 7-105(c) is hereby suspended as follows: A sale of Residential Property (as defined in RP § 7-105.1(a)(12)) made pursuant to RP § 7-105, RP §§ 7-105.1 through 7-105.10, or the Maryland Rules, shall not have the effects described in RP § 7-105(c) unless:
 - i. with respect to a property securing a Federal Mortgage Loan:
 1. at least 30 days prior to sending a notice of intent to foreclose pursuant to RP § 7-105.1(c), the Servicer has sent a written notice to the Borrower stating the Borrower’s right to request a forbearance on the Federal Mortgage Loan under Section 4022(b) of the CARES Act; and
 2. the Servicer has complied with all of its obligations with respect to the Federal Mortgage Loan (A) owed to the Borrower under the CARES Act, or (B) otherwise imposed by the federal government or a government sponsored enterprise; and
 - ii. with respect to a property securing a Non-Federal Mortgage Loan:
 1. the Servicer has notified the Borrower, in writing, that if the Borrower is experiencing a financial hardship due, directly or indirectly, to the COVID-19 emergency, the Borrower may request a forbearance on the Non-Federal Mortgage Loan, regardless of delinquency status, for a period up to 180 days, which may be extended for an additional period up to 180 days at the request of the Borrower (if such request is made during the initial 180 day forbearance period); *provided*, that, at the Borrower’s request, either the initial or extended period of forbearance

may be shortened;

2. if the Borrower requests a forbearance on the Non-Federal Mortgage Loan as described in paragraph IV.a.ii.1, the Servicer has provided such forbearance without requiring the Borrower to provide additional documentation other than the Borrower's attestation to a financial hardship caused by COVID-19 and without requiring any fees, penalties, or interest (beyond the amounts scheduled or calculated as if the Borrower made all contractual payments on time and in full under the terms of the Non-Federal Mortgage Loan); and
3. during a forbearance period described in paragraph IV.a.ii.1, the Servicer has not accrued on the Borrower's account any fees, penalties, or interest beyond the amounts scheduled or calculated as if the Borrower made all contractual payments on time and in full under the terms of the Non-Federal Mortgage Loan.

b. The Commissioner is hereby ordered to:

- i. until January 4, 2021, suspend the operation of the Commissioner's Notice of Intent to Foreclose Electronic System, and to discontinue acceptance of Notices of Intent to Foreclose; and
- ii. effective January 4, 2021, until the state of emergency is terminated and the catastrophic health emergency is rescinded, with each submission of a Notice of Foreclosure (as defined in RP § 7-105.2(a)(4)), obtain a certification from the Servicer or secured party to the effect that the Servicer has complied with paragraph IV.a with respect to a Mortgage Loan secured by the property subject to foreclosure.

V. Prohibition on Residential and Commercial Evictions.

- a. Until the state of emergency is terminated and the catastrophic health emergency is rescinded, the effect of RP § 8-401 is hereby suspended as follows:
 - i. No court shall give any judgment for possession or repossession, or warrant for restitution of possession or repossession of residential, commercial, or industrial real property, if the tenant can demonstrate to the court, through documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income.
- b. Until the state of emergency is terminated and the catastrophic health emergency is rescinded, the effect of RP § 8-402.1 is hereby suspended as follows:
 - i. No court shall give any judgment for possession or repossession, or warrant for restitution of possession or repossession of residential, commercial, or industrial real property, if the tenant can demonstrate to the court, through

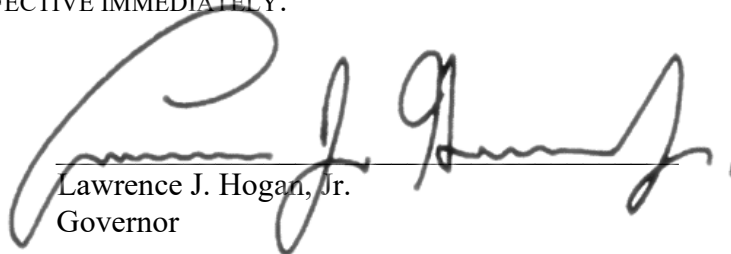
documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income.

- ii. The fact that the tenant, or any person permissibly cohabiting with the tenant in accordance with the terms of the lease, has a confirmed diagnosis of COVID-19 or is under investigation for COVID-19, shall not constitute a “clear and imminent danger” for purposes of RP § 8-402.1(a)(1)(i)2.B.
- c. Except as specifically suspended in paragraph V.a above, RP § 8-401 remains in effect in accordance with its terms. Except as specifically suspended in paragraph V.b above, RP § 8-402.1 remains in effect in accordance with its terms.

VI. General Provisions.

- a. No provision of this Order shall be construed as relieving any person or entity of any obligation to make payments or to comply with any other obligation that such person or entity may have pursuant to a note, loan agreement, or lease.
- b. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent order(s).
- c. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order is hereby suspended to the extent of such inconsistency.
- d. The underlined headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.
- e. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 16TH DAY OF OCTOBER, 2020, AND
EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor

Landlord-Tenant Code – Prohibition of Rent Increases, Rental Terminations and Late Fees During the COVID-19 Public Health Crisis

Legislative Proceedings Overview:

On June 9, 2020, the Prince George's County Council enacted CB-16-2020 and amended the Prince George's County Landlord-Tenant Code to prohibit rent increases and rental terminations; provide payment plans with certain tenants; and prohibit late fees or penalties from being charged during the COVID-19 state-wide emergency and within 90 days after the expiration of an emergency.

Subsequently on July 21, 2020 curative legislation was passed. CR-60-2020 was passed to clarify the that prior definition of tenant, i.e. a person who occupies a rental dwelling unit for living or dwelling purposes, was not stricken from the County's Landlord-Tenant Code.

In addition, CB-52-2020 was adopted to reinstate the prior definition of tenant (referenced above) and the definition of tenant included in CB-16-2020 has been renamed "tenant with substantial loss of income".

Substantive Provisions of New Regulations:

During the COVID-19 health emergency as declared by the Governor of the Maryland, a landlord may not increase the rent for a tenant with a substantial loss of income if the rent increase would take effect during the health emergency and within 90 days after expiration of the emergency.

Additionally, landlords may not impose late fees or penalties for **any** tenant. Landlords shall not issue notices of rent increase, late fees or penalties that apply to payments required during the emergency and within 90 days after expiration of the emergency.

Landlords must inform a tenant with a substantial loss of income in writing to disregard any notice of a rent increase if: (1) the landlord provided the notice to the tenant prior to the emergency; and (2) if the effective date of the increase would occur on or after the date the emergency began. Landlords may offer a written rent payment plan to a tenant with a substantial loss of income.

Additionally, landlords are prohibited from evicting a tenant for non-payment of rent for any eviction proceedings not initiated before the COVID-19 emergency. This prohibition is effective for the duration of the emergency. Moreover, any new complaints filed against tenants for failure to pay rent shall be prohibited during the duration of the emergency.

This new provision regarding evictions applies from the date of the Governor of the State of Maryland's Executive Order Number 20-04-03-01 on April 3, 2020 until August 31, 2020.

Tenants with substantial loss of income means tenants that can demonstrate proof through documentation or other objectively verifiable means, that the tenant suffered a Substantial Loss of Income and are therefore unable to make rent payments because of the emergency, as defined by the Governor of the State of Maryland's Executive Order Number 20-04-03-01. For more information regarding the Governor's Order, please visit: [Governor Order Evictions](#).

For more information regarding this legislation, please visit the [County Legislative/Zoning Information System](#).

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Live Music Outdoors at the Roosevelt Center and Other Places in Greenbelt

Suggested Action:

Mayor Byrd requested this item be added to the agenda.

Staff has since confirmed with Mayor Byrd that the request is for clarification regarding the City's ability to allow music at Roosevelt Center. As discussed during Council's COVID-19 work sessions in Spring/Summer 2020, individuals may still request a public meeting reservation at Roosevelt Center or nearby areas, or a park permit as appropriate.

Staff would review the activity considering factors such as compliance with City Code, Federal, County or State health guidance or other regulations, safety, crowd and traffic control, and impacts on business, residents, public facilities and resources, such as City staff. The County may also need to review it.

Staff has not received music related reservation requests for Roosevelt Center during the pandemic. A reservation was approved for an outdoor church service in a nearby parking lot.

Attachments:

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Municipal Building Electric Vehicle Charger

Suggested Action:

Mayor Pro Tem Jordan requested this item to be added to the agenda. The motion is to make the Roosevelt Center charging station free going forward.

Attachments:

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Terri Hruby

Submitting Department: Planning

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

I-495 & I-270 Managed Lane Department of Environmental Impact Statement (DEIS)

Suggested Action:

Reference: Memorandum and Attachments, T. Hruby, 10/22/20

On July 10, 2020, the Federal Highway Administration and the Maryland Department of Transportation State Highway Administration released the Notice of the Availability of the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for the I-495 and I-270 Managed Lanes Study. The agencies extended the 90-day review day by 30 days making comments due November 9, 2020.

The project is aimed to address congestion, improve trip reliability on I-495 and I-270, and enhance existing and planned multi-modal mobility and connectivity. The Study area includes 48 miles from I-495 south of the George Washington Memorial Parkway to west of MD 5 and along I-170 from I-495 to north of I-370 and approximately 300 feet on either side of the centerline of I-495 and I-270. The DEIS analyzes seven alternatives, including a no-build alternative. All six of the build options include some form of toll system, whether it be Express Toll Lanes or High Occupancy Toll Lanes. Of the alternatives under consideration non-include a standalone transit alternative.

Staff has prepared a detailed summary of the key elements of the DEIS and Draft Section 4(f) Evaluation which is included in Council's reference materials. The memo highlights key issues and deficiencies in the DEIS and focuses on the significant adverse impacts the build alternatives will have on the City's natural, socioeconomic, cultural, and built environment.

Staff recommends that City Council submit a letter, to include a list of the City's key issues with the DEIS, to the Maryland Department of Transportation State Highway Administration stating the City's support for the no-build alternative and strongly stating the City's opposition to the six build alternatives under consideration.

Attachments:

[Comment Memo DEIS FINAL draft.pdf](#)

[Memo Attachment A.pdf](#)

[Memo Attachment B.pdf](#)

[Attachment C - Highlighted Issues.pdf](#)

Memorandum

TO: Ms. Nicole Ard, City Manager
FROM: Terri Hruby, Director of Planning and
Community Development
DATE: October 22, 2020
RE: I-495 & I-270 Managed Lanes Study Draft
Environmental Impact Statement Overview

BACKGROUND

On July 10, 2020, the Federal Highway Administration (FHWA) and the Maryland Department of Transportation State Highway Administration (MDOT SHA) released the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for the I-495 & I-270 Managed Lanes Study. The comment period has been extended 30 days to November 9, 2020.

The stated purpose of the DEIS is to, “provide a detailed description of the Study Purpose and Need, reasonable alternatives, the existing environmental conditions, and the analysis of the anticipated beneficial and adverse environmental effects and consequences of the alternatives, and potential mitigation.”

Initially, 15 alternatives were identified and run through a screening process to eliminate alternatives that clearly did not meet the Study’s Purpose and Need, and ultimately seven (7) alternatives were retained and analyzed including a no build alternative. Of the remaining alternatives none include a standalone transit alternative; however, but allowing free bus usage in managed lanes and accommodating connections to existing transit stations are proposed in each build alternative. Managed lanes are proposed to control the number of vehicles using the lane to keep them flowing at an acceptable level of service (LOS) and include, high-occupancy toll lanes (HOT) lanes, express toll lanes (ETL’s) and bus only lanes. The seven alternatives retained and analyzed in the DEIS are:

- Alternative 1: No Build

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- Alternative 8: 2-Lane, Express Toll Lane (ETL) Managed Lanes Network on I-495 and 1-ETL and 1-Lane High Occupancy Vehicle (HOV) Managed Lane on I-270
- Alternative 9: 2-Lane, High Occupancy Toll (HOT) Lanes Network on both I-495 & I-270
- Alternative 9 Modified (9M): 2-Lane, HOT Managed Lanes Network on west and east side of I-495 and on I-270; 1-Lane HOT Lane on top side of I-495
- Alternative 10: 2-Lane, ETL Managed Lanes Network on I-495 & I-270 plus 1-Lane HOV Lane on I-270 only
- Alternative 13B: 2-Lane, HOT Managed Lanes Network on I-495; HOT Managed, Reversible Lane Network on I-270
- Alternative 13C: 2-Lane, ETL Managed Lanes Network on I-495, ETL Managed, Reversible Lane Network and 1-Lane HOV Lane on I-270

Using regional forecasting models, detailed traffic operation analyses were performed for each build alternative to evaluate its ability to meet the Study's Purpose and Need in the design year 2040. The alternatives that consistently performed well in all the operational metrics that were evaluated were Alternatives 9 and 10. Alternative 9 would perform the best in terms of average speed, LOS and effect on the local network. Alternative 10 would perform the best in terms of delay, travel time index and throughput (the number of vehicles that pass by a given point in the roadway network in a set amount of time).

The DEIS presents the existing environmental conditions (affected environment) identified along the study corridors, the anticipated effects to the resources (environmental consequences), and measures to avoid, minimize and mitigate unavoidable effects to those resources. Additional opportunities to avoid and minimize effects will be considered and documented in the Final Environmental Impact Statement (FEIS).

Throughout the review of this project, the City has advocated against the widening of the Capital Beltway (I-495) due to the significant impact this would have on the natural, socioeconomic, cultural, and built environments. The City has advocated for the State to study and identify alternative congestion relief approaches, including dedicating more funding to transit and other alternative modes of transportation.

The transit alternatives that were included in the preliminary range of alternatives are no longer under consideration in the DEIS. With respect to transit, the DEIS states that buses would be permitted free usage of the managed lanes, and direct and indirect connections to existing transit stations and planned Transit Oriented Development would be accommodated.

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For this review, staff have focused on the impacts to the City. In addition to reviewing the DEIS, staff have reviewed comments made by various agencies and organizations including, but not limited to, the Sierra Club, City of College Park, Prince George's County M-NCPPC, Montgomery County Planning Board, Greenbelt Homes, Incorporated, Legislative Government Affairs Committee, and Greenbelt Forest Preserve Advisory Board.

ANALYSIS**Purpose and Need**

The stated purpose of the DEIS is, "To develop a travel demand management solution(s) that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits and enhances existing and planned multimodal mobility and connectivity". And the stated needs are: Accommodate Existing Traffic and Long-Term Traffic Growth, Enhance Trip Reliability, Provide Additional Roadway Travel Choices, Accommodate Homeland Security and Improve Movement and Goods and Service. Two Study goals focused on financial viability and environmental responsibility are also identified. The full Study Purpose and Need is included as an appendix to the DEIS.

Opponents of the project have repeatedly pointed out that the purpose and need for the project, by referencing auto congestion and specific roadways, failed to advance a reasonable range of alternatives (i.e. transit) that would reduce environmental impacts of the project while meeting the purpose and needs identified by the State. The omission of transit-based alternatives is a major flaw of the DEIS, given the environmental and socio-economic impacts of the proposed build alternatives, the ongoing COVID-19 pandemic and potential impact on traffic growth patterns and the issue of project affordability.

Traffic Congestion

Congestion relief and accommodating future long-term traffic growth are stated purposes and needs of the project, but transportation experts indicate that the traffic modeling and analysis in the DEIS is insufficient to conclude that the project will meet these needs. The DEIS includes an analysis of existing and future traffic conditions. Travel speed, delay, travel time, LOS, throughput and impacts on local road network were analyzed (i.e. arterials); however, the DEIS traffic analysis fails to use the most up-to-date traffic data available from Metropolitan Washington Council of Governments (MWCOC). The DEIS analysis should be updated using the most recent travel data from MWCOC. In addition, the DEIS assumes that the increased highway capacity generated from this project will not affect land use. As a result of the failure to anticipate

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and account for intensification of land use, the DEIS underestimates projection of new trips generated.

The impact of the build alternatives on local roadways needs further consideration to ensure that induced traffic demand on arterial (i.e., MD 193 and MD 201) and collector (i.e., Cherrywood Lane) roads leading to the Beltway and/or are associated with managed lane access points is not underestimated. For example, the impact of the proposed direct access to/from the managed lanes interchange at Cherrywood Lane would have significant impacts on traffic demand on Cherrywood Lane and MD 210, not to mention impacts on the City's Approved Complete and Green Street plans for Cherrywood Lane. The DEIS also references a full I-495 interchange at Greenbelt Metro Station, which will have further transportation demand impacts on our local roadways. It is also not clear if the cost and impacts for the full interchange is included in the DEIS, which it should be since the private sector development associated with constructing and funding the full interchange has been cancelled. The arterials and collector roadways are already highly congested, and must be fully addressed in the FEIS including an analysis of traffic (capacity and demand), noise and air quality impacts.

Financial Viability**Project Cost/Public Private Partnership Program**

The estimated cost of the project to the State of Maryland is approximately \$8 to 10 billion. The DEIS details preliminary construction costs for the six build alternatives. This analysis considered estimates of the preliminary capital costs, initial revenue projections, preliminary operations and maintenance costs, and the likely methods for how construction phases would be financed. A preliminary estimate is provided for each alternative for low, mid, and high capital costs. The study shows that a needed State subsidy could range from \$482 million to \$1,088 million depending on the selected alternative. The study states, "If a state subsidy is required, it would typically be paid to the developer at the beginning of the contract, whereas if positive excess cashflows are anticipated, they could be paid to the State at the beginning of the contract and/or as revenue sharing payments to the State during the operation of the facility."

Since the State lacks the bonding capacity to take out loans even with tolls to pay back the loan, a Public-Private Partnership (P3) is being considered. A P3 is a partnership between the public or governmental sector with private entities. Under a P3 Program a developer is selected to design, building, finance, operate, and maintain the managed

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lanes. The DEIS states that without a P3 it would take more than 25 years to fund the I-495 & I-270 improvements and would use all of MDOT's capital expansion budget for this one project.

Tolling

All the remaining Build Alternatives would operate under a dynamic tolling approach for the managed lanes for the full length of the study. The study defines a dynamic tolling approach as one where, "the toll rates would change in response to real-time variations in traffic conditions such as travel speeds, traffic density, and traffic volumes." The cost range for the toll rates has not been determined at this time. The DEIS outlines the process for setting the toll rate range which includes a traffic and revenue study, 60-day public comment period, and approval by the MDTA Board Members.

The toll rate will be determined to accomplish three (3) goals: manage traffic demand and congestion on the I-270 and I-495, ensure a minimum average operating speed of 45 miles per hour within the overall managed lanes system, and ensure maximum volumes are not exceeded in the managed lanes. The study anticipates that the average daily toll rates would range between \$0.68/mile to \$0.77/mile depending on the selected alternative. However, as referenced in Metropolitan Washington Council of Government's memorandums found in Appendix C of the DEIS, dynamic tolling may result in excessive toll rates. For example, to travel from I-95 to the American Legion Bridge could cost upward to \$24 in tolls.

Washington Suburban Sanitary Commission (WSSC) Financial Implications

The Managed Lanes project was introduced with the promise that it would come at no expense to taxpayers and that the private sector would bear the financial responsibility. In the last few months the City learned of an unexpected cost responsibility that would be borne by WSSC ratepayers in Prince George's and Montgomery Counties. In a March 12, 2020 presentation, representatives from WSSC detailed that the cost to relocate water and sewer infrastructure to accommodate highway widening could potentially be borne by ratepayers and would range from \$1.3 billion to \$2.0 billion

There are reasons to be concerned about the financial viability and the P3 Program. As stated by Casey Anderson, Montgomery County Planning Board Chair, *"The revenue and cost estimates in the draft EIS show that MDOT SHA is going to be hard-pressed to deliver on the commitments made about how this project would be financed and what elements will ultimately be included."* He further stated, *"In fact, it seems likely that toll*

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revenue will be insufficient to pay for the first phase of highway expansions proposed by the governor, much less a meaningful contribution toward better transit service—and that’s without any accounting for the cost of water and sewer pipe relocations that are not included in the project budget.”

Additional Concerns

Additionally, as stated in the DEIS Executive Study, the COVID19 pandemic has invalidated prior transportation modeling on which the Study was designed and admits that there is currently “no definitive traffic model to predict how this unprecedented global pandemic will affect long-term future traffic projects and transit use.” With questions being raised about the validity of the traffic modelling and the potential long-term impact of the pandemic on travel demand/patterns, the financial viability of the P3 program must be studied before this project progresses further. If not, ultimately the taxpayers will be the ones held financially responsible. There is also the current state of the Purple Line P3 program that raises serious concerns about the financial viability of this project and the State’s ability to manage such a complex P3 project. Greater consideration needs to be given to the financial magnitude of this project, and the financial risk to the State and taxpayers. Finally, there is the issue of costly WSSC infrastructure issues noted above and implications to taxpayers, many who are fixed incomes and or of limited financial means.

The project’s purpose and need statement specified that alternatives retained for detailed study must be financially self-sufficient, but as stated above the DEIS acknowledges that state subsidies may be required, and taxpayers may be financially liable for WSSC infrastructure improves. As a result, the No Build alternative is the only financially self-sufficient alternative under consideration.

Impacts on Parkland, Forest Preserve Areas and Historic Resources

A Section 4(f) property is “publicly-owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance.” In total the study identified that the total potential impacts to Section 4(f) Properties, including park and historic properties range from 144.7 acres to 149.0 acres depending on the selected alternative.

Under Section 4(f) of the US Department of Transportation Act of 1966, the FHWA cannot approve a transportation project that uses Section 4(f) property unless FHWA determines that: there is no feasible and prudent avoidance alternative to the use of

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land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use; or the use of the Section 4(f) properties, including any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures) committed to by the applicant will have a *de minimis* impact on the property. A *de minimis* impact is defined as one that will not adversely affect the activities, features, or attributes that qualify the resources for protection under Section 4(f).

Within the study corridor area 111 Section 4(f) Properties have been identified. Of these 111 properties, five (5) are located in the City of Greenbelt and have been determined to be Section 4(f) properties (refer to Attachment A for maps of Section 4(f) properties). These properties are the Greenbelt Historic District, Buddy Attick Lake Park, Indian Springs Park, McDonald Field, and Greenbelt Park. The DEIS does not identify the Sunrise Property as public park land. A discussion of the Sunrise property is below. The parkland next to the Springhill Lake Recreation Center which was purchased with Program Open Space funds is significant because while there are no impacts identified for this property, there is concern that there will be impacts associated with the new managed lane access proposed at Cherrywood Lane. Table 1 provides a list of impacts to parks and historic properties within Greenbelt.

Table 1. Impacts to Parks and Historic Properties

Inventory #	Name	Type of Property	Potential Acres Impacted	DIES Study Comment
	McDonald Field	Public Park	<.1	
	Spellman Overpass	Pedestrian/Bicycle connection	<.1	
	Buddy Attick Lake Park	Public Park	.1	
	Indian Springs Park	Public Park	.1	
	Greenbelt Historic District			
	Greenbelt Park		.6	

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	Baltimore Washington Parkway		69.3	
	Sunrise Property Forest Preserve	OMMITTED FROM STUDY		

The DEIS states that the FHWA intends to apply *de minimis* impact findings for the Greenbelt Historic District, Buddy Attick Lake Park, McDonald Field, and Indian Springs Park because, “many of the anticipated uses of Section 4(f) properties consist of minor impacts along the edge of the properties in question adjacent to the existing transportation facility.” Under Section 4(f) regulations, written concurrence from the City is required for regulators to make a finding of *de minimis* impact findings. The DEIS notes that the Maryland Historical Trust has concurred with the findings of *de minimis* impacts for Greenbelt’s parks and historic resources but acknowledges the City’s concurrence is needed. MDOT has indicated it plans to engage the City this fall to discuss the project’s impacts on the City’s parks and historic resources.

The DEIS fails to recognize the Sunrise Forest Preserve as public park land as required under the Section 4(f) regulatory process. It is estimated that the build alternatives would impact about 2.5 acres (25% of the Sunrise tract). The area impacted is heavily wooded and has significant environmental resources. Not only is the Sunrise property city parkland and a designated Forest Preserve Area, it was purchased with Program Open Space (POS) funding. In addition to being subject to Section 4(f) avoidance and mitigation requirements there are requirements associated with the conversion of POS property to a transportation use. Per Section 4(f) regulations, “The conversion of POS property to transportation use would require replacement of that property with land of equal or greater value.” The conversion of State funded parks and open space must demonstrate a net positive benefit to the public: demonstrating that the site or the jurisdiction’s open space resources will significantly benefit from the proposed conversion. Staff has concerns with the omission of the Sunrise Forest Preserve in the DEIS, and the impacts associated with the build alternatives. MDOT staff have acknowledged the omission of the Sunrise property and the need to address it in the FDEIS, including avoidance alternatives and mitigation.

The realignment of the interchange of Baltimore Washington Parkway with Southway and Greenbelt Road has the potential to significantly adversely impact what is essentially the gateway to the Greenbelt Historic District, as well as to parkland and private properties within this area of the project. The DEIS needs to more fully evaluate

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the adverse historical, environmental and socio-economic impacts of this realignment and identify strategies to avoid impacts.

There needs to be greater analysis of the potential impacts of the project on the City's parks and historic resources, as well as to private properties. As identified by M-NCPPC project staff, "Detailed field review demonstrates that the current Limits of Disturbance (LOD) does not comprehensively reflect expectations of environmental impact and what will be needed to restore and mitigate for proposed construction. The LOD needs adjustments on Parkland in many locations; to allow for stable outfall transitions, stormwater management, or rehabilitation of impacted assets." Noise, air, visual, stormwater and green infrastructure impacts need to be fully evaluated in partnership with the City and avoidance of impacts must be a priority. The realignment of the interchange of Baltimore Washington Parkway with Southway and Greenbelt Road has the potential to significantly adversely impact what is essentially the gateway to the Greenbelt Historic District.

The Study also provides information about the significant impacts to the Baltimore Washington Parkway (BW Parkway). During their coordination with MDOT SHA and FHWA, the National Park Service provided comments about having no direct access to BW Parkway in response to the draft options for avoiding Greenbelt Park, BW Parkway, and Suitland Parkway. In response to these comments a traffic analysis to determine the implications of no direct access on I-495 and BW Parkway was completed. This analysis showed that direct access was needed to meet the Study's Purpose and Need. The Build Alternatives now include the realignment of the ramp from eastbound Greenbelt Road to southbound Baltimore-Washington Parkway. It is anticipated that 69.3 acres of the BW Parkway will be impacted by the Build Alternatives. The study also identifies the known adverse effect on the BW Parkway as "limits of disturbance impacts to contributing features and diminishment of the integrity of setting and association." The City has consistently raised concerns about the impacts this project will have on the BW Parkway due to the original intent of the scenic highway and aesthetic underpinnings.

Environmental Resources, Consequences & Mitigation

Chapter 4 of the DEIS, "presents an overview of the socio-economic, cultural, natural, and other environmental resources along the study corridors, the anticipated effects to those resources, and a preliminary assessment of measures to avoid, minimize, and mitigate unavoidable effects to these resources."

Private Property Impacts and Acquisitions

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Concerns have been raised consistently about the impact on established adjacent neighborhoods and the loss of existing homes and businesses. The DEIS provides additional detail about these impacts. The study details that Alternative 9M would result in 29 full property acquisitions (25 residential relocations and four business relocations). Alternatives 8, 9, 10, 13B, and 13C would each result in 38 full property acquisitions (34 residential relocations and four business relocations). The build alternatives would impact between 313.4 and 337.3 acres of right-of-way from properties adjacent to the existing I-495 and I-270 roadway alignments.

Property acquisitions would generally occur to properties adjacent to the existing I-495 roadway, acquiring strips of land from undeveloped areas or areas of trees and landscaping. Larger areas will be acquired for stormwater management. The DEIS states that all property owners from whom total or partial right-of-way acquisitions would be obtained would be compensated and paid fair market value for the affected property.

Specific to Greenbelt, while no full property acquisitions (i.e., requiring relocation of businesses and residents) would result from any of the build alternatives, the Greenbelt area is second to the City of Rockville, in terms of partial acquisitions with an acreage range of 28.2 to 31.5 acres including public parkland and multiple private property owners. The DEIS indicates the following property impacts for Greenbelt by land use type: Commercial/employment – 2.8 acres, Mixed-Use 10.2 acres, Park/Open Space – 4.6 acres, Residential 8.5 acres, Transportation 2.2 acres. Attached (Attachment B) are Environmental Resource Mapping for the project area in Greenbelt to further illustrate private property impacts.

Stormwater Management

The DEIS identifies five types of stormwater management (SWM) facilities in its SWM analysis: quantity ponds, environmental site design (ESD) ponds, swales, quantity vaults, and water quality ponds. These facilities are mostly located within the edges of the LOD, and many are located on public parkland and privately-owned property. The DEIS references all new impervious area and a minimum of 50 percent of reconstructed impervious area will require treatment. Reconstructed impervious area is defined as existing impervious area that is removed, exposing bare earth, before being repaved or repurposed. This calculation method is concerning because the DEIS claims only 25 percent of existing highway surfaces will be reconstructed, requiring a low level of stormwater runoff treatment. However, based on the scope of the project it's realistic to believe all existing lanes will be reconstructed, resulting in a much higher level of treatment being needed.

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The DEIS references that deficits in meeting quantity requirements may be met by utilizing compensatory stormwater management within the same watershed.

Specifically, the DEIS references reliance on water quality trading credits, purchased from other MDOT SHA programs, to meet permitting requirements instead of reducing pollution where the project is located. The use of credits will impact local roadways and have adverse impacts on adjacent parklands/properties. The DEIS needs to address how the proposed expansion will impact local waterways, including downstream impacts resulting from increased stormwater pollution and needs to consider existing stormwater levels that continue to damage downstream waterways and infrastructure.

Air Quality

Throughout this review process the City has continually voiced a concern that the impact on greenhouse gas emissions and air pollution was not included in the screening criteria. The DEIS claims that, “the Build Alternatives are not predicted to increase emission burdens compared to the No Build Alternative in 2040, aside from a slight increase in GHG emissions.” This prediction is based on the projection that vehicles will become more energy efficient and that additional lanes will reduce congestion and increase speeds. However, as stated by the Sierra Club, “The DEIS fails to fully analyze the increased harmful air emissions the proposed project would cause. Instead, the DEIS seeks to minimize these harms by relying on unrelated increases in fuel efficiency.” Furthermore, the DEIS projects more traffic would result on our local streets that are in proximity to the reconfigured interchange of I-495 and the Baltimore-Washington Parkway. The cumulative impact associated with more traffic on local roads, construction operations and loss of tree canopy/forest will have adverse impacts on the City’s air quality.

The topic of air quality/greenhouse gas emissions requires further study to fully understand the impacts this project will have on the City and the region.

Noise

The study area was divided into 133 Noise Sensitive Areas (NSAs). Geographically 92 of the NSAs are located along I-495, 37 are located along I-270, two are located along I-95 and two are located along MD295, adjacent to respective interchange with I-495. Of the 133 NSAs, 88 are within Maryland and seven include properties in Greenbelt. They are:

NSA 1-20: Consists of Rental apartments and townhouses along Edmonston Road, Springhill Drive, and Franklin Park at Greenbelt Station.

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NSA 1-21: Consists of townhouses along Belle Point Drive, Damsel Court, Vanity Fair Drive, and Lady Anne Court, and professional offices.

NSA 1-22: This NSA is located within Greenbelt Park

NSA 1-23: Consists of townhouses, condominiums, and apartments along Hanover Parkway, Village Park Drive, and Lake Parke Drive in the Hunting Ridge and Greenbelt Lake Village neighborhoods, a commercial area that includes Holiday Inn Hotel.

NSA 1-24: Consists of Greenbelt Park along the inner loop of I-495/I-95 from the Baltimore Washington Parkway to approximately 2,000 feet southeast of the Baltimore Washington Parkway.

NSA BW-N: Consists of McDonald Field, Green Ridge House, single-family residences (Greenbelt Homes, Inc.) and multi-family townhomes and apartments.

NSA BW-S: Consists of Eleanor Roosevelt High School, Greenbelt Children's Center, and multi-family apartments along Hanover Parkway, Spellman Overpass, and Mandan Road.

Of the NSAs in Greenbelt the DEIS identifies NSAs 1-20, 1-22, 1-23, BW-N and BW-S as warranting further consideration of new noise abatement measures due to the construction of the project (Appendix J, p.55). NSA 1-21 (Belle Point, Charlestowne North and Charlestown Village) was not identified on Appendix D, Map 79 and in Appendix J, Page 55 as warranting additional noise abatement measures, which contradicts data elsewhere in the Study that states that noise barriers are reasonable and feasible (Appendix J, p. 141). Given existing noise levels, the relationship of these residential properties to I-95/I-495 lane widening, and the loss of dense vegetative buffer associated with the build alternatives, this NSA should be the recipient of new noise barriers. There also seems to be conflicting statements about NSA BW-N (McDonald Field, Greenbelt Homes, Inc., Green Ridge House and portions of Greenbelt Historic District). While Table 4-15, on page 4-69 of the DEIS, references sound barriers are warranted, there are no sound barriers shown as proposed on Map-78 found in Appendix J. This map rather shows sound barriers as not reasonable/feasible for NSA BW-N. Today, roadway noise from the Baltimore Washington Parkway adversely impacts the quality of life for residents who live along the corridor, and certainly the loss of tree cover associated with the build alternatives will have adverse noise impacts on residents living in the NSAs along the Baltimore Washington Parkway.

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As stated in the DEIS, sensitive land uses located near a construction zone may experience excessive noise levels (between 78 db(A) and 83 db(A)). The DEIS further states that mitigation measures will be considered during final design to minimize exposure to short-term noise impacts. Construction mitigation noise measures should be addressed in the DEIS to fully understand the feasibility and impacts associated with maintaining acceptable noise levels. Certainly, NSA's within Greenbelt, including the Greenbelt Historic District, will adversely be impacted by construction noise.

Wetlands and Waterways

Strong concerns have been raised about the impacts that this project would have on wetlands and waterways in the study area. The DEIS states that, "Direct impacts to wetlands and waterways associated with construction of the Build Alternatives include fill from roadway and interchange construction, drainage improvements, and temporary construction-related activities." The study found that 16.1 to 16.5 acres of wetlands and 155,229 to 156,984 linear feet of streams have the potential to be affected depending on the selected alternative. The increases in impervious service from the project and change to groundwater and hydrology, requires that additional floodplain modeling and stormwater runoff analysis needs to be done now to fully understand the full impacts to local water quality, potential flooding problems and to identify appropriate mitigation strategies.

Forest Canopy/Green Infrastructure

It is also important to note that this project would impact 1,477 to 1,515 acres of forest canopy, depending on the alternative. Total study area impact is reported in the DEIS, but is not broken down to the local level. This information should be provided in the DEIS so that a full understanding of the local impacts, avoidance and mitigation aspects can be fully understood and evaluated. The build alternatives will have green infrastructure impacts to city parkland and Forest Preserve Areas (Sunrise) and to private property, resulting in air, noise, wildlife, visual and water quality impacts. These impacts, along with associated mitigation, need to be evaluated within the DEIS and not during final design. The potential impacts to National Park Service Properties under the build alternatives to tree canopy includes 47 acres along the Baltimore-Washington Parkway and .8 acres within Greenbelt Park. These impacts would include the physical removal and disturbance of vegetated areas, including forests, for land needed for construction. The DEIS recognizes that in addition to direct impacts to forest and trees, indirect impacts to vegetated areas could result from increased roadway runoff, sedimentation, and the introduction of non-native species within disturbed areas that could lead to habitat degradation with the corridor study boundary.

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The DEIS does not state where tree mitigation will occur, and under Maryland Reforestation Law if there is no on-site and/or off-site planting on public lands within the same county and/or watershed, there is an option to purchase credits from forest mitigation banks, or to pay into the state Reforestation Fund at a rate of ten cents per square foot or \$4,356 per acre. This fee will not mitigate for the social and environmental impacts associated with this project. Given the challenges with finding public lands suitable for reforestation projects of substantial(?) size, the fee in-lieu approach is very likely to be selected, particularly for impacts within the City of Greenbelt and vicinity where there is little to no land that meets reforestation requirements. This means that communities like Greenbelt will suffer irreparable harm to their woodlands/tree canopy, while communities outside the project area will benefit from Greenbelt's loss. This does not represent a fair and equitable approach.

Environmental Justice

Per Title IV of the 1964 Civil Rights Act and Executive Order 12898, "...each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations". The Environmental Justice (EJ) evaluation in the DEIS is based on using block group 2010 US Census Data. Within the environmental justice analysis area surrounding the I-495 and I-270 study corridors there are collectively 199 block groups, and 16 of those are within the Greenbelt Community Effects Assessment (CEA)/Environmental Justice Area (EJA). Of the 16 block groups within the Greenbelt EJ Analysis Area, slightly less than half (seven) had a median household income below \$63,150 and 13 had a minority population of 50 percent or more.

The DEIS claims that all build alternatives under consideration will benefit EJ (minority and low-income populations) communities, but the DEIS does not adequately explain this conclusion. As stated above, many Greenbelt's census blocks in the study area meet the definition of an EJ community yet measures to mitigate any potential disproportionate effect on them is missing. Also, since managed lanes are reserved solely for those with the ability to pay, the DEIS needs to evaluate who is benefiting from this project and to what extent. This is necessary to understand whether any of the build alternatives address equity/environmental concerns to a greater degree. The expected high toll prices and environmental impacts of the build alternatives does not justify a conclusionary statement that those residing in the Greenbelt EJ Analysis Area will benefit from this project.

RECOMMENDATION

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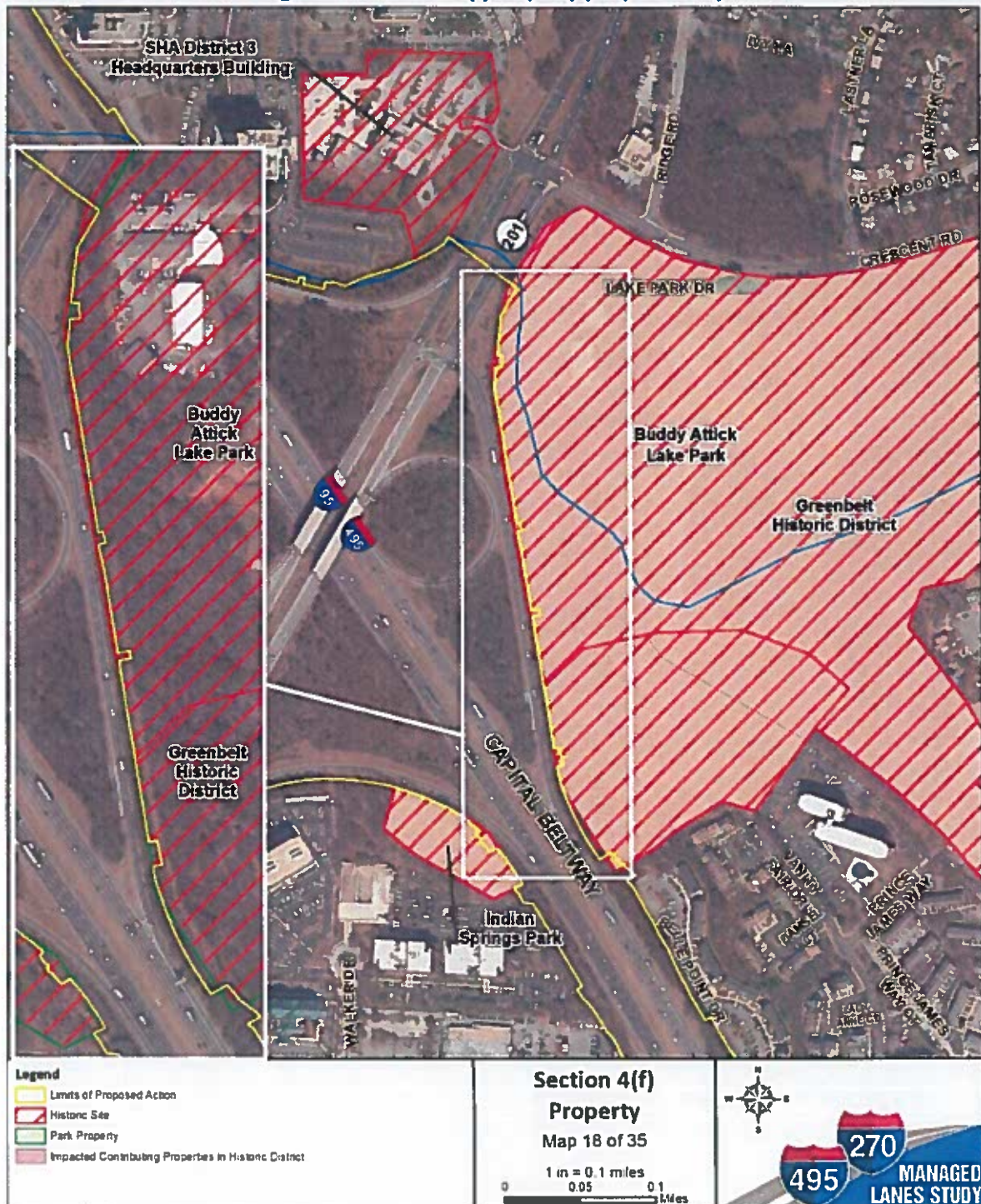
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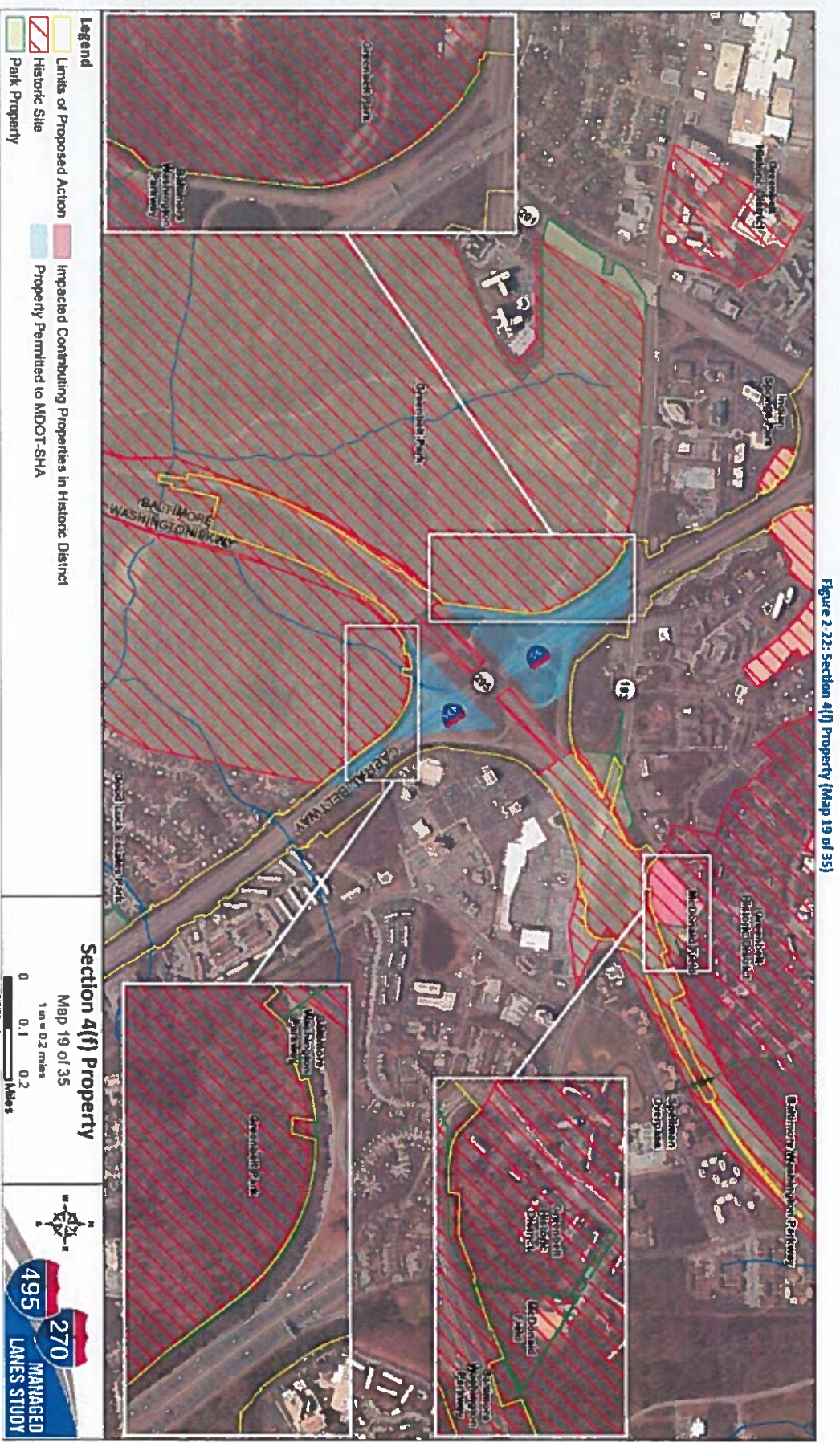
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As explained above, staff has identified several serious concerns associated with the project and its DEIS. The project purpose and need are auto-focused, leading to no consideration of transit and transportation demand management alternatives. Instead, costly build alternatives are the focus of the DEIS. The six build alternatives under consideration will all have significant adverse impacts (i.e., noise, air, woodlands, stormwater, etc.) on the City's parkland, Sunrise Forest Preserve Area, historic resources, local street network, woodlands/tree canopy and privately-owned properties. The financial cost of the project is also of significant concern and the ability of the State to complete the project without putting a significant burden on taxpayers seems unlikely.

The Maryland Department of Transportation is accepting comments on the DEIS until close of business on November 9, 2020. Staff recommends the City submit a letter supporting the No Build Alternative and stating strong opposition to the Build Alternatives. The letter will highlight the issues and/or deficiencies in the DEIS as discussed in staff's analysis above (Refer to Attachment C for a list of highlighted issues). If agreeable to City Council, the letter can also voice support for comments submitted by M-NCPPC staff, Greenbelt Homes Inc., the Sierra Club and the Anacostia Watershed Society.

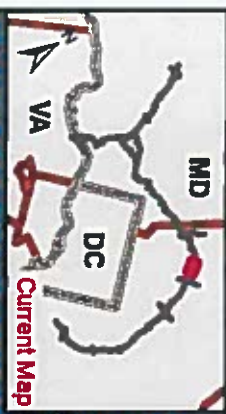
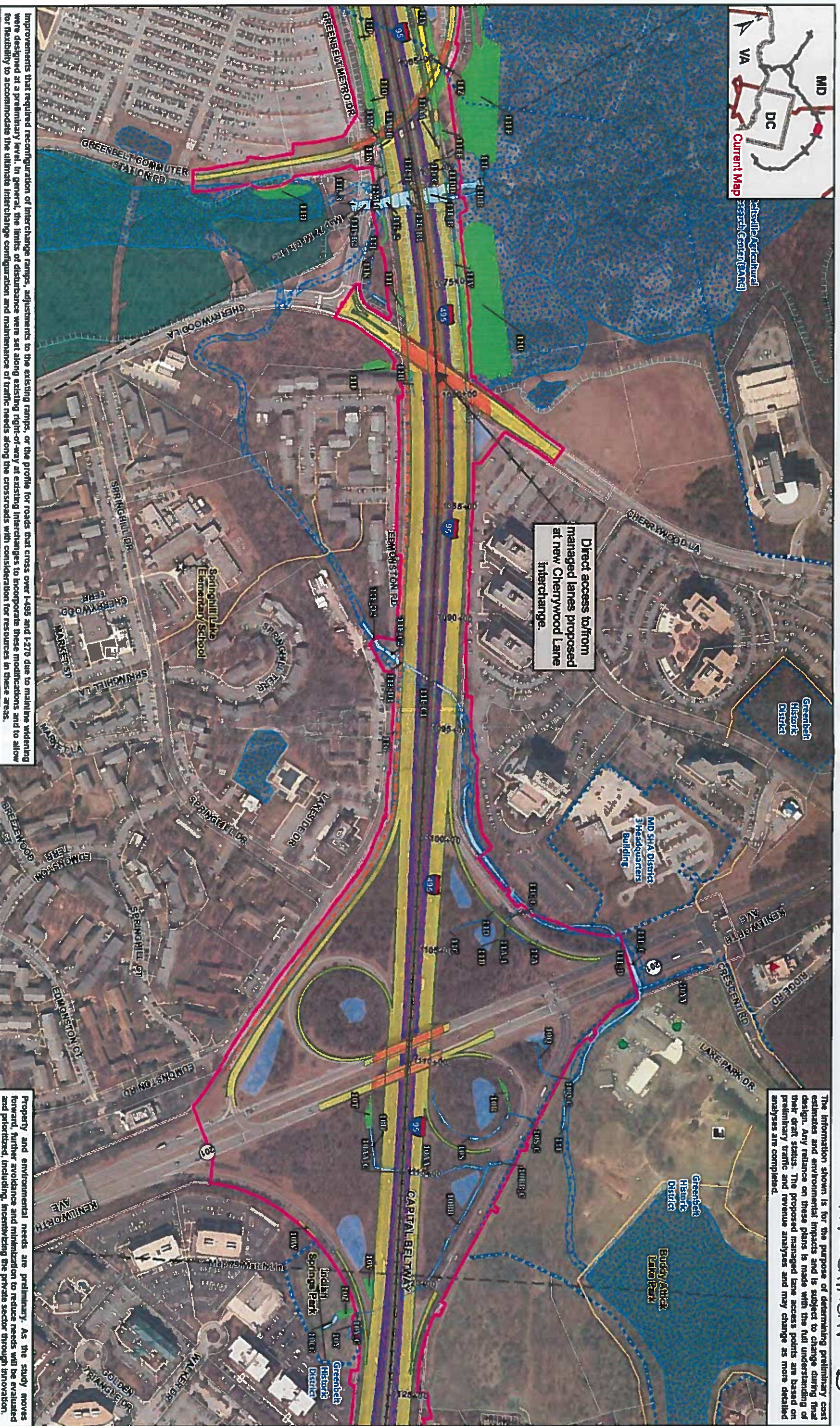
Figure 2-21: Section 4(f) Property (Map 18 of 35)





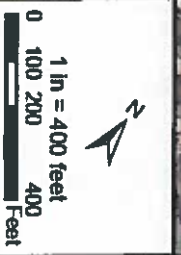
Attachment B

The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status. The proposed managed lane access points are based on preliminary traffic and revenue analyses and may change as more detailed analyses are completed.



Improvements that required reconfiguration of interchange ramps, adjustments to the profile for roads that cross over I-495 and I-270 due to maintain widening were designed at a preliminary level. In general, the limits of disturbance were set along existing right-of-way at existing interchanges to incorporate these modifications and to allow for flexibility to accommodate the ultimate interchange configuration and maintenance of traffic needs along the crossroads with consideration for resources in these areas.

- Legend**
- Alternative 8, 9, 10, 13B, & 13C LOD
 - Proposed New or Reconstructed Bridge
 - Map Match Line
 - Right-of-Way
 - Parcel Boundaries
 - Roadway Baseplate
 - Edge of Lane
 - Proposed Stormwater Management Facility
 - General Purpose Lanes
 - Managed Lanes
 - Potential Noise Barrier Replacement or Construction (Approximate Location)
 - FEMA Floodplain 100 Year
 - Designated Waterways (Feature ID, Refer to NRTI)
 - Designated Wetlands (Feature ID, Refer to NRTI)
 - NW Wetlands and Waterbodies
 - DNR Wetlands and Waterbodies
 - Forest Conservation Act Easements
 - Potential Hazardous Concerns
 - Historic Properties
 - Park Property
 - Police Station
 - School
 - NDE Land Restoration Program Site

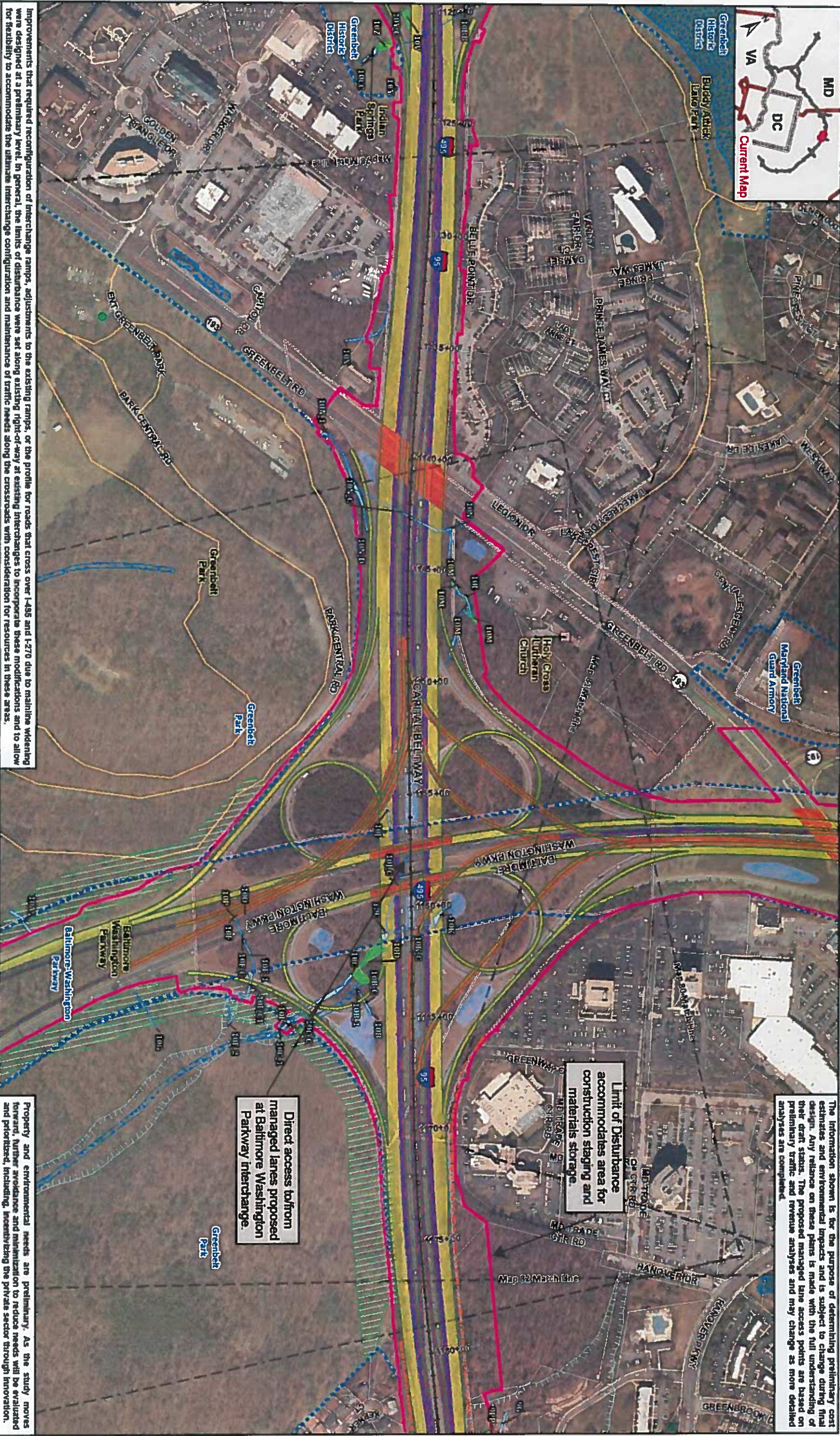
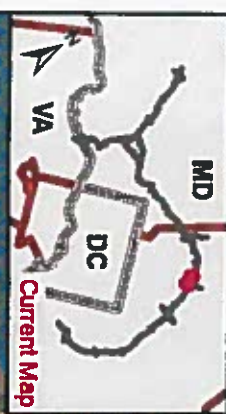


Environmental Resource Mapping

Appendix D
Map 78

Alternatives 8, 9, 10, 13B, 13C
for I-495

495 270 MANAGED LANES STUDY



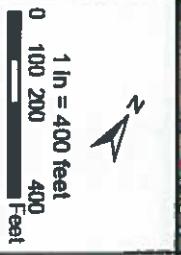
The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status. The proposed managed lane access points are based on preliminary traffic and revenue analyses and may change as more detailed analyses are completed.

Limit of Disturbance accommodates area for materials staging and construction.

Direct access to/from managed lanes proposed at Baltimore Washington Parkway interchange.

Property and environmental needs are preliminary. As the study moves forward, further avoidance and minimization to reduce needs will be evaluated and prioritized, including, but not limited to, the private sector through innovation.

- Legend**
- Alternative 8, 9, 10, 13B, & 13C LOD
 - Map Match Line
 - Right-of-Way
 - Parcel Boundaries
 - Roadway Baseline
 - Proposed New or Reconstructed Bridge
 - Proposed Stormwater Management Facility
 - General Purpose Lanes
 - Managed Lanes
 - Potential Noise Barrier Replacement or Construction (Approximate Location)
 - Trails
 - FEMA Floodplain 100 Year
 - Delineated Waterways (Feature ID, Refer to NRTI)
 - Delineated Wetlands (Feature ID, Refer to NRTI)
 - NWI Wetlands and Waterbodies
 - DNR Wetlands and Waterbodies
 - Forest Interior Dwelling Habitat
 - Forest Conservation Act Easements
 - Historic Properties
 - Park Property
 - Place of Worship
 - Potential Hazardous Concerns

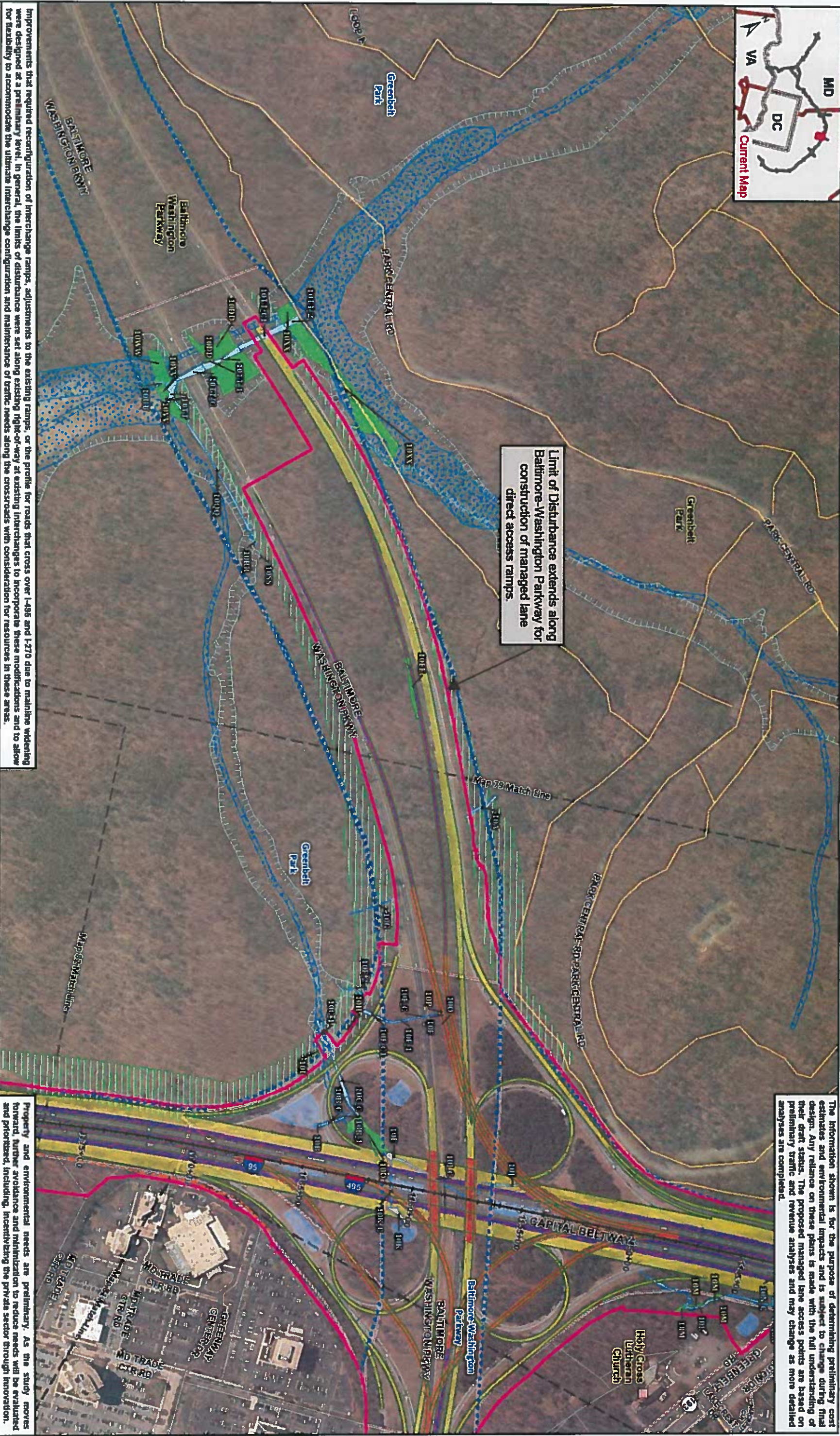
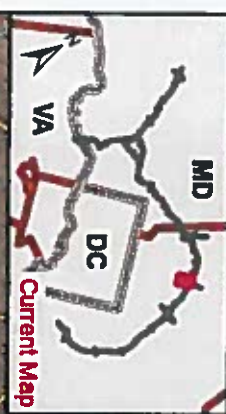


Environmental Resource Mapping

Appendix D
Map 79

Alternatives 8, 9, 10, 13B, 13C
for I-495

495 270 MANAGED LANES STUDY

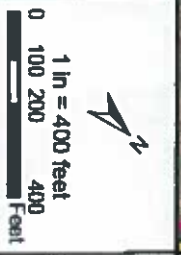


Limit of Disturbance extends along Baltimore-Washington Parkway for construction of managed lane direct access ramps.

The information shown is for the purpose of determining preliminary cost estimates and environmental impacts and is subject to change during final design. Any reliance on these plans is made with the full understanding of their draft status. The proposed managed lane access points are based on preliminary traffic and revenue analysis and may change as more detailed analyses are completed.

Improvements that required reconfiguration of interchange ramps, adjustments to the existing ramps, or the profile for roads that cross over I-495 and I-270 due to mainline widening were designed at a preliminary level. In general, the limits of disturbance were set along existing right-of-way at existing interchanges to incorporate these modifications and to allow for flexibility to accommodate the ultimate interchange configuration and maintenance of traffic needs along the crossroads with consideration for resources in these areas.

- Legend**
- Alternative 8, 9, 10, 13B, & 13C LOD
 - Map Match Line
 - Right-of-Way
 - Parcel Boundaries
 - Roadway Base Line
 - Edge of Lane
 - Proposed New or Reconstructed Bridge
 - Proposed Stormwater Management Facility
 - General Purpose Lanes
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 - Potential Noise Barrier Replacement or Construction (Approximate Location)
 - Trails
 - FEMA Floodplain 100 Year
 - Delineated Waterways (Feature ID, Refer to NRTTR)
 - Delineated Wetlands (Feature ID, Refer to NRTTR)
 - NW1 Wetlands and Waterbodies
 - DNR Wetlands and Waterbodies
 - Forest Interior Dwelling Habitat
 - Historic Properties
 - Park Property
 - Place of Worship



Environmental Resource Mapping

Appendix D
Map 80

Alternatives 8, 9, 10, 13B, 13C
for I-495

495 270 MANAGED LANES STUDY

Highlighted Issues

I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement

Prepared by Greenbelt Planning Staff

October 22, 2020

- 1) The Study Purpose and Need are too narrowly defined and fail to advance a reasonable range of alternatives that would reduce environmental impacts of the project while meeting the purpose and needs of the project identified by the State. Traffic Demand Management, transportation systems management and transit alternatives should be considered.
- 2) The traffic modelling and analysis in the DEIS is insufficient to conclude that the project will meet the project needs. The DEIS should be updated using the most recent travel data available from Metropolitan Washington Council of Governments (MWCOG).
- 3) The DEIS does not adequately address the theory of induced demand and how the highway expansion may lead to increased traffic on auxiliary roads.
- 4) The impacts on local arterial and collector roads require further analysis, particularly on Cherrywood Lane where a new access interchange is proposed to ensure traffic demand is not underestimated.
- 5) Cherrywood Lane is a City street and the City has an adopted complete and green street concept plan for the entirety of this corridor and the construction of a new interchange is not consistent with the City's adopted plan.
- 6) The DEIS references a full interchange at Greenbelt Metro Station. Clarification is needed to understand if the cost of the full interchange is accounted for in the project budget. More information is also needed on the proposed realignment of the entrance to the Greenbelt Metro Station.
- 7) The full costs of the project, including costs of adequate environmental mitigation and taxpayer dollars needed for the relocation of water and sewer infrastructure, must be understood prior to selecting a Preferred Alternative. According to the Washington Post, the cost for moving water and sewer pipes for this project could potentially lead to a 277% increase in water and sewer rates over the next 40 years (source: https://www.washingtonpost.com/local/trafficandcommunity/moving-pipes-to-add-toll-lanes-to-beltway-i-270-will-cost-up-to-2-billion-wssc-says/2020/03/12/0d0f89fe-6406-11ea-acca-80c22bbee96f_story.html).
- 8) Consider the impacts of the COVID-19 pandemic on traffic growth patterns and congestion through 2040 as the transition to teleworking may become permanent for many businesses/people.
- 9) Explain how social equity is being addressed when the high cost of managed lanes may be out of reach for lower income populations.
- 10) The DEIS has not adequately fulfilled the requirements under the Historic Preservation Act. This project will impact five Section 4(f) properties within the City. The City does not concur with the finding that the project will have *de minimis* impact to these properties.
- 11) The DEIS fails to recognize the Sunrise Forest Preserve Area as an eligible Section 4(f) property. It is estimated that the build alternatives would adversely impact about 2.5 acres (25%) of this property. The City has provided information to MDOT on this property so the FEIS can address it

appropriately. As public parkland, protected forestland and property purchased with Program Open Space funding, the project shall avoid impacts to this property.

- 12) The DEIS fails to adequately address impacts (i.e., noise, visual, air, stormwater, etc.) to the Greenbelt Historic District, particularly as it relates to improvements associated with MD-295.
- 13) The limits of disturbance (LOD) does not adequately address likely environmental impacts to natural resources. As identified by M-NCPPC project staff, "Detailed field review demonstrates that the current LOD does not comprehensively reflect expectations of environmental impact and what will be needed to restore and mitigate for proposed construction". There needs to be a greater understanding of the potential impacts of the project on the City's parks and historic resources, as well as to private property.
- 14) The proposed impacts to the Baltimore Washington Parkway do not respect the original intent of the scenic highway and aesthetic underpinnings.
- 15) The build alternatives will require the partial acquisition of 28.2 to 31.5 acres of public and private lands in the City, depending on the alternative. This will have significant adverse environmental, cultural and social impacts for individual property owners and the City as a whole.
- 16) The use of stormwater credits should not be considered a viable option to mitigating stormwater impacts. The DEIS should rely on on-site mitigation.
- 17) The DEIS needs to address how the proposed expansion will impact local waterways, including downstream impacts resulting from increased stormwater pollution. Consideration also needs to be given to addressing the current degradation plaguing our local waterways as a direct result of highway construction projects.
- 18) The DEIS needs to fully analyze the increased harmful air emission (i.e., greenhouse gas emissions) the proposed project will cause. The predictions for the build alternatives minimize impacts by relying on projections that vehicles will become more energy efficient, and the DEIS analysis does not account for induced demand.
- 19) The DEIS identifies seven Noise Sensitive Areas (NSAs) in Greenbelt and fails to adequately address noise abatement efforts. For example, noise barriers for NSA 1-21 were identified on page 141 and on Map 78 in Appendix J as being reasonable and feasible. However, noise barriers are not shown as proposed on Map 79 in Appendix D. Given existing noise levels, the relationship of these residential properties to I-95/I-495, and the loss of dense vegetative buffer associated with construction, noise barriers are warranted for this NSA.
- 20) There are no sound barriers shown on Map 78 in Appendix J for NSA BW-N despite Table 4-15 on Page 4-69 of the DEIS saying they are warranted. To protect the Greenbelt Historic District and adjoining residential properties noise barriers are needed NSA BW-N.
- 21) Construction impacts (i.e., noise) must be analyzed and adequate mitigation measures identified to address the potential excessive noise levels the DEIS references near construction zones. This is particularly concerning to Greenbelt given the proximity of residential properties to the project.
- 22) The DEIS fails to break down forest canopy impacts to a local level, therefore not allowing local jurisdictions the ability to fully understand the local impacts, avoidance and mitigation aspects of the project. The DEIS also does not address where tree mitigation will occur. For the project to equitably mitigate for the social and environmental impacts associated with this project, credits or payment into the State Reforestation Fund should not be considered viable mitigation options.

- 23) The build alternatives will have green infrastructure impacts to city parkland/Forest Preserve Areas and to private properties, resulting in air, noise, wildlife, visual and water quality impacts. These impacts need to be evaluated now and not during final design.
- 24) The DEIS relies too heavily on off-site mitigation. For the project to be environmentally just, mitigation should be required to occur in the same watershed or community that is being impacted.
- 25) The DEIS claims that all build alternatives under consideration will benefit Environmental Justice Analysis Areas but does not adequately explain this conclusion. Many of Greenbelt's census blocks in the study area meet the definition of an EJ Analysis Area yet measures to mitigate any potential disproportionate effect on them is missing. Further, the expected high toll prices and environmental impacts of the build alternatives do not justify the conclusionary statement that the DEIS makes indicating that residents residing in the Greenbelt EJ Analysis Area will benefit from the project.

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Zoom Meeting Format

Suggested Action:

Councilmember Roberts requested this item be added to the agenda.

Attachments:

[Suggested Requirements for Zoom Meeting Format.pdf](#)

Suggested requirements if Council switches to Zoom meeting format:

1. There will be a Host (the Mayor or presiding officer) and a Co-Host (a staff member) who will admit people to the meeting and help the Host know who has raised a hand.
2. Set up a waiting room—anyone wishing to join must state their full name. If they are representing an organization, they should state that as well. Attendees are not allowed to rename themselves.
3. Everyone admitted into the meeting will be automatically muted. In order to speak, an attendee must raise a hand and be “recognized” by the Mayor or presiding officer who will unmute the person wishing to speak.
4. Once admitted to the meeting, attendees are not allowed to change their profile photos.
5. Prevent anyone from screen sharing, unless permitted by the Host.
6. Disable the entry/exit chime.
7. The Host and Co-Host must know how to instantly dismiss a disruptive attendee, if needed.

Basic Zoom etiquette should be promoted and stressed among all attendees.

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Discussion of Signage at Former Precinct Polling Places and Use of Both Greenbelt Connection Buses to Provide Transportation to Eleanor Roosevelt High School on Election Day

Suggested Action:

Councilmember Davis requested this item be added to the agenda.

Given COVID-19 safety concerns, the County Board of Elections consolidated polling places in Greenbelt. To help residents plan their voting experience, City staff advertised County elections information and obtained signage to supplement County Election Board directional signage. In follow-up to prior Council discussion, the City is advertising Greenbelt Connection bus rides to take any Greenbelt resident to nearby polling places. Advance reservations and health guidance compliance is required.

Staff will be available to further discuss details.

Attachments:

[ride the connection\[9272\].png](#)



City of Greenbelt Government

Published by Beverly Palau · 5m

**RIDE THE GREENBELT
CONNECTION TO VOTE!**



**The Greenbelt Connection is available to give you a ride
to the polls. Please call 301-474-4100
48 hours before you would like to go!**

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Pine Trees at Buddy Attick Lake Park

Suggested Action:

Mayor Byrd requested this item be added to the agenda.

The motion would be to have the City Solicitor draft an ordinance that would prohibit the removal of the pine trees at Buddy Attick Lake Park.

Attachments:

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

* Greenbelt Homes Inc and City of Greenbelt Joint Letter to Washington Suburban Sanitary Commission

Suggested Action:

On February 27, 2020, Greenbelt Homes Inc. (GHI) submitted a letter to the City in response to one received from WSSC's General Manager Ms. Carla Reid and requested that the Mayor of Greenbelt/City Council review the letter that GHI drafted, propose changes if necessary and the Mayor cosign it in support of GHI's position.

This letter was included in the City Manager weekly report to Council on February 28, 2020. It was slated for an agenda at the start of the pandemic and was inadvertently omitted.

Approval of this item on the consent agenda will indicate Council support and approval to send this joint signature letter to WSSC.

Attachments:

[Proposed letter to Carla Reid.pdf](#)



February 20, 2020

Carla A. Reid, General Manager
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707

Dear Ms. Reid:

Thank you for your January 31, 2020 letter, in response to ours of last September. Greenbelt Homes, Inc. (GHI) and the City of Greenbelt greatly appreciate your response and your interest in continuing the negotiation regarding proposed improvements to GHI's water and sewer infrastructure. We particularly appreciate the inclusion of the responses to the eleven (11) questions posed by GHI General Manager Eldon Ralph, drafted by Jaclyn Vincent, WSSC Chief of Staff.

The facts of historic Greenbelt having been constructed by the U.S. Government with discrete water and sewer systems, and subsequent establishment of the 1958 tripartite contractual agreement between WSSC, the City of Greenbelt, and GHI, have resulted in the current unique situation. We fully understand WSSC's desire to bring GHI's water and sewer infrastructure in alignment with your organization's current design standards, and we do not object as long as any such changes do not result in a breach of the current agreement, or result in adverse effects on GHI or the City of Greenbelt. We believe that the items of contention between WSSC and GHI are few, and can be addressed in a spirit of cooperation.

Meter relocation and supply piping responsibility

GHI would not object to the water meters being relocated as per the proposed WSSC design *per se*, and we understand the desire for meters to be more accessible for ease of remote data gathering. It is the corollary to the proposed relocation that is problematic, in that WSSC's design standard requires that all supply piping on the load side of the meter be maintained by and property of GHI. Although this may be an unintended consequence, the result is that GHI would *de facto* become responsible for thousands of feet of water supply piping that are currently maintained under WSSC's aegis. This would constitute a unilateral change to both the letter and spirit of the 1958 agreement, which change would be detrimental to our members; therefore, GHI strongly opposes this modification. The current agreement has been in force and functioning satisfactorily for over (60) years, and we see no rationale for a substantive change at this time.

WSSC has offered, as an accommodation, to continue maintaining water supply lateral pipes between relocated meters and GHI homes for a period of (30) years, the rationale being to allow GHI a period in which to gather reserve funds for eventual replacement of these pipes at their (80) to (100) year-end of

life. GHI proposes that WSSC continue to honor the terms of the current contractual agreement either by replacing meters in existing locations, or by continuing to own and maintain water supply pipes to within five feet (5-ft.) of each building foundation.

GHI is a not-for-profit housing corporation with the stated goal of providing affordable, quality housing for our 1,600 members. We strive to keep the monthly charges our members must pay as absolutely low as possible; many of our members are young families with limited resources, or seniors on fixed incomes. We hope you will understand and concur that adding a cost item to our Replacement Reserves Program budget significantly before its time is highly undesirable.

Replacement of sewer piping concurrent with supply piping

GHI has strongly encouraged WSSC to replace sewer lateral piping concurrent with water supply piping, so as to minimize disturbance to landscaped yards and parking areas. Ms. Vincent's answer to our question no. 6 leaves unclear WSSC's intention with regard to this item, and we respectfully request further clarification. It is our belief that replacing supply and sewer laterals at the same time will result in cost savings for WSSC, as well as reduced disturbance and inconvenience for our members.

Connection of new supply and sewer laterals at GHI homes

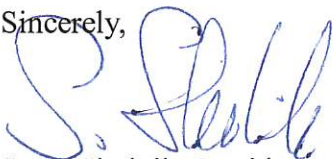
GHI is currently investigating replacement of aging plumbing pipes in our homes as a replacement reserves item. Rather than having WSSC connect new water supply and sewer laterals to existing, aged pipes outside our building foundations, GHI desires to have the laterals be all new into the crawl spaces. It will be much simpler, and with very little cost, for WSSC to extend the new laterals into the crawlspaces through existing sleeves, than it would be for GHI to have a separate contractor provide this work, requiring a second service interruption and challenging coordination between GHI, contractor(s), and WSSC. We believe this makes good sense, benefiting our members and WSSC, and therefore we request reconsideration of GHI's request that new lateral pipes be extended into the crawl spaces by WSSC.

Next steps

Ms. Reid, GHI greatly appreciates your personal attention, and your being open to meeting with representatives of our cooperative and the City of Greenbelt. We concur that too much time has elapsed and that it is incumbent on us all to move forward without further delay.

Thank you again for your attention; we look forward to your prompt reply.

Sincerely,



Steve Skolnik, President
Greenbelt Homes, Inc.

Colin Byrd, Mayor
City of Greenbelt, Maryland

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: MEETINGS

Agenda Section: MEETINGS

Subject:

Meetings

Closed Session: A Closed Session has been requested by the Council to discuss the City Manager's compensation. It is recommended this meeting be scheduled for Thursday, November 5, 2020, at 7:30 pm by Zoom.

Suggested Action:

The following motion is required to schedule the Closed Session: I move that Council schedule a Closed Session on Thursday, November 5, 2020, at 7:30 pm virtually by Zoom.

Council will hold this closed meeting in accordance with the General Provisions Article 3-305(b)(1) of the Annotated Code of the Public General Laws of Maryland; 1) 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.

The purpose of this meeting is to discuss the City Manager's compensation.

Attachments:

[meetings.pdf](#)

CITY OF GREENBELT, MARYLAND

25 Crescent Road, Greenbelt, MD 20770-1891

10/23/2020 1:24 PM



City Council Meetings & Work Sessions October – November – December

Regular Meeting, (Virtual)	Mon.	10/26	8:00 pm
Advisory Board Interview	Wed.	10/28	7:40 pm
Work Session – State Highway Administration (stakeholder), (Virtual)	Wed.	10/28	8:00 pm
Four Cities Meeting, New Carrollton Host City, (Virtual)	Thurs.	10/29	7:30 pm
Work Session – Prince George's Memorial Library System, (Virtual)	Mon.	11/02	8:00 pm
Work Session - Prince George's County Department of Public Works and Transportation, (Tentatively), (Virtual)	Wed.	11/04	8:00 pm
Special Meeting – Closed Session City Manager Compensation	Thurs.	11/05	7:30 pm
Regular Meeting	Mon.	11/09	8:00 pm
No Meeting – Veterans Day	Wed.	11/11	
Work Session – Beltway Plaza Phase 1 Detail Site Plan, (Tentatively), (Virtual)	Mon.	11/16	8:00 pm
NLC City Summit (Virtual)	Wed. – Fri.	11/18-11/20	
Work Session – City Manager's Update, (Tentatively), (Virtual)	Wed.	11/18	8:00 pm
Regular Meeting	Mon.	11/23	8:00 pm
Work Session – TBD	Wed.	11/25	8:00 pm
Work Session – County Executive Alsobrooks, (Tentatively), (Virtual)	Mon.	11/30	8:00 pm
Work Session – Beltway Plaza Phase 1 Detail Site Plan, (Tentatively), (Virtual)	Wed.	12/02	8:00 pm
Work Session - Combined Properties/Greenway Center (stakeholder)	Mon.	12/07	8:00 pm
Work Session – TBD	Wed.	12/09	8:00 pm
Regular Meeting	Mon.	12/14	8:00 pm
Work Session – Franklin Park at Greenbelt Station, (stakeholder)	Wed.	12/16	7:00 pm
Work Session – TBD	Mon.	12/21	8:00 pm
Work Session – TBD	Wed.	12/23	8:00 pm
Work Session – TBD	Mon.	12/28	8:00 pm
Work Session – TBD	Wed.	12/30	8:00 pm

- 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. Due to the COVID-19 precautions, the Council Meetings will be held online and is planned to be cablecast on Verizon 21, Comcast 71, and 996 and streamed to www.greenbeltmd.gov/municipalTV. Unless otherwise noted, Council meetings will be virtually by zoom. Zoom meeting information for public participation is posted on the City's website at www.greenbeltmd.gov on the meetings calendar.

Bonita Anderson, City Clerk

A NATIONAL HISTORIC LANDMARK

(301) 474-8000

fax (301) 441-8248
www.greenbeltmd.gov

MD RELAY 711

CITY OF GREENBELT, MARYLAND

25 Crescent Road, Greenbelt, MD 20770-1891

10/23/2020 1:24 PM

Ready to be scheduled:

BARC/BEP Meeting (include: Beltsville &
Vansville Associations, FAR-B, Congressman
Hoyer, etc.)
MARC Train Service/ MDOT
NCOZ/Arts & Entertainment District
Potential Bond Referendum/Capital Financing
Cemetery Plans
Forest Preserve/Community Gardens (Jan. 2021)
WSSC
Teleconferencing
Pepco
University of Maryland (Spring 2021)
Bernard Penney (Memorial Donation in honor of
Leonie Penney)
Greenbelt Fair and Just Policing Act of 2020
Juneteenth
Collective Bargaining Process (Fall 2020)
Parke Crescent Apartment Complex
MNCPPC (to discuss zoning)

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
Department of Permitting, Inspections &
Enforcement (DPIE)
Museum Plan
Apartments

City Council Agenda Item Report

Meeting Date: October 26, 2020

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: MEETINGS

Agenda Section: MEETINGS

Subject:

Stakeholders

Suggested Action:

Attachments:

[Stakeholder Schedule.pdf](#)

Annual														
Advisory Group Chairs	3/16	2/17	7/18	7/19	6/20									
Franklin Park at Greenbelt Station Mgmt.	8/16	11/17	12/18	12/19										
Greenbelt East Advisory Coalition	3/16	7/17	3/19	6/20										
Greenbelt Homes, Inc.	6/16	7/17	7/18	7/19	10/20									
Greenbelt Station	8/19	12/19	8/20											
County Executive/ County Council	12/13	9/16	1/19	8/20										
Biennial														
Roosevelt Center Merchants	11/16	1/18	1/20											
Beltsville Ag. Research Center/ NPS Greenbelt Park	03/14	7/16	8/18											
	7/15	1/18	1/20											
Beltway Plaza	9/14	3/17	9/20											
Greenway Center	7/14	12/16	2/19											
Civic Associations	8/14	2/18	8/20											
NASA/GSFC	3/15	3/17	9/19											
PG Co. Economic Development Corp.	8/14	4/17	7/19											
School Board	2/16	5/17	10/18	3/19	9/20									
State Highway Administration	6/15	10/17												
Every Three Years														
Apartments	2/18													
Religious/Spiritual Organizations	3/13	6/15	6/19											
Greenbelt Watershed Groups	8/14	10/16	10/19											
Hotels														
University of Maryland	3/13	4/15												
Every Three Years or Major Issue														
Comcast	9/13	11/17												
Verizon	2/20													
PEPCO	9/14	1/17												
WSSC	12/12	9/16												
WGL														
Capital Office Park	12/12	1/16	9/19											
Other Business Parks:														
Maryland Trade Center														
Golden Triangle														
Hanover Parkway														
Belle Point														
Edmonston Road														
Hanover Parkway														

WMATA/PGDPW&T (Semi-Annual)	11/16	9/17	11/18	1/20										
Other/As Needed														
M-NCPPC/Planning Board (Major Issue)	6/06	7/14	10/19											
Business Coffee (Every Four Months)	10/17	2/18	8/18	11/18	2/19	5/19	8/19	12/19	3/20	8/20				
State's Attorney (4 years)	2/11	4/15	9/19											
Roosevelt Center Owner	9/15	8/20												

(Rev. October 20, 2020)