



CITY COUNCIL AGENDA

**Municipal Building
Monday, September 23, 2019
7:30 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. Cooperative Month Proclamation
Suggested Action:

Every October is a chance to celebrate cooperatives, uniquely-local organizations. The theme for this year's National Co-Op Month is "Co-Ops: By the Community, For the Community".

Members from more than 40,000 cooperatives nationwide will celebrate the advantages of cooperative membership and recognize the benefits and values cooperatives bring to their members and communities.

Representatives from Greenbelt's seven cooperatives have been invited to attend tonight's meeting to receive a proclamation announcing the City's support and recognition of cooperative businesses and organizations during this month.

[CoopMonth 19 proc.pdf](#)

- 6b. Public Lands Day Proclamation
Suggested Action:

National Public Lands Day is the nation's largest hands-on volunteer effort to improve and enhance public lands. Assistant Principal Andrew Karnes and Mrs. Danielle Todd-Jones of Springhill Lake Elementary will be present to receive the proclamation. Jason Martin, the City's Horticulture Supervisor, will be present to provide an update on the plans for this event.
[Public Lands DayProclamation2019.pdf](#)

7. Petitions and Requests

- *8. *Minutes of Council Meetings

Suggested Action: *Work Session - January 16, 2019

*Work Session - May 29, 2019

*Work Session - June 12, 2019

*Work Session - July 01, 2019

[WS190116.pdf](#)

[WS190529.pdf](#)

[WS190612.pdf](#)

[WS190701.pdf](#)

- 8a. Statement for the Record

Suggested Action:

Closed Session of September 18, 2019: 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 executive session on Wednesday, September 18, 2019, at 8:15 p.m. in the Library of the Municipal Building. 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 personnel matters.

The purpose of this meeting will be: 1) Personnel matters - Re-classifications in Administration, Recreation and Public Works Departments.

Vote to close session:

Ms. Davis - Yes

Mr. Byrd - No

Ms. Mach - Yes

Ms. Pope - Yes

Mr. Putens - Yes

Mr. Roberts - No

Mayor Jordan - Yes

The following staff members were in attendance: Nicole Ard, City Manager and Todd Pounds, City Solicitor.

Council took no actions during this session.

[Statement of Record_091819.pdf](#)

9. Administrative Reports

*10. Committee Reports

*10a. Advisory Planning Board Report #2019-10
(NRP Multi-family Development Preliminary Plan of Subdivision)
Suggested Action: It is recommended that Council accept this report.
[Advisory Planning Board Report #2019-10](#)

*10b. *Community Relations Advisory Board Report #2019-2 (Petition for Congress to shut down the 1033 program)
Suggested Action: It is recommended Council accept this Report and discuss it at a future work session.
[Report_2019-2.pdf](#)

*10c. *Park and Recreation Advisory Board Report #19-6 (Capital Office Park Preliminary Plan of Subdivision)
Suggested Action: Approval of this item on the consent agenda will indicate Council's acceptance of this Report. This item appears later on this evening's agenda.
[PRAB Report 19-6 Capital Office Park Preliminary Plan of Subdivision.pdf](#)

III. LEGISLATION

11. A Resolution to Authorize the Negotiated Purchase for Captioning Services from Municipal Captioning Inc. at an estimated cost of \$12,960.
- 2nd Reading; Adoption

Suggested Action:

Reference:

Resolution

Quote, Municipal Captioning Inc., 07/17/2019

At the Regular Meeting on August 12, 2019, the City Council approved the selection of Municipal Captioning Inc. to provide captioning services for City Council meeting. Municipal Captioning provided a quote of \$12,960 for 30 hours of captioning a month, which is a little more than 5 hours a week. The quote also includes the hardware, installation and training.

Ms. Mach introduced this resolution for first reading at the last meeting. It is recommended the Resolution be introduced for second reading and moved for adoption tonight.

[Municipal_Captioning_Resolution.pdf](#)

[Quote, Municipal Captioning Inc., 07/17/2019.pdf](#)

12. A Resolution to Authorize the Negotiated Purchase of FY 2020 Legal Services from Alexander & Cleaver PA at an estimated cost of \$165,000.
- 2nd Reading; Adoption

Suggested Action:

Reference:
Resolution
Memorandum, A. Belton, 09/05/2019
Letter, T. Pounds, 01/11/2018

Mayor Jordan requested the present and past agreements for legal services. Staff were unable to locate the agreement with the past firm, attached is the present agreement. The FY 2020 Budget includes \$165,000 for legal services. The majority of these costs are for the services of the City Solicitor, Alexander & Cleaver PA. Since the amount paid to the firm annually is over \$10,000, a Resolution is required.

Mr. Putens introduced this resolution for first reading at the September 9, 2019 meeting. It is recommended the Resolution be introduced for second reading and moved for adoption tonight.

[Alexander_Cleaver_Resolution.pdf](#)
[Memorandum, A. Belton, 09.05.2019.pdf](#)
[Letter, T. Pounds, 01.11.2018.pdf](#)

IV. OTHER BUSINESS

13. Cherrywood Lane Complete and Green Streets (Retrofit) Project, Phase 1 Plans
Suggested Action:

Reference:
Memorandum, J. Howerton, 07/05/2019
Final Cherrywood Lane Green Streets Design
Presentation Cherrywood Lane, 07/2019
APB Cherrywood Lane Report, 06/27/2019
Green ACES Cherrywood Lane Report, 06/28/2019
Preliminary Concept Design Report Cherrywood Lane Complete and Green Street Project, 12/17/2015

In July 2017, the City was awarded grant funding from the Chesapeake Bay Trust (CBT) to undertake 90% engineering for Phase 1 of the Cherrywood Lane Complete and Green Street Retrofit project. The contract was awarded to Charles P Johnson and Associates (CPJ) and a kickoff meeting held on February 4, 2019 with a completion date in June 2019. The project deadline was later extended to September 30, 2019.

The engineered designs are based on a study developed by a consultant, the Low Impact Development Center (LID Center), culminating in a 31-page report completed in December 2015 titled, "Preliminary Concept Design Report: Cherrywood Lane Complete and Green Street Project". The report reflects input gathered through multiple meetings with both Planning and Public Works Department staff, the Advisory Planning Board, and Green ACES, and delivers a clear path for transforming Cherrywood Lane into a street that better accommodates multiple modes of transportation, minimizes paved surfaces, and optimizes storm water management. The Design is intended to fit into the existing right of way. It makes specific recommendations for potential improvements and breaks the project into 3 phases to enable the City to install the road in tandem with other capital projects and developer-related

project-related projects.

At a City Council work session on July 10, 2019, CPJ was able to present near final designs and get some feedback. CPJ has recently completed and submitted to the City the final engineering plans/drawings for Phase 1 of the project. The project is effectively complete and needs approval of the City Council.

[Memorandum, J. Howerton, 07/05/2019.pdf](#)
[Final Cherrywood Lane Green Streets Design.pdf](#)
[Presentation Cherrywood Lane, 07/2019.pdf](#)
[APB Cherrywood Lane Report, 06/27/2019.pdf](#)
[Green ACES Cherrywood Lane Report, 06/28/2019.pdf](#)
[Preliminary Concept Design Report Cherrywood Lane Complete and Green Street Project, 12/17/2015.pdf](#)

14. Preliminary Plan of Subdivision – NRP’s Greenbelt Metro Multi-Family Development proposal (Capital Office Park)

Suggested Action:

Reference:

NRP Greenbelt APB Presentation, 09/11/2019
NRP Greenbelt Metro - Staff Report, 09/06/2019
APB Report NRP Development Final
Green ACES NRP Multifamily Development Comments
Minutes, 03/05/2018
PRAB Report 19-6 Capital Office Park Preliminary Plan of Subdivision

The NRP Group LLC (NRP) is a developer, builder, and property management company headquartered in Cleveland, Ohio. In early 2018, NRP met with the City of Greenbelt to present a development proposal concept for new construction of multifamily housing in the Capital Office Park at the intersection of Cherrywood Lane and Ivy Lane.

The applicant has recently filed a Preliminary Plan of Subdivision (PPS) application with the Maryland-National Capital Park and Planning Commission (M-NCPPC) which is scheduled to be considered by the Prince George’s County (The County) Planning Board meeting on October 10, 2019. The PPS has been referred to the City for review and comment. NRP is seeking the city’s approval and support and has met with 3 advisory boards APB, Green ACES, and PRAB in addition to having a work session with the city council. Board reports are attached for city council review.

Following the work session with City Council, and in response to their comments, NRP has added a tot lot to the list of recreational amenities they plan to provide in this development.

Planning staff recommends City Council support with conditions.

[NRP GREENBELT_APB PRESENTATION_9.11.2019.pdf](#)
[NRP Greenbelt Metro - Staff Report - 9.6.2019.pdf](#)
[APB_Report_NRP_Development-FINAL.pdf](#)
[Green ACES NRP multifamily development comments.pdf](#)
[Minutes from March 5 2018 Mtg.pdf](#)
[PRAB Report 19-6 Capital Office Park Preliminary Plan of Subdivision.pdf](#)

15. City Participation in a Legal Coalition on FCC Order

Suggested Action:

On Friday, August 6, 2019, the FCC released its third Section 621 Report which requires offset from franchise fees of in-kind benefits, Intergovernmental Network (I-Net) and potentially Public, Educational and Government Access (PEG) Channel capacity. The City of Greenbelt does have an I-Net, PEG channels, and cable drops for governmental use. These type of items can be offset from the fees. The order could cost local governments millions of dollars in franchise fees and would do nothing to lower the cost for subscribers.

As expected, franchising authorities are working with their cable attorneys to challenge the Order and seek a stay of its terms until a court can determine its legality. Best, Best & Krieger (BB&K), the firm that the City has been working with for over 20 years, has formed a coalition to fight the FCC order. The buy in for municipalities to join as part of the coalition was originally stated at \$10,000, but BB&K has extended a \$5,000 cost to Greenbelt, as we have been a long time customer.

The deadline to let BB&K know if Greenbelt will be participating is Monday, September 23, 2019. The FCC order will go into effect on Thursday, September 26, 2019.

It is suggested that City Council approve the expenditure of the \$5,000 to join the coalition against this FCC Order. The order could potentially result in a large loss of Franchise Fee and PEG Fee revenues to the City. Council direction is sought.

[09-05-19-Understanding-and-Responding-to-the-FCC-Cable-In-Kind-and-Mixed-Use-Order.pdf](#)

16. Pepco Vegetation Management Plan - 2019

Suggested Action:

Pepco currently is requesting a permit to provide vegetation management on various electrical feeder lines in the City. The Maryland Public Service Commission requires vegetation management be done every three years. The permit application only applies to City right of way and City property.

Pepco has provided plans showing the proposed tree removal and tree pruning/trimming along feeder lines that are serving the community. The scope of work is mainly in the center of Greenbelt. (See attached PEPCO Vegetation Management Map)

Staff has consulted with the Advisory Committee on Trees (ACT), Greenbelt Holmes Inc. and the Forest Preserve Advisory Board (FPAB). All the comments and suggests from these entities are incorporated into the Public Works' recommendations spreadsheet.

PEPCO has identified 115 trees for removal. ACT, FPAB, and Public Works have denied 37 trees that were proposed for removal. This brings the total number of trees proposed for removal to 78. Out of the 78 proposed trees 34 have been identified as dead, failing or hazardous. As a direct result these trees would have been removed by Public Work regardless. Pepco has proposed a one to one replacement plan. Public Works and ACT will work together to select the proper trees for replacement. The replacement trees will be selected from the Council approved "Recommended Trees for Use Under Power Lines".

City Staff, FPAB and ACT have reviewed Pepco vegetation management plans in great detail and recommend Council approve Public Work's recommendations and direct staff to issue a permit for the proposed vegetation management work.

[Pepco_Memo092019.pdf](#)

[Copy of PW_RECOMINDATION_PEPKO_VEGATION_MANGAMENT2019.pdf](#)
[updated Greenbelt_Municipal_Removals_MapDeliverables \(2\).pdf](#)

17. 2019 Community Questionnaire
Suggested Action: Reference:
Draft 2019 Questionnaire
2017 Questionnaire

At the time of the regular City Election, the City issues a questionnaire to solicit the opinion of residents on City services and issues. The questionnaire is placed at the polling locations, published twice in the Greenbelt News Review, and made available on the City's website.

The questionnaire seeks demographic information on the respondent and the respondent's rating of City services. It also solicits opinions on community issues.

Staff has reviewed the proposed Questionnaire. Suggested questions were submitted by Robert Goldberg-Strassler and J. W. Thompson.

It is recommended the questionnaire be approved.

[2019 Draft Questionnaire.pdf](#)

[2017 Questionnaire.pdf](#)

18. Council Activities

19. Council Reports

- *20. *Acceptance of Public Streets – Greenbelt Station South Core Phase 1B

Suggested Action:

The Greenbelt Station South Core development includes a combination of public and private streets. Woodlawn Development Group has completed the construction of the public and private roads in Phase 1B of the development and is asking the City to accept the remaining segment of Stream Bank Lane, North Center Drive and South Center Drive. The construction of these segments of roadway consists of lighting, landscaping, sidewalk, curb and gutter, storm drain and paving. A final inspection of the roadway was completed by the City's inspector and the Director of Public Works and the Director of Planning and Community Development. The final inspection confirmed that the work has been completed per approved plans, with the exception of some street trees that require replacement. The subject trees will be replaced within the next two months during optimum planting season, and will be warranted for 1 year. Staff recommends that the City Council accept the public streets in Phase 1B with the condition that the developer agrees to work with the City Arborist to certify all landscaping is installed per approved plans. The developer is required to post maintenance bonds totaling \$52,493 for the public and private roads in Phase 1B.

[Phase 1B street exhibit.pdf](#)

- *21. *Letter to Maryland-National Park & Planning Commission regarding FY 2021 Budget
Suggested Action:

The Maryland National Park & Planning Commission (M-NCPPC) is holding forums on their FY 2021 Budget. One forum was held September 16 and the other forum is being held on October 7. MNCPPC is accepting written comments until October 21, 2019.

The City receives \$234,000 annually from M-NCPPC to help support City Recreation programs. Greenbelt residents pay approximately \$2.3 Million in Recreation taxes to M-NCPPC.

Included in Council's packet is a draft letter requesting additional City funding from M-NCPPC. This is one of the City's Legislative Priorities.

Approval of this item will indicate Council's approval of the letter to M-NCPPC.

[MNCPPC Planning Board Budget Forum Flyer 2019.pdf](#)

[MNCPPC funding letter DRAFT 2019.docx](#)

*22. *County Legislation: CB-37-2019 & CR-66-2019

Suggested Action:

Representatives of Capital Office Park referenced this legislation at the Work Session on September 16. CB 37 would eliminate the annual Food Truck Hub license fee of \$500 (60 days or less) or \$3,500 (more than 60 days). It would also reduce the technical assistance fee from \$75 per hour to \$35 per hour. CR-66 reduces the Mobil Unit License fee from \$640 to \$300.

Included in Council's packet is a letter of support. Approval of this item will indicate Council's support of CB-37-2019 and CR 66-2019 and authorization to send the letter.

[Food Truck Letter.doc](#)

[CB-37-2019.pdf](#)

[CR-66-2019.pdf](#)

*23. *City/GHI Letter to WSSC

[WSSC Letter from City and GHI Board 09 11 19.pdf](#)

V. MEETINGS

Meetings

Suggested Action:

Special Meeting: A Closed Session has been requested by Council to obtain legal advice concerning the Proposed MAGLEV and Beltway Widening Projects. It is recommended this meeting be scheduled for Monday, October 7, 2019, at 7:30 pm in the Library of the Municipal Building.

To schedule the Closed Session the following motion is needed: I move that Council schedule a Closed Session on Monday, October 7, 2019, at 7:30 pm in the Library of the Municipal Building. Council will hold this closed meeting in accordance with the General Provisions Articles 3-305(b)(7) of the Annotated Code of the Public General Laws of Maryland to: 1) to consult with counsel to obtain legal advice on a legal matter regarding the Proposed MAGLEV and Beltway Widening Projects.

[meetings.pdf](#)

Stakeholders

[Stakeholder Schedule.pdf](#)