

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, July 8, 2013.

Mayor Davis called the meeting to order at 8:02 p.m.

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

ALSO PRESENT were Michael McLaughlin, City Manager; David E. Moran, Assistant City Manager; Robert Manzi, City Solicitor; and Cindy Murray, City Clerk.

Mayor Davis asked for a moment of silence in memory of Greenbelt resident John Yakupkovic, Sr. She then led the pledge of allegiance to the flag.

APPROVAL OF CONSENT AGENDA: Mayor Davis requested the minutes of Work Session #2 on May 21, 2013, and the Work Session of May 22, 2013, be removed from the consent agenda. With these changes, it was moved by Ms. Pope and seconded by Mr. Jordan that the consent agenda be approved. The motion passed 7-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS:

Work Session #1, May 21, 2013

Work Session, June 10, 2013

Work Session, June 12, 2013

Regular Meeting, June 17, 2013

Approved as presented.

COMMITTEE REPORTS:

Park and Recreation Advisory Board Report #2013-2 (CAR#6-2013 – Daily User Fee at Buddy Attick Park): Council accepted this report and will consider it on the agenda of a future meeting.

Forest Preserve Advisory Board, Report #2013-01 (Unauthorized Removal of Vegetation in Forest Preserve – Hamilton Tract): Council accepted this report and will consider it on the agenda of a future meeting.

Advisory Planning Board, Addendum #1 to Report #2013- 1 (Sunnyside Avenue Bridge Replacement Project): Council accepted this report and will consider it on the agenda later this evening.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Award: Council authorized staff to apply for the 2013 JAG award to purchase 3M Cogent Bluecheck II mobile remote fingerprint scanners.

APPROVAL OF AGENDA: Mayor Davis requested “Police Mutual Aid Agreement with Town of Berwyn Heights” be removed from the agenda at the request of Mr. McLaughlin. With this change, it was moved by Mr. Putens and seconded by Mr. Jordan that the agenda be approved. The motion passed 7-0.

PRESENTATIONS:

\$1 Adoption Month: Mayor Davis announced that the Greenbelt Animal Shelter will be holding a “\$1 Adoption Month” during the month of July. Celia Craze, Director of Planning and Community Development, explained the program which is held to promote animal adoptions from the shelter.

PETITIONS AND REQUESTS:

Barbara Simon, President of Greenbelt Community Development Corporation (GCDC), read a petition from GCDC stating the need for renovation of the Greenbelt Theater projection room and installation of a digital projector and a reel-to-reel projection system. She added that GCDC is looking forward to working with the City on all phases of the Theater renovation project. Mayor Davis noted a Council work session on this project will be scheduled soon.

Gail Martineau, member of the Arts Advisory Board (AAB), read a petition from the AAB requesting that public murals be considered for the exterior of Greenbelt Theater. She advised that a report from the AAB on this request will be forwarded to Council soon.

MINUTES:

Work Session #2, May 21, 2013: Mayor Davis requested that the minutes of this meeting be held for approval until the next meeting.

Work Session, May 22, 2013: Under the discussion about appropriation of fund balance, Mayor Davis requested “as had been suggested by Mayor Davis in her budget proposal” be added after “There was consensus to use an additional \$91,300 in fund balance thereby reducing the tax rate increase from 2.0 cents to 1.5 cents.” She also made several grammatical corrections. With these changes, Mayor Davis moved that the minutes of this work session be approved. Mr. Herling seconded. The motion passed 7-0.

ADMINISTRATIVE REPORTS: None

COUNCIL REPORTS: Councilmembers commented on the July 4th Fireworks celebration. They also reported on their attendance at the following events.

IHOP Grand Opening – Mayor Davis, Mr. Jordan, Mr. Putens, Ms. Mach, Mr. Herling and Ms. Pope

Congressman Steny Hoyer’s Meet & Greet Reception – Mr. Jordan, Ms. Mach and Ms. Pope

Geocache Cache In/Trash Out Event at Schrom Hills Park – Mayor Davis, Mr. Jordan and Ms. Mach

Metropolitan Washington Council of Governments (COG) Pension Plan Administrative Committee Meeting – Mayor Davis

Maryland Municipal League Conference – Mayor Davis, Mr. Jordan, Mr. Putens, Ms. Mach,

Mr. Herling and Ms. Pope
National League of Cities Joint Steering Committees Meeting – Mayor Davis, Mr. Jordan,
Mr. Putens, Ms. Mach and Mr. Herling
Artful Afternoon Performance by Happenstance Theater – Mayor Davis

Ms. Mach advised that she had provided remarks to the participants of the Take Charge Program Basketball & Life Skills Camp at Greenbelt Middle School. She also announced that Geocache.com had partnered with Rand McNalley to include a new category “Best Small Town to Geocache” in the Rand McNalley’s annual Best Small Towns Contest. She requested the contest be promoted on the City’s website and encouraged residents to vote daily in the contest which runs until September 3rd.

Mayor Davis reported that Governor O’Malley had announced \$650 million in transportation investments for Prince George’s County which includes: \$7 million to design a full interchange on I-95/I-495 at the Greenbelt Metro; \$280 million to complete right of way acquisition and final design for the Purple Line; and \$20 million to purchase right-of-way for bicycle, pedestrian and safety improvements along Route 1 from College Park to Route 193

COMMITTEE REPORTS: None

LEGISLATION

A Resolution to Authorize the Negotiated Purchase of Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceed Ten Thousand Dollars

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for second reading and moved that it be adopted. Mr. Putens seconded.

ROLL CALL:	Mr. Herling	-	yes
	Mr. Jordan	-	yes
	Ms. Mach	-	yes
	Ms. Pope	-	yes
	Mr. Putens	-	yes
	Mr. Roberts	-	yes
	Mayor Davis	-	yes

The resolution was declared adopted (Resolution No. 2002, Book 8)

PLAYGROUND SURFACING AT NEW LAUREL HILL/HILLSIDE PLAYGROUND: Mayor Davis read the agenda comments.

Mayor Davis advised that Council had two decisions to make this evening: 1) provide direction to staff for a playground surfacing material for the new playground at Hillside/Laurel Hill playground, and 2) provide direction to staff (perhaps by consulting with the Park and Recreation Advisory Board, Greenbelt Homes Inc., and local homeowner associations) on what type of playground surfacing should be used for future playgrounds. She thanked Ms. Scarato for bringing her concerns (and materials) regarding playground surfacing materials to light but mentioned that the studies referred to in the materials referred to crumb and artificial turf which is not what the City is considering using in the playground. Mayor Davis said that Council had

received many communications from individuals who have expressed varied opinions on the subject. She specifically noted the testimony from Lore Rosenthal, Greenbelt Climate Action Network, comments from Lola Skolnik, 8-A Ridge Road, and a letter from Montgomery County Councilmember Elrich.

Ms. Mach said she had carefully reviewed the information but also found the studies were all on tire crumb material. She said she is most concerned with providing a safe material for falls and believes a poured in place or rubber tile surface would be the safest option. She commented on the low maintenance needs of these surfaces as well as the ADA accessibility.

Mr. Roberts said he had also reviewed all the information available on surfacing options and was very concerned with the health risks associated with rubber material.

Mr. Roberts moved that Council direct staff to use engineered wood fiber surfacing for the new Laurel Hill/Hillside playground. Mr. Putens seconded.

Mr. Jordan thanked Ms. Scarato and expressed frustration that after reading all materials provided on the surfacing option, there did not appear to be any clear authoritative source. He asked Mr. Moran and Mr. Doss whether after carefully looking at all the surfacing options available, they were still in favor of rubber mulch material. Mr. Moran commented that there were advantages and disadvantages to all the choices available.

Mr. Herling asked if the City had received any complaints about the chemical composition of the poured in place playgrounds surfacing that have been in place in three City playgrounds for years. Mr. Moran and Mr. Doss said no. In response to a question from Mr. Herling, Mr. Doss said that wood chips require a high level of maintenance and poured in place required a low level of maintenance.

Mayor Davis questioned whether Public Works staff rakes and cleans wood chips in playgrounds after every rain. Mr. Doss said no, adding that there was not enough staff available. In response to a question from Ms. Pope, Mr. Doss said playgrounds were inspected for vandalism and maintenance every one to two months but mulch was only replenished/replaced every three to four years.

Ms. Pope said she did not support the use of wood mulch as a playground surface material. She added that animals are attracted to wood chips and she had concerns about children touching the chips and putting the material in their mouths.

Mr. Putens expressed concern regarding the coating substance used on chip material. He noted the need to have input from homeowners associations who are partners in the playgrounds throughout the entire process. Mr. Putens said he had reviewed all the information on the various surfacing options, spoken to many residents and consulted with colleagues. He said the decision needs to be based on safety and accessibility.

Bill Phelan, 57-K Ridge Road, commented on mushroom and fungus growth on wood chips in playgrounds as a significant problem on many City playgrounds. Noting his experience as past Assistant Public Works Director for the City, he reported the significant loss of trees to disease in areas adjacent to playgrounds after the City began installing wood chips in playgrounds many

years ago was likely due to disease in the wood chips. Mr. Phelan said that was a major reason the City originally switched to chip rubber surfacing. He added that he had reviewed all the studies available on rubber surfacing option and does not believe there is any more danger of off-gassing of rubber surfacing materials in playgrounds than there is of off-gassing of tires of cars in parking areas. Mr. Phelan concluded by stating the Consumer Product Safety Commission recommends playgrounds provide sufficient head protection for children if they should fall from the highest point in the playground and when wood mulch is frozen, the height of critical impact is only two feet.

Richard Olson, 1-D Woodland Way, said Council should stick with the plan for the playground that had been originally established by staff.

Bill Jones, 15-D Ridge Road, spoke in support for poured in place or rubber tile playground surfacing which does a better job of protecting children from falls and injuries than engineered wood chips.

Laura Kressler, 10 Plateau Place, noted her preference for poured in place or rubber tile playground surfacing which are the best materials to prevent playground injuries. She added that frozen wood chips become similar to concrete material and pose an additional risk for injury. Ms. Kressler mentioned the dangerous toxicity issues of mushrooms growing in the wood chips and also accessibility issues with wood chip playgrounds.

Theodora Scarato, 2 Laurel Hill Road, thanked City staff for answering her many questions. She expressed concern regarding the change in composition of poured in place surfacing when the material heats up and changes composition. She suggested more testing needs to be done on the material to assure safety from fall injury and bounce. Ms. Scarato said this playground is an example of the country's failed toxicity policy. She reported that she had been contacted by people from all over the country regarding the issue and had received 74 signatures on a petition in support of engineered wood fiber for this playground. She noted the increased cost associated with poured in place surfacing and suggested the money could be used to make playgrounds with engineered wood chips more accessible and replacing wood chips in the playgrounds every year to address the mold issues.

Mr. Roberts said many residents in the area of the new playground had indicated to him that they would prefer wood fiber surface for the playground surface. Mr. Roberts added that he would rather err on the side of safety and have fewer chemicals in the environment.

Mr. Jordan commented that residents have a choice of using any of the 36 City playgrounds, 24 having wood mulch surface, nine having rubber mulch surface, and three with the poured in place surface. However, he advised that the majority of the 36 playgrounds are located in Center City and convenience needs to be considered.

Tom Jones, 1-C Woodland Way, encouraged Council to make their decision based on total safety and consider the potential risk of serious injury to actual exposure to toxic materials. He noted that chemicals are everywhere in our environment.

The motion failed 1-6. (Davis, Jordan, Putens, Mach, Herling, Pope)

Ms. Pope moved that Council direct staff to use poured in place playground surfacing for the new Laurel Hill/Hillside playground. Ms. Mach seconded.

Mr. Jordan mentioned his preference for the rubber tile surfacing. Ms. Mach said she needed more information on tile surface and did not want to further delay the completion of the project.

Mayor Davis noted her preference for the poured in place surfacing due to its safety aspects, easy accessibility, and low maintenance requirements which frees up Public Works crews for their other duties.

The motion passed 5-2. (Jordan, Roberts)

Mayor Davis moved that Council refer "Playground Surface Options for Future Playgrounds" to the Park and Recreation Advisory Board, Public Safety Advisory Committee and Youth Advisory Committee. She requested that they look at all options available and report back to Council. Ms. Mach seconded. The motion passed 6-1. (Roberts)

Mr. Jordan asked for an estimated completion date for the playground. Mr. McLaughlin said he will check and provide this information to Council.

ADVISORY PLANNING BOARD REPORT #2013-1 (SUNNYSIDE AVENUE BRIDGE REPLACEMENT PROJECT): Mayor Davis read the agenda comments.

Ms. Mach asked if the twelve points identified in the Advisory Planning Board (APB) Addendum report contradicted the four points identified by APB in their Report #2013-1. Brian Gibbons, APB Chair, said no and explained that the APB had met again on the matter on June 19, 2013, and the 12 points identified in the Addendum Report were just more in depth than those in the APB original report.

Mr. Roberts said that the County shouldn't be permitted to separate the Sunnyside Bridge project as a stand-alone project and claim that it is not associated with the Edmonston Road construction project or any other project in the same watershed. He asked if APB took into consideration a past lawsuit involving the Beltsville Agricultural Research Center (BARC) and the State Highway Administration (SHA) over this same area and a violation of the Clean Water Act. He requested communication on this matter be sent to the Army Corps of Engineers and any other watershed regulatory agencies.

Mr. Roberts moved that Council send a letter to the Prince George's County Department of Public Works and Transportation expressing its opposition to the proposed plans for the Sunnyside Avenue Bridge Replacement Project and forward the questions as listed in the APB Report Addendum. Mr. Putens seconded.

Mayor Davis requested the letter be sent to the Army Corps of Engineers, Environmental Protection Agency, and any other regulatory agency involved with the Clean Water Act, as well as County Councilmember Mary Lehman and County Council Chair Andrea Harrison to provide to all County councilmembers. She also requested the letter indicate that the City would appreciate a response.

Ms. Mach suggested the introductory paragraph of the letter note the City's opposition to the plans as currently proposed but note that if the plans were adjusted to address the all concerns raised by the City, then it would be a complete green street and supported.

Mayor Davis suggested the letter note that the City had consulted local watershed groups who indicated their agreement with the APB report.

Mr. Roberts and Mr. Putens questioned what the next course of action for the City would be if the County does not accept the recommendations. Mr. Manzi said he would look into it and let Council know.

Mr. Jordan suggested the letter emphasize the need for green/complete streets for Sunnyside Avenue from Rhode Island Avenue to Edmonston Road and suggest traffic calming between Rhode Island Avenue and the railroad tracks. Mr. Gibbons suggested the need for green/complete streets include the entirety of Sunnyside Avenue up to US Route 1.

The motion passed 7-0.

Cary Coppock, 9-D Ridge Road, said he supported all the questions noted in the APB Report Addendum. He said it was not necessary for the County to spend the funds to construct a bridge that would support four lanes of traffic even though it is designed for two lanes of traffic. Mr. Coppock suggested the letter include language addressing this concern.

Mr. Orleans, Greenbelt, asked and was provided answers to questions.

BREKFORD SPEED CAMERA PROGRAM – CAMERA CERTIFICATION

Mayor Davis read the agenda comments.

Captain Schinner and MPO Lowndes explained that the City had been notified by Brekford Corporation, its speed camera vendor, that two radar units assigned to the City's speed camera program were out of compliance with State law for annual calibration for a period of one month. MPO Lowndes reported that during this one month period, a total of 664 erroneous citations from these two units were issued.

Eric Weisz, Program Manager for Brekford Corporation, explained the radar calibration problem on two radar units assigned to the Greenbelt program was an oversight on his part. He said Brekford has taken steps, including contracting with a new company for future radar certifications, to assure this problem won't happen again.

Mr. Weisz reported that Brekford is gathering information for response to the letter sent by Chief Craze on June 18, 2013, which detailed the corrective actions the City expects Brekford to take to rectify the situation. Mayor Davis asked if Brekford would take the same corrective actions for Greenbelt as they had provided to the City of Hagerstown who experienced the same problem. Mr. Weisz advised Brekford would take appropriate actions. Mr. McLaughlin advised staff will work with Brekford on the corrective steps outlined in Chief Craze's letter and Council will be kept updated.

Mayor Davis and Mr. Putens commented on the necessity to inform the public of the mistake and take the appropriate corrective actions in order to maintain the integrity of the Council, City and the speed camera program.

SPRINGHILL LAKE SAFE ROUTES TO SCHOOL BID: Mayor Davis read the agenda comments.

Ms. Pope moved that Council award the Springhill Lake Elementary Safe Routes to School Road Improvements Project to Arthur Construction Co., Inc., contingent on SHA bid approval/concurrence in award, for the total amount of \$184,767. Mr. Jordan seconded. The motion passed 7-0.

LETTER OF SUPPORT – REAUTHORIZATION OF THE WORKFORCE INVESTMENT ACT: Mayor Davis read the agenda comments. She noted that all the National League of Cities steering committees were requesting support of this bill.

Ms. Mach moved that Council send a letter of support for the Murray-Isakson bill to Reauthorize the Workforce Investment Act to Senators Barbara Mikulski and Ben Cardin and Congressman Steny Hoyer. Mr. Herling seconded. The motion passed 7-0.

OTHER REPORTS: None

MEETINGS: Council reviewed the upcoming meeting schedule.

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Mr. Putens seconded. The motion passed 7-0.

Mayor Davis adjourned the regular meeting of Monday, July 8, 2013, at 11:01 p.m.

Respectfully submitted,

Cindy Murray
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held July 8, 2013."

Judith F. Davis
Mayor