

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, March 11, 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 Moran, Assistant City Manager; John Shay, City Solicitor; and Cindy Murray, City Clerk.

Mayor Davis asked for a moment of silence in memory of Greenbelt residents Catherine O'Brien and Earl Adrian Babbitt, Greenbelt pioneer Philip Pels, former resident Lewis C. Hedges, and . former Laurel City Councilmember Janis L. Robison. She then led the pledge of allegiance to the flag.

APPROVAL OF CONSENT AGENDA: Ms. Mach requested the minutes of the February 27, 2013, work session be removed from the consent agenda. With this change, it was moved by Mr. Putens 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, February 4, 2013
Work Session, February 20, 2013
Approved as presented.

COMMITTEE REPORTS:

Advisory Planning Board, Report #2013-1 (Sunnyside Avenue Bridge Replacement Project): Council accepted this report and will consider it on the agenda of a future meeting.

BOARD OF APPEALS RESOLUTION ON VARIANCE APPLICATION #11-002-V: Council adopted the Board of Appeals Resolution for variance application #11-002-V indicating the City's denial of the requested variance.

RESIGNATION FROM ADVISORY BOARD: Council accepted the resignation of Mary Harrison from the Arts Advisory Board.

APPROVAL OF AGENDA: Ms. Mach requested Federal Legislation HR 803 be added to the agenda. Mayor Davis requested County Legislation CB 6 and CB 12 be added to the agenda. She further requested that the additional legislative items be special ordered after State

Legislation. With these additions, it was moved by Mr. Putens and seconded by Mr. Jordan that the agenda be approved. The motion passed 7-0.

PRESENTATIONS: None

PETITIONS AND REQUESTS:

Mr. Chris Shuman, 1 Gardenway, thanked Mr. McLaughlin for allowing permits for yard waste disposal at Northway to be valid for the indefinite future. Mr. McLaughlin said this procedure would be monitored to determine if change is needed in the future.

Bob Snyder, 12 Hillside, suggested that Council consider implementing a daily user fee for Buddy Attick Park similar to the fees charged by regional parks in the area. He said these fees could be used as a way to offset maintenance costs for litter cleanup, facility maintenance, playground equipment repair/replacement, etc. He mentioned that taxes from City residents are used to maintain the park which is used by a large number of non-residents. Mayor Davis said this request would be considered during the upcoming budget work session.

MINUTES:

Work Session of February 27, 2013: After discussion, Mayor Davis requested the minutes be removed from the agenda of this meeting.

Executive Session of February 20, 2013: Mr. Jordan moved that the minutes of the executive session of the City Council held Wednesday, February 20, 2013, be approved as presented. Council held this closed meeting in accordance with Section 10-508 (a)(9) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to discuss matters related to collective bargaining negotiations. Ms. Pope seconded the motion.

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

Executive Session of March 4, 2013: Mr. Jordan moved that, in accordance with Section 10-509 (c) (2) of the State Government Article of the *Annotated Code of Public General Laws of Maryland*, the minutes of this meeting reflect that the Council met in executive session on Monday, March 4, 2013, at 9:45 p.m. in the Council Room of the Municipal Building. Council held this closed meeting in accordance with Section 10-508 (a) (8) of the State Government Article of the *Annotated Code of Public General Laws of Maryland* to discuss potential litigation related to derelict properties.

Vote to close session:

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

The following staff members were in attendance: Michael McLaughlin, City Manager; Doug Brown, Associate of City Solicitor; Celia Craze, Director of Planning and Community Development; and Cindy Murray, City Clerk.

Other individuals in attendance: None

Council took no actions during this session.

ADMINISTRATIVE REPORTS: None

COUNCIL REPORTS: Councilmembers commented on their attendance at the following events.

Dr. Seuss' Birthday Read Across America at Greenbelt Library – Mayor Davis,
Mr. Jordan and Ms. Mach
Prince George's County Science Fair Awards/Clean Air Partners Section - Ms. Mach
Greenbelt Access Television Annual Meeting – Mr. Herling
Prince George's Arts and Humanities Council Annapolis Legislative Trip – Mr. Herling
Prince George's County Chamber of Commerce "State of the Chamber" Address – Mr.
Jordan
Maryland Municipal League (MML) Legislative Committee Meeting – Mayor Davis and
Mr. Jordan
16th Annual Bike Maryland Bicycle Symposium in Annapolis – Mr. Jordan
Prince George's County Board of Education Member Peggy Higgins' District 2 PTA
Kick-Off Meeting – Mayor Davis
Anacostia Watershed Restoration Partnership Steering Committee Meeting – Mayor
Davis
Greenbelt Youth Musical "The Joy Gods Return" – Mayor Davis and Mr. Herling
Governor O'Malley's Stormwater Symposium – Mayor Davis
Greenbelt Intergenerational Volunteer Exchange Service (GIVES) Meeting – Mayor
Davis
Greenbelt "Walk in the Woods" Symposium – Mayor Davis
National League of Cities Congressional City Conference – Mayor Davis, Mr. Jordan,
Mr. Putens, Ms. Mach, Mr. Herling and Ms. Pope

MML "If I Were Mayor" Contest Presentations to 4th Grade Students at Greenbelt
Elementary School– Mayor Davis

COMMITTEE REPORTS: None

LEGISLATION: None

PARK AND RECREATION ADVISORY BOARD, REPORT #2012-3 (PROPOSED POLICY
CHANGE FOR THE AQUATIC AND FITNESS CENTER)

Mayor Davis read the agenda comments.

Mr. Herling asked how long the current age requirements had been in effect. Julie McHale, Director of Recreation, said this requirement appears to have been in effect since the pool opened.

Mr. Roberts asked why the change was proposed. Ms. McHale said the change was proposed because of general safety concerns for all the participants of the pool. She explained that when lifeguards are dealing with unsupervised children, they cannot be watching users of the pool at the same time.

Mr. Jordan questioned why the age of individuals providing supervision was proposed to be lowered from 18 years to 16 years. Ms. McHale said this change was recommended by the Park and Recreation Advisory Board to allow for babysitters 16 years and older to supervise children at the Greenbelt Aquatic and Fitness Center.

Ms. Mach, Ms. Pope and Mr. Putens noted their support of the proposed change. Ms. Mach moved that Council approve the proposed changes to the rules and regulations of the Greenbelt Aquatic and Fitness Center as proposed by Recreation staff and supported by the Park and Recreation Advisory Board. Ms. Pope seconded.

Mr. Roberts said parents rely on the pool as a safe place to leave their children and expressed concern that a large number of children will not be able to use the pool. Mr. Roberts suggested that children who create problems be evicted from the pool for the day.

Mr. Hering suggested an increase in the number of lifeguards may be more appropriate than increasing the age of non-supervised children. He suggested approving the recommendation provisionally to see how the change in age is received. Mayor Davis advised if the change created major problems, Recreation staff can reexamine the issue in the future.

Joan Rosado, 8024 Lakecrest Drive, said the pool lifeguards should only be responsible for monitoring the safety of individuals in the water and should not have to be responsible for babysitting young children. She said the age should be increased for the safety of both the young children and the pool users.

Mr. Snyder advised children under the age of 12 were not allowed in the pool at Westchester Park.

Mr. Roberts said he would support the proposed change for the indoor pool but not for the outdoor pool.

Mr. Herling said he would like to see what kind of impact the change has on the number of attendees. Ms. McHale said this information can be easily determined and provided to Council.

Mr. Putens called the question. The motion passed 6-1. (Roberts)

The original motion passed 6-1. (Roberts)

Mr. Roberts said he had received complaints about parents taking children too old into locker rooms. Stephen Parks, Aquatics Supervisor, said staff makes an effort to have these parents use the family changing rooms.

SUSTAINABLE MARYLAND CERTIFIED GREEN TEAM

Mayor Davis read the agenda comments.

Mr. Putens moved that Council direct staff prepare a proposal to authorize the Greenbelt Advisory Committee on Environmental Sustainability (Green ACES) to become the City's Green Team and include the three applicants to participate as well. Ms. Mach seconded. The motion passed 7-0.

Bill Orleans asked and was provided answers to several questions.

STATE LEGISLATION

SB 699/HB 1128 – Community Energy Projects – Pilot Program

Mayor Davis read the agenda comments.

Mr. Jordan moved that Council support SB 699/HB 1128. Ms. Mach seconded. The motion passed 7-0.

HB 1069 – Beginning of School Year – Labor Day

Mayor Davis read the agenda comments.

Mr. Putens moved that Council support HB 1069. Ms. Pope seconded. The motion passed 7-0.

HB 1308 – Prohibition of Non-Judicial Evictions

Mayor Davis read the agenda comments.

Mr. Roberts expressed concern that new property owners would have to go through a complicated process (court order) in order to repossess their property. Mr. Jordan noted instances when a foreclosed property was sold and the tenant with a rental lease on the property was unaware of the sale, and had found themselves “locked out” of the property by the new property owners.

Mr. Shay said if the property is purchased by an investor, the current law allows a tenant with a lease to remain on the premises until the end of the remaining lease term or 90 days after the notice to vacate is sent, whichever is longer. A tenant without a lease, such as a month to month renter, has the right to stay for at least 90 days after the notice to vacate is sent. However, if the new property owner intends to occupy the property as their primary residence, the new owner may terminate a tenant’s lease effective on the date of the sale of the property.

After further discussion, Mayor Davis suggested Council take no position on this bill. She requested staff obtain further information on the bill from Delegate Healey.

HB 1399 – Police Officer Certification – Exceptions for Natural Resources Police

Mayor Davis read the agenda comments.

Mr. Herling moved that Council support HB1399. Mr. Putens seconded. The motion failed 3-4. (Davis, Jordan, Pope, Roberts)

HB 1086 – Community Cleanup & Greening Act (Statewide Bag Bill)

Mayor Davis read the agenda comments. She noted that since a Statewide Bag Bill was supported as part of the City’s 2013 Legislative Program, no further action by Council was necessary.

FEDERAL LEGISLATION

HB 803 – Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act

Ms. Mach said that last fall, Council had authorized a letter be sent to its Congressional representatives stressing the need to reauthorize the Workforce Investment Act and preserve local control. She advised that the House of Representatives is expected to vote this week on HR 803 that would replace the Workforce Investment Act, if it became law. HR 803 would transfer to governors much of the authority that local elected officials and local business leaders currently have for developing and implementing their local workforce programs.

Ms. Mach moved that Council contact their Congressional representatives noting its opposition or non-support of HB 803. Mr. Herling seconded. The motion passed 7-0.

COUNTY LEGISLATION

CB 6 – Transit Oriented Priority Development and CB 12 – Transit Oriented Jobs Act

Mr. McLaughlin advised that two bills, CB 6 and CB 12, had been introduced by County Councilmembers Olson and Franklin, respectively, to expedite development review for projects near Metro stations in the County. He explained that both bills could impact plans for the Greenbelt Metro Station as they both seek to shorten the lengthy review process which exists in Prince George's County. Councilmember Olson's bill does this by declaring any project within a ¼ mile radius of a Metro Station to be "priority development" which would waive conceptual site planning and allow the project to start with detailed site plan which would be reviewed concurrently with the review for storm water plan. Mr. Olson estimates his proposal can reduce the time needed for review from 2 years to 4 months. Mr. Franklin's bill creates an expedited process for any project or property within ½ mile of the "outer most point of a Metrorail station" which for Greenbelt, appears to extend into Franklin Park and possibly Beltway Plaza. This bill sets specific time limits for the various actions/decision to be made on a proposal and places more authority/responsibility on the review process with the Planning Director than currently exists. Mr. Franklin estimates reviews would take between 3 to 4 months.

Mr. McLaughlin advised the bills were received by the City last week and are scheduled before the County Council Planning, Zoning and Economic Development (PZED) Committee on March 13, 2013. He suggested that more time is needed for staff to review both bills in-depth. He added that if a bill is to be preferred at this time, staff recommends Mr. Olson's bill because it is more limited in its scope and does less tinkering with established review processes, but the Conceptual Site Plan process ought to be reinstated and assurances made for municipal review.

Ms. Mach, Mr. Putens and Mr. Jordan said more time and information were needed before a decision could be made. Mr. Jordan said he would like to compare the proposed review processes to other review processes in the DC area. Mayor Davis agreed but added that it was likely one of the bills would move forward on Wednesday.

Mr. Roberts said he did not believe any modifications should be made to the current review process and noted his opposition to both bills.

Ms. Mach commented that she didn't think Mr. Franklin's bill was feasible. She moved that Council request more time to review both bills, but indicate non-support of Mr. Franklin's bill. Ms. Pope seconded.

Mr. Roberts requested the motion be amended to include "Council not taking a position on Mr. Olson's bill at this time." Ms. Mach amended her motion. Ms. Pope seconded with the amendment. The motion passed 7-0.

ALTERNATE TO THE ANACOSTIA TRAILS HERITAGE AREA BOARD OF DIRECTORS

Mayor Davis read the agenda comments.

Mayor Davis moved that Council appoint Mr. Jordan as the City's alternate designee to the Anacostia Trails Heritage Area Board of Directors. Ms. Mach seconded. The motion passed 7-0.

POSITION ON GUN VIOLENCE

Mayor Davis advised that the following two alternative resolutions relating to gun violence were being considered by the Council of Governments Board.

Alternative 1: R13-2013 – a draft resolution endorsing the position of the International Association of Chiefs of Police (IACP) on gun violence.

Alternative 2: R14-2013 – a draft resolution setting forth a process for pertinent COG Committees to examine issues and considerations, and make recommendation(s) to the Board, before the Board considers a specific resolution on gun violence.

Mayor Davis explained she was seeking direction from Council on which alternative they preferred.

After discussion, Council indicated their preference for Alternative 1.

OTHER REPORTS: Councilmembers presented reports on the following meetings and conferences they recently attended.

Ms. Mach – NLC Human Development Committee Meeting
Afterschool Programs Networking Alliance Meeting

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, March 11, 2013, at 10:41 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 March 11, 2013."

Judith F. Davis
Mayor