

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, February 27, 2017.

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

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

ALSO PRESENT were Nicole Ard, City Manager; David E. Moran, Assistant City Manager; Karen Ruff, Associate to the City Solicitor; and Shaniya Lashley-Mullen, Administrative Assistant.

Mayor Jordan asked for a moment of silence in honor of Greenbelt resident Patricia Jorgensen Ball and former residents Ronald Fluke and Herbert Lee Kyle. Ms. Mach then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Putens and seconded by Ms. Mach that the consent agenda be approved. The motion passed 7-0.

Council thereby took the following actions:

Minutes:

Interview, February 15, 2017

Interview, February 22, 2017

Approved as presented.

Appointment to Advisory Group: Council appointed Stephane Eding to the Park and Recreation Advisory Board and Lisa Behuncik and Richard Marcus to the Employee Relations Board.

Referral to the Advisory Committee on Trees: Council referred the petition received from Bob Snyder at the February 13, 2017, meeting to the Advisory Committee on Trees for consideration.

Renewal of County Liquor Licenses: Council took no position on the renewal of liquor licenses up for renewal beginning this spring.

Reappointments to Advisory Groups: Council reappointed Jamie Krauk to a new term on the Community Relations Advisory Board.

Resignation from Advisory Group: Council accepted the resignation of Ken Blue from the Park and Recreation Advisory Board.

APPROVAL OF AGENDA: It was moved by Mr. Herling and seconded by Ms. Davis that the Agenda be approved. The motion passed 7-0.

PRESENTATIONS:

Anacostia Trails Heritage Area Update: Aaron Marcavitch, Executive Director of the Anacostia Trails Heritage Area, presented an update on the organization.

Mr. Marcavitch reported that the organization is growing. He indicated they moved into their new headquarters at the Pyramid Atlantic Art Center in Hyattsville and were adding Cheverly, Bowie and Glenn Dale into the Heritage Area. Mr. Marcavitch announced the River to Rockets Weekend will kick off with Greenbelt Labor Day and end with Greenbelt Day in June. He reported that May 6th is their annual Bike Trolley Tour that will turn into a scavenger hunt.

Mr. Marcavitch indicated they have requested a bond bill under the Heritage Area Program to continue the funding for the new headquarters. He also noted a potential large private contribution and other grants they are applying for the basic design.

There was a consensus that Council would send a letter of support for this bond bill.

PETITIONS AND REQUESTS:

Therese Kucera, President of Greenbelt Farmers Market, and Anne Marigza, Secretary of Greenbelt Farmers Market, requested that beer and hard cider be permitted to be sold and sampled at the Greenbelt Farmers Market either under the current City Ordinance or under a new one. Mayor Jordan advised the City will look into this matter.

Theodora Scartao, Hillside Road, requested the City send a letter to the Prince George's County School Board about lead testing and the results. Mayor Jordan responded that Council will accept her petition and inquire about Greenbelt schools that have levels of lead over the EPA guidelines.

Colin Byrd, Greenbelt East, requested that Council adopt an ordinance requiring that any member of City Council that receives an inquiry or contact from a developer, provide notice to the other council members within two days, and notice be provided to the public within three days. He further requested that within five months of receiving a developers proposal, a decision should be made on the proposal. Mr. Byrd also requested Council adopt an ordinance to ban replica guns.

Ms. Davis advised the second part of Mr. Byrd's petition is already being looked into, And the first part of his petition is already being followed when there is an official filed plan.

Bill Orleans, Greenbelt resident, requested that the City provide an explanation of past Executive Sessions held on the topics of annexation, acquisition of property and about the City in potential litigation. Council advised they have answered Mr. Orleans request several times. Council advised they voted on his request during a meeting, had legal counsel provide Mr. Orleans with answers, and mailed Mr. Orleans a letter.

Rick Gordon, Franklin Park, requested that the City conduct city-wide voter registration drives. Council referred this request to the Board of Elections.

MINUTES:

Minutes – Executive Session of February 6, 2017: Ms. Davis moved that the minutes of the executive session of the City Council held Monday, February 6, 2017, at 7:18 p.m. in the Library of the Municipal Building be approved as presented. Council held this closed meeting in accordance with the General Provisions Article, 3-305(b)(1) and (8) of the *Annotated Code of the Public General Laws of Maryland* to discuss: 1) a personnel matter (reassignment of staff during the City Manager transition); and 2) pending or potential litigation.

Mr. Herling seconded.

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

ADMINISTRATIVE REPORTS:

Ms. Ard advised that a letter was being mailed to lobby the State for maintaining and enhancing funding for Youth Service Bureaus across the state.

Ms. Ard provided an update on a petition that was submitted at the last meeting by Mr. Yaeger. She stated that the developer was not able to increase the number of shuttles. Ms. Ard indicated that staff was still working on the issue. Council asked staff to draft a letter to express ongoing concerns.

Ms. Ard stated that follow-up letters are being sent to Pepco and the County regarding Council's participation in the Municipality Listening Session for the Springhill Lake Elementary students.

Ms. Ard advised research had been done regarding the swim team coaches at one point being City employees and indicated staff will have more information for Council during the budget process.

Ms. Ard announced the Greenbelt Youth Musical 'Buried Treasure' starts on March 4th and encouraged everyone to get tickets. She also commented that there will be a Bottle Cap Mural at the Community Center on March 5.

Ms. Mach referenced a letter from Dr. Maxwell indicating that Milestone Communications is exploring the possibility of putting a cell tower at Eleanor Roosevelt High School and they will proceed with community outreach and notification. Ms. Mach stressed that the community outreach effort needed to reach the citizens of Greenbelt as a whole, not just the parents of Eleanor Roosevelt High School students.

Mr. Roberts asked Ms. Ruff for a legal opinion on the City's options/recourse regarding the cell tower proposal. Ms. Ruff advised she will research this and respond to Council.

Mayor Jordan asked for an update regarding Pepco and the Greenbelt Theater since it has been more than 30 days. Ms. Ard advised that she had left a message with Pepco. She also noted the theater was being charged by a third party supplier who they didn't sign up with.

LEGISLATION:

A Resolution to Authorize the Negotiated Purchase of Consultant Work to Develop a Recreation and Park Facilities Master Plan for the City of Greenbelt from GreenPlay, LLC at a Cost Not to Exceed \$50,000

Mayor Jordan read the agenda comments.

Joe McNeal, Assistant Director of Recreation Operations, described the Request for Proposals (RFP) process the City used. He stated that GreenPlay, LLC is best suited to meet the City needs.

Council advised of a needs assessment that was done over twenty years ago. The needs assessment included a detailed outline of all City recreation facilities and should be given to GreenPlay, LLC as a reference document.

Ms. Davis stated there isn't a problem getting feedback from seniors and activate adults, but asked how GreenPlay, LLC, will get feedback from the youth.

Mr. McNeal stated they will be contacting local youth sports organizations. Ms. Davis indicated the target was the "everyday" youth that's not part of any team.

Mayor Jordan asked Mr. McNeal to get in contact with homeowner associations.

Mr. Orleans expressed concern with hiring an outside consulting firm and suggested that Park and Recreation Advisory Board and Advisory Planning Board could handle this task.

Ms. Mach introduced the resolution for second reading and moved that it be adopted.

Ms. Pope seconded.

ROLL CALL:	Ms. Davis	-	Yes
	Mr. Herling	-	Yes

Ms. Mach	-	Yes
Ms. Pope	-	Yes
Mr. Putens	-	Yes
Mr. Roberts	-	Yes
Mayor Jordan	-	Yes

The resolution was declared adopted (Resolution No. 2050, Book 8).

A Resolution to Authorize the Negotiated Purchase of Landscaping Services from Lorenz, Inc. at
a Cost Not to Exceed \$47,984

Mayor Jordan read the agenda comments.

Richard Fink, Superintendent of Parks & Grounds, described the Request for Proposals (RFP) process the City used. He stated that Lorenz, Inc. is best suited to meet the City's needs. Mr. Fink indicated that Lorenz, Inc. is committed to natural landscaping and will not use any chemicals. He noted Lorenz, Inc. will pull weeds by hand or other machines and use compost.

Mr. Roberts advised he will vote against this resolution because the money could be used to hire Greenbelt youth for summer jobs.

Ms. Davis stated that youth have limited experience, they would require a great deal of training and it could do more harm than good. She requested that the contractor be instructed on how to mulch the trees and not to make high mounds around trees.

Mayor Jordan stated that this contract is cheaper than the prior one.

Bill Orleans also suggested that City youth can be paid to do this service.

Mr. Fink reported that they will have six or eight youth to assist as summer help, but the mowing schedule is from April thru October.

Ms. Davis introduced the resolution for second reading and moved that it be adopted.

Mr. Herling seconded.

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

The resolution was declared adopted (Resolution No. 2051, Book 8).

An Ordinance to Amend Greenbelt City Code, Chapter 2 “Administration,” Article IV, “Public Ethics,” Sec. 2-11 “Financial Disclosure – Elected Officials, Appointed Officials and Employees” to Amend the Real Property Reporting Requirements for Certain Employees

Mayor Jordan read the agenda comments.

Mr. Putens introduced the ordinance for first reading.

After much discussion, Council advised that this isn’t what they agreed on during the work session they had on February 15, 2017.

Ms. Ruff stated all changes would have to be approved by the State Ethics Commission and their next meeting is in April.

Council agreed the matter needs to be discussed at an upcoming work session.

Audit Services for FY 2017

Mayor Jordan read the agenda comments.

Jeff Williams, City Treasurer, explained the benefits of maintaining the same auditing firm for longer than the current practice, which is a 1 year guarantee with a 2 year option. Mr. Williams indicated that by the end of the 3 years, the firm is hitting its stride and understands how the City works.

Mr. Williams discussed other municipalities’ practices on retaining their auditing firms.

Mr. Williams suggested keeping the City’s current firm, with the higher level management in place, and rotate the staff auditors. That way you get the same firm with fresh eyes.

Mayor Jordan advised that Council didn’t have to make a decision today. He indicated this item will be placed on a future agenda.

Zoning Rewrite Module 3 – Clarification of Comments to Maryland National Capital Park and Planning Commission

Mayor Jordan read the agenda comments.

Celia Craze, Director of Planning & Community Development, said that the City shouldn’t be designated entirely as an inner beltway community, rather the City should be considered both an inner and outer beltway community. She noted this wasn’t expressed in the three letters that Council sent to the Maryland National Capital Park and Planning Commission.

Ms. Craze explained the difference between inner and outer beltway communities was urban standards versus suburban standards, which mainly comes down to three areas:

1) parking standards, 2) non-conforming standards, and 3) minor and major adjustments.

Ms. Davis asked what area would be considered inner beltway. Ms. Craze responded that Franklin Park, Beltway Plaza, Greenbelt Station and Golden Triangle were inner beltway and everything else would be considered outer beltway.

Council had issues and concerns about the parking standards with the inner and outer beltway. Ms. Craze answered Council questions.

Mr. Roberts moved to approve the draft letter. Ms. Davis seconded.

There was considerable discussion about the designations and how they would be applied under different scenarios.

Ms. Davis called the question.

Ms. Mach seconded.

The motion passed 4 -3 (Putens, Pope and Jordan)

The original motion passed 4-3 (Putens, Pope and Jordan)

State Legislation

SB 280/HB 1239 – Nonwoven Disposable Products

Mayor Jordan read the agenda comments.

Ms. Davis advised many wipes flushed in toilets are not flushable and it is costing billions of dollars of damages to waste water treatment plants. She also noted it is dangerous to the workers that have to clean it out because it's a safety hazard.

Ms. Davis moved that Council support SB 280/HB 1239. Ms. Pope seconded.

The motion passed 7-0.

HB 238 – Workforce Housing Grant Program

Mayor Jordan read the agenda comments.

Mr. Putens moved that Council support HB 238. Ms. Mach seconded.

The motion passed 7-0.

HB 859 – Chain Stores – Personal Property Tax Exemption / HB 1238 – Personal Property Tax – Exemption for Business Personal Property

Mayor Jordan read the agenda comments.

Ms. Davis advised that most municipalities depend on personal property tax for their revenue and this bill will eliminate that source of revenue.

Mr. Moran advised the bill takes out the ability to tax chain stores.

Mayor Jordan moved that Council take no position on this bill. Mr. Putens seconded.

The motion failed 2-5 (Davis, Mach, Jordan, Herling and Roberts)

Ms. Davis moved that Council oppose HB 859 and HB 1238. Ms. Mach seconded.

The motion passed 7-0.

SB 835/HB 1362 – Maryland Law Enforcement & Governmental Trust Act

Mayor Jordan read the agenda comments.

Ms. Davis advised that Maryland Municipal League is taking no position and leaving it up to the individual municipalities to make their decisions on this legislation.

Mr. Herling asked if the bill is passed, does that make every city and county a sanctuary city. Ms. Davis answered yes. Mayor Jordan disagreed that this bill didn't state that each city and county would become a sanctuary city.

Ms. Davis moved to take no position. Ms. Pope seconded.

Mayor Jordan stated that the Trust Act is very important and he would vote against the motion. Ms. Mach also stated the Trust Act is very important and it's already being done in Greenbelt and will be voting no position.

Mr. Herling asked Ms. Ruff about the difference between a sanctuary city and what Greenbelt does now. Ms. Ruff responded that a sanctuary city is not going to abide by the federal law.

Bob Snyder, Hillside Road, urged Council to either oppose this bill or take no position.

Mr. Roberts questioned if it was constitutional for a state to pass a law that requires cities and counties to violate federal law. He believed it is better to have a policy than a state law, and advised he is not in favor of the law.

Mr. Herling supported taking no position.

Bill Orleans, Greenbelt resident, expressed support for this legislation.

Rick Gordon, Franklin Park, suggested Council take no position.

The motion passed 5-2 (Jordan and Roberts)

SB 995/HB 1266 – Movie Theater Liquor License

Mayor Jordan read the agenda comments.

Mr. Roberts stated that this will increase the availability of alcohol in our movie theaters and there's no need for alcohol at the theaters. He indicated this bill will have a big effect in our community.

Ms. Pope moved to take no position. Ms. Mach seconded.

The motion passed 4-3 (Roberts, Herling and Putens)

Council Activities: Council reported on the following activities and events recently attended.

NLC Human Development Committee Conference Call (Ms. Mach)
MML Legislative Committee, Annapolis (Ms. Davis)
Del. Alonzo Washington's Table Talk: A Conversation on Immigration, New Deal Café (Mayor Jordan, Ms. Davis, Ms. Mach)
Reel and Meal: Presentation of the documentary "13th", New Deal Café (Ms. Davis)
PGCMA listening forum about the budget with County Executive Baker (Mayor Jordan, Ms. Davis)
Memorial Celebration of Erica Herling Kropp, University of Maryland, (Mr. Herling, Mayor Jordan, Ms. Davis, Ms. Mach)
Legislative Dinner, Annapolis (Mayor Jordan, Ms. Davis, Ms. Pope, Ms. Mach, Mr. Putens, Mr. Roberts)
Cookies at the Bridge (Ms. Mach, Ms. Pope)
EENR Conference Call (Ms. Davis)
Roosevelt Center Merchants Association (Mayor Jordan, Ms. Davis, Mr. Putens)
Clean Air Partners Conference Call (Ms. Mach)
Town Hall Meeting, Congressmen Hoyer and Brown, Diyanet Center (Mayor Jordan, Ms. Davis)

Council Reports: Council reported on meetings and conferences recently attended.

MEETINGS: Council reviewed the meeting schedule.

Ms. Davis moved that Council schedule an Executive Session on Tuesday, February 28, 2017, at 8:00 p.m., in Room 114 of the Greenbelt Community Center. Council will hold this closed meeting in accordance with the General Provisions Article 3-305 (b)(9) of the *Annotated Code of the Public General Laws of Maryland* to discuss matters relating to collective bargaining negotiations.

Mr. Herling seconded.

ROLL CALL: Ms. Davis - Yes

Mr. Herling	-	Yes
Ms. Mach	-	Yes
Ms. Pope	-	Yes
Mr. Putens	-	Absent
Mr. Roberts	-	Yes
Mayor Jordan	-	Yes

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

Mayor Jordan adjourned the regular meeting of Monday, February 27, 2017, at 11:27 pm.

Respectfully submitted,

Shaniya Lashley-Mullen
Administrative Assistant

“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 February 27, 2017.

Emmett V. Jordan
Mayor