

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**September 13, 2006**  
**8:07 P.M.**

**PRESENT:** Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Olson, Fellows, Hampton and Peña-Melnyk; Student Liaison Jesse Blitzstein.

**ABSENT:** None

**ALSO PRESENT:** Steve Groh, Acting City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Bob Levan and Karen Ruff, City Attorneys; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Steve Halpern, City Engineer.

[This meeting was held on Wednesday night due to the Primary Election held on Tuesday September 12.]

Mayor Brayman opened the meeting by congratulating Councilmember Olson for winning the Primary Election for the District 3 County Council seat, and Councilmember Peña-Melnyk for winning the Primary Election for the District 21 House of Delegates seat. He also recognized Heather Iliff, chair of the Education Advisory Committee who was in the audience, for her win in the Primary Election for the County School Board. He wished the candidates luck in the November 7 General Election.

Councilmember Krouse led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Hampton and seconded by Councilmember Peña-Melnyk to accept the minutes of the August 8 Regular Meeting, the August 8 - 7:15 p.m. Public Hearing, the August 8 - 7:30 p.m. Public Hearing, and the August 8 - 7:45 p.m. Public Hearing. The minutes were adopted 8-0-0 without amendment.

**Announcements:**

Councilmember Milligan congratulated Delegate Brian Moe on the recent birth of his son. He is disappointed that Del. Moe appears to have lost his seat in yesterday's Primary.

Councilmember Krouse announced a regular meeting of the North College Park Civic Association on Thursday September 14 at Davis Hall at 7:30 p.m.

Councilmember Catlin announced a regular meeting of the Lakeland Civic Association at the College Park Community Center on Thursday, September 14, at 7:30 p.m. He

congratulated City resident Jim Rosapepe on his win in the Primary Election for the 21<sup>st</sup> District State Senate seat. He also announced that on Thursday September 14 at 9:00 a.m. there will be a Public Hearing before the Planning Board on the Special Exception for Best Pawn, which seeks to locate on Greenbelt Road. A subsequent hearing before the Zoning Hearing Examiner will be held on October 11.

Councilmember Perry attended a building-naming ceremony in Beltsville for Mike Maloney. It is the building on Sellman Lane where the Beltsville Library and Prince George's County Police station are located. The BDCA will meet next Thursday September 21 at 8:00 p.m. at Fealy Hall. He commented on a very successful Berwyn Day held on September 9. He also urged residents to come to the Public Hearing about Best Pawn.

Councilmember Olson congratulated Councilmember Peña-Melnyk and Heather Iliff on their Primary Election wins. He thanked the Council and residents for their support of his candidacy during the last several months.

Councilmember Fellows congratulated Councilmembers Olson and Peña-Melnyk, and Heather Iliff, on their Primary Election wins. He also thanked Brian Moe for his service and his work on the Healthy Air Act. He urges the SGA to continue to mobilize UMD students to vote in the General Election.

Councilmember Hampton congratulated all the College Park residents who won in the Primary Elections.

Councilmember Peña-Melnyk congratulated Councilmember Olson on his win in the Primary Election. She also congratulated Heather Iliff on her win and wished her well in November. She thanked her supporters for their hard work.

Councilmember Milligan also congratulated College Park resident Ben Barnes, who won his bid for a 21<sup>st</sup> District House of Delegates seat in the Primary Election.

**Acknowledgement Of Dignitaries:** Heather Iliff, Chair of the City's Education Advisory Committee; Morgan Gale, President, Calvert Hills Citizen's Association.

Councilmember Krouse recognized Janis Oppelt who was recently appointed to serve on the Committee For A Better Environment.

**Awards:** None

**Amendments To The Agenda:** Councilmember Krouse moved item 06-G-117, Appointments To Boards And Committees, to the beginning of the agenda.

**City Manager's Report:** Acting City Manager Steve Groh announced that Joe Nagro is at the ICMA Conference in San Antonio. The City will hold a Public Information meeting on Thursday September 21 at 7 p.m. in Council Chambers to present the

preliminary development agreement with Capstone Development Corporation. Gov. Ehrlich held a press conference on Monday September 11 at the College Park Metro Station to announce completion of the MTA Metro Corridor Lighting Project. He also announced that the City would receive a Community Legacy Loan of \$150,000 for the downtown development project. The City has also received notification of two state grants: \$22,000 from the Maryland Heritage Areas Authority for “Walking Tour Brochure for the Lakeland and Berwyn Neighborhoods”, and \$146,000 in a Community Parks and Playground Grant through Program Open Space for the Duvall Field improvements. The ZHE hearing scheduled today for the Chen property was continued to a date unknown. There is an e-cycling event on the UMD campus to be held on Friday and Saturday, September 29 and 30. Details will be posted on the City’s website and cable channel.

**Student Liaison Comments:** Mr. Blitzstein congratulated Councilmembers Olson and Peña-Melnyk on their wins in the Primary Election. He thanked Mayor Brayman and Councilmember Catlin for attending last week’s SGA meeting. He informed the Council about a new web site, [rethinkcollegepark.net](http://rethinkcollegepark.net).

Councilmember Perry asked about painting the “M”s on downtown streets. Mr. Blitzstein said the SGA hopes to do it but nothing definite has been decided.

#### **Comments From The Audience On Non-Agenda Items:**

**Heather Iloff, 4900 Osage Street, Chair, Education Advisory Committee:** In response to a suggestion by Councilmember Fellows at an EAC meeting earlier in the year, the EAC has developed ideas as to how the City might invest revenues that may be generated by the downtown development project in public education. The Committee recommends: 1) make grant funds available to public schools within the City for bilingual education materials, classroom aids, and library materials. 2) develop a staff position with the charge to seek out educational funding opportunities from other resources such as foundations. The Committee believes this position would generate 2x to 3x more than their salary after two to three years. The EAC believes that investments in education would improve the schools and encourage families to move in to the City. The second item she raised is that the EAC currently has vacancies and encouraged the Council to appoint citizens to serve on this Committee.

**Robert Starin, 7 Brookcrest Court, Rockville, MD:** He used to live at 7305 Yale Avenue and the rent was \$5,400 per month. He believes that is in violation of the Rent Stabilization Act, and that the value of the house is \$300,000. The limit is set at 1%, so there is a big discrepancy. Council had follow up questions for Mr. Starin.

**David Daddio, 4250 Knox Road:** He is the editor of [rethinkcollegepark.net](http://rethinkcollegepark.net), a development blog created as a follow up to last spring’s student charrette. They are posting developer’s plans on the website, and are also involved in the east campus development. Councilmember Fellows encouraged them to contact the City’s Planning Staff.

**Consent Agenda:** A motion was made by Councilmember Krouse and seconded by Councilmember Peña-Melnyk to adopt the Consent Agenda. The Consent Agenda includes:

**06-R-16 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission And Granting A Variance Of Eight Feet (8') From The Minimum Front Yard Setback Requirement To Permit Applicants To Install An 8' X 16' Front Porch At 9510 49<sup>th</sup> Place, College Park, Maryland**

**06-G-111 Approval Of Addendum To City Manager's Contract**

**06-G-112 Approve Letter Of Support For The Proposal To Build A National Bio-Agro Defense Facility At The Beltsville Agricultural Research Center**

**06-G-113 Approval Of A Letter In Support Of The Core Area Design Policies And Guidelines Contained In The October 2001 Greenbelt Metro Area Approved Sector Plan and Sectional Map Amendment**

Councilmember Fellows noted a correction in the narrative of item 06-G-112: the letter is in support of the Expression of Interest to Site a National Bio-Agro Defense Facility At The Beltsville Agricultural Research Center, not to build the facility.

The Consent Agenda was adopted by a vote of 8-0-0.

### **Action Items**

**06-G-117: Appointments To Boards And Committees**

Mayor Brayman recommended the reappointment of Peter King to the Ethics Commission. Councilmember Krouse recommended the reappointment of Deron Lovaas to the Committee For A Better Environment. Councilmember Fellows recommended the reappointment of Jack Robson to the Airport Authority.

The motion carried 8-0-0.

**06-G-114: Approve Staff Recommendation For Installation Of Two Speed Humps On 48<sup>th</sup> Avenue Between Berwyn Road And Pontiac Street**

A motion was made by Councilmember Catlin and seconded by Councilmember Krouse for placement of two Watts-type speed humps on 48<sup>th</sup> Avenue. A public hearing was held on August 8; at the conclusion the Council approved the speed humps and directed the City Engineer to recommend their placement.

The motion carried 7-1-0; Councilmember Perry opposed.

**06-G-115      Approve Request For Re-Zoning Of Buddington North (Mosaic At Turtle Creek) From R-55 to R-10**

A motion was made by Councilmember Fellows and seconded by Councilmember Catlin to approve the request for re-zoning of Buddington North (Mosaic At Turtle Creek). Councilmember Fellows read the motion and conditions into the record.

The applicant's attorney, William Shipp, stated that the applicant agrees with the motion and conditions, and respectfully requests its adoption. There was discussion of the next steps and the timing of the project. The applicant agrees to state their support of the City's conditions to the Planning Board.

Councilmember Olson asked for confirmation that the College Heights Estate Civic Association supports this project. Mr. Shipp stated they do.

Councilmember Perry asked questions about the project that Mr. Shipp could not answer yet and said those questions will be addressed in the Detailed Site Plan. He asked when the parcel might be contiguous with the City of College Park. Mr. Shipp stated this is under discussion but does not have an answer yet.

There were no comments from the audience on this item.

Councilmember Olson stated that since Mr. Shipp stated that the College Heights Estates Civic Association supports this project, he will support it.

Councilmember Peña-Melnyk thanked the applicant for their considering the transit impact this project will have on College Park and for possible future remedies.

The motion passed 8-0-0.

**06-G-116      Authorize The City Manager To Sign A Memorandum Of Understanding With Owner Entity Fund II, LLC, Regarding Future Annexation Of Buddington North (Mosaic At Turtle Creek)**

A motion was made by Councilmember Fellows and seconded by Councilmember Catlin to authorize the City Manager to sign a Memorandum Of Understanding with Owner

Entity Fund II, LLC, in relation to the future development of the Buddington North property for condominiums and the annexation of this property into the corporate boundaries of the City of College Park. The City Council supports the re-zoning with conditions and the developer has indicated its commitment to annex the property into the City if otherwise lawful, and provided it obtains fee simple title to the property, which is currently owned by the University of Maryland. Councilmember Fellows read the comments into the record.

William Shipp, representing the applicant, stated that the applicant has signed the agreement. He clarified that the MOU states that the phase-in of the tax differential contains a provision that if units are sold during that period of time, they automatically come on to the City's tax rolls at full rate.

Councilmember Catlin stated this project brings diversity and quality development to the downtown area and will be very attractive to retailers.

Councilmember Perry objects to the incentives offered to entice developers into the City. He will not support this motion because of paragraph B.

#### **Comments From The Audience:**

**Morgan Gale, 7010 Wake Forest Drive:** He believes this is a positive step for the City and brings the kind of mixed-use development the City has been looking for.

The motion carried 7-1-0; Councilmember Perry opposed.

#### **06-R-17      Approval Of Resolution 06-R-17 for Declaration Of Official Intent For The Parking Garage Bonds To Allow Reimbursement To The City For The Acquisition Costs Of The Dunn And Goldstein Properties**

A motion to adopt 06-R-17 was made by Councilmember Milligan and seconded by Councilmember Catlin. Councilmember Milligan read the motion and the comments into the record.

Councilmember Perry asked what "and other city-owned property" means. Mr. Groh said that refers to the Special Lot. He also asked questions about tax regulation 1.150-2.

There were no comments from the audience.

The motion carried 8-0-0.

Mayor Brayman reiterated that there will be a Public Information Meeting about the downtown development project on Thursday September 21 at 7:00 p.m. in the Council

Chambers. This meeting will focus primarily on the proposed predevelopment agreement with Capstone Development Corporation, which is posted on the City's web site.

**Council Comments:**

Councilmember Perry commented on the highway election spam on Route 1 and hopes it is removed promptly. He asked for a future worksession about possible legislation regarding the placement of signs.

Councilmember Catlin attended the MML Legislative Agenda meeting and learned that MML may not be interested in the Homestead Tax Credit bill, but MACO might be interested in taking it on.

Councilmember Milligan commented on the attractive mosaic-inlay sidewalk that has been installed near Fed Ex Field, and believes College Park should explore installing something similar.

**Comments From The Audience:** None

**Adjournment:** A motion was made by Councilmember Perry and seconded by Councilmember Hampton to adjourn. The meeting was adjourned at 9:37 p.m. by a vote of 8-0-0.

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Janeen S. Miller, City Clerk