

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 13, 2007
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stulich, Cook and Hampton; Student Liaison Jesse Blitzstein.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Elisa Vitale, Planner; Peggy Magee, Clerk of the Circuit Court.

The meeting opened with the Pledge Of Allegiance led by Councilmember Catlin.

Minutes: The following minutes were presented for approval: Special Session of January 17, 2007; Public Hearing on January 23, 2007 (Traffic Calming Recommendation For The Intersection Of Edgewood Road and 53rd Avenue); Public Hearing on January 23, 2007 (Traffic Calming Recommendation For Edgewood Road Between 52nd Place and 53rd Avenue); and the Public Hearing on January 23, 2007 (Traffic Calming Recommendation For 53rd Avenue Between 52nd Place and Edgewood Road). A motion was made by Councilmember Krouse and seconded by Councilmember Fellows to adopt the minutes. The motion passed 6-0-0.

Announcements:

Councilmember Krouse announced that there would be a balloon demonstration presented by the developer of Greenbelt Station on the property of the Greenbelt Metro Station to simulate the visible impact of proposed development. North College Park residents are encouraged to participate. The demonstration will take place on Saturday, February 17 between 8:00 a.m. and 11:00 a.m.

Councilmember Perry announced that the Berwyn District Civic Association would hold their monthly meeting on Thursday at 8:00 p.m. at Fealy Hall.

Acknowledgement Of Dignitaries: Mayor Brayman recognized Peggy Magee, Clerk of the Circuit Court; former Mayor Anna Owens; County Councilmember Eric Olson; Lakeland Civic Association President Monroe Dennis; Calvert Hills Citizens Association President Morgan Gale; Michael Herman, Chief of Staff for County Executive Johnson; and Margot Bauman, from Senator Rosapepe's office.

Swearing-in of Councilmember Mary Cook and Councilmember Stephanie Stulich:

Peggy Magee, Clerk of the Circuit Court, administered the oath of office to Councilmember Mary Cook (District 4) and Councilmember Stephanie Stulich (District 3). Mayor Brayman made welcoming remarks. Councilmembers Cook and Stulich made personal remarks. Mayor Brayman thanked Ms. Magee for her service.

Michael Herman, Chief of Staff for County Executive Johnson: Congratulated Councilmember Cook and Councilmember Stulich, and pledged the support of the County Executive's office to work together. He commented that for the first time, women outnumber men in the House delegation from Prince George's County in Annapolis.

There was a brief recess for a reception.

Amendments To The Agenda:

Add item 07-G-19: Letter To The Honorable Sheila Hixson, Chair of the House Ways and Means Committee re: HB 581, to the Consent Agenda.

City Manager's Report: Mr. Nagro announced the dates of remaining Police Services Focus Group meetings: Wednesday, February 14 and Thursday, February 15. Bob Ryan spoke about the two focus groups that have been held to date. Mr. Nagro reminded everyone that City offices would be closed on Monday, February 19.

Student Liaison Comments: None.

Comments From The Audience On Non-Agenda Items:

County Councilmember Eric Olson congratulated the new Councilmembers. He commented on work-in-progress on the Trolley Trail crossing of Paint Branch Parkway and Route 1 redevelopment.

Alan Wanuck, 9202 Wofford Lane: Addressed the Council about conditions behind a commercial building on Route 1 where the Thirsty Turtle is located.

Consent Agenda:

A motion was made by Councilmember Fellows and seconded by Councilmember Hampton to adopt the Consent Agenda. The Consent Agenda consisted of:

07-G-19 Letter To The Honorable Sheila Hixson, Chair of the House Ways and Means Committee re: HB 581, Municipal Corporation Property Tax – Property Used For Student Housing.

The motion carried 8-0-0.

Action Items:

07-G-15 Approval Of A Letter To Comcast Regarding Potential Fines For Continued Non-Compliance With Call Answer Time Requirements

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to authorize the City Manager to send a letter to Comcast stating that the position of the College Park Cable Commission as transmitted to the Mayor and Council is the position of the City and that Comcast should come into compliance with call answer times by May 2007 or the statutory fine as stated in the Franchise Agreement would be assessed. In addition, Comcast is to meet with the Cable Commission to explain their letter of February 13, 2007 and why this information has recently come to light.

Councilmember Perry commented on the Cable Commission's efforts to track Comcast's compliance with call answer time requirements, Comcast's responses to date, and the letter received today from Comcast.

There were no comments from the audience.

Mayor Brayman stated that his preference is to ask the Cable Commission to analyze the February 13 letter first and advise the Council, then take the issue to the Prince George's County Municipal Association if they deem there is still a problem.

A motion was made by Councilmember Krouse to postpone this matter for 60 days to allow time for the Cable Commission to review the February 13 Comcast letter. The motion carried 6-2-0 (Councilmember Perry and Catlin opposed).

07-G-16 Approval, With Conditions, Of Detailed Site Plan For Hollywood Station (9909 Baltimore Avenue)

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan for the approval of Detailed Site Plan 06055, subject to the conditions contained in the motion and read into the record. Councilmember Krouse made further comments about the project and stated that the applicant worked diligently with members of the North College Park Citizens Association on this project. He noted that the NCPCA specifically supported setting the building back further from Edgewood Road than the Development District would require.

Ms. LaRocca, representing the applicant, stated the applicant was in full agreement with the conditions and would so state before the Planning Board. She stated they have not seen the staff report yet from Park and Planning, but believes they will need the City's help in honoring their commitment to the NCPCA in allowing the building to be set back off Edgewood Road.

Comments from the Audience:

Morgan Gale, 7010 Wake Forest Drive: Stated this is an example of the kind of cooperation between the community and the Council that we can all be proud of.

Councilmember Milligan commented on the amount of negotiation and cooperation between the community and the applicant on this project. He believes the project will be an asset to the community and will enhance the gateway to north College Park.

Councilmember Perry asked if the Technical Staff Report from Park and Planning had been received by the City. Ms. Schum stated that it had not been written yet.

The motion carried 7-1-0 (Councilmember Perry opposed).

07-G-17 Denial Of Preliminary Plan Of Subdivision For Branchville Road (PDC Campfire)

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to deny the Preliminary Plan of Subdivision for Branchville Road (PDC Campfire) for the reasons contained in the motion and read into the record.

Bill Knight, representing the applicant, believes the items stated as reasons for denial are not Preliminary Plan of Subdivision issues; they are Detailed Site Plan issues. He stated the Sector Plan vision has nothing to do with Subdivision, and that land use and density is also a DSP issue. He believes the Council will have an opportunity to address these issues at the DSP stage. He agreed that transportation adequacy and access is a Subdivision issue, but found fault with the traffic study and trip caps. He stated that environmental impacts are generally addressed at the DSP. He believes compromise is possible and will be achieved, but that the Subdivision stage is the wrong time to assert these issues.

The applicant's traffic consultant, Michael Lenhart, addressed additional questions about the traffic study. There was discussion about future development along Route 1 in the same area and how those developments could impact this project and about the applicant's intention for the future of the property.

Ms. Schum clarified the criteria for approving Subdivisions. She disagreed with Mr. Knight's contention that land use and environmental issues are not Subdivision issues. She stated reasons that those issues should be considered at this point.

Comments from the audience:

Dennis Whitley III, Esq., Shipley & Horne, P.A., 1101 Mercantile Lane, Suite 240, Largo MD 20774: Representing 4004 Branch Avenue LLC, the owner of the former Safeway building facing Route 1. His client has some similar concerns as those expressed by Council. His client has tried to put together a land assemblage of properties

in the area. His client has approached Mr. Jenkins and the owner of the Pizza Hut, but not this owner.

Bob Schnabel, 7400 Dartmouth, a member of the County's Historic Preservation Commission: Cautions the Council to be involved at this early stage in a development and not to wait for the Detailed Site Plan stage.

Michael Carnock, property owner of the PDC site: He put this property under contract four years ago and purchased it three years ago. He discussed his unsuccessful attempts to assemble adjoining properties. He is in discussions with builders.

Councilmember Fellows said he does not believe this proposal fits the Council's vision for this part of the City and will support the motion to deny.

The motion to deny passed 8-0-0.

07-G-18 Approval Of A Letter In Opposition To PG 416-07 (Prince George's County – School Facilities Surcharge – Exemption For Redevelopment Projects)

A motion was made by Councilmember Catlin and seconded by Councilmember Krouse that the Mayor be authorized to sign a letter to the County Affairs Committee of the Prince George's House Delegation to oppose PG 416-07. Councilmember Catlin stated that this proposed legislation would allow an exemption to the school facilities surcharge fee for a new dwelling unit that replaces an existing dwelling unit that is to be removed as part of a multi-family rental housing redevelopment located between I-495 and the District of Columbia. He stated that this could have implications in the future for College Park.

There were no comments from the audience on this agenda item.

Councilmember Krouse asked if the City of Greenbelt had taken a position on this. It was unknown if they had taken a position. He then asked when this legislation would be heard. Ms. Imhulse said that is not known at this time.

Councilmember Perry stated he would not be able to support this motion and thinks it is a good piece of legislation. He doesn't believe the original number of units should be taxed, that only the additional units should be taxed.

Councilmember Catlin discussed the impact this legislation would have on the proposed Springhill Lake redevelopment.

Councilmember Krouse stated he is conflicted on the issue and will abstain from this vote.

Councilmember Fellows stated that while he also has some conflicts, he believes the benefits are that it will increase density near the Greenbelt Metro Station and that people moving in to new units in Prince George's County will benefit from a school facilities surcharge fee that will put more money into the School system.

Mayor Brayman commented that more money would benefit the school system.

The motion carried 6-1-1- (Perry opposed, Krouse abstained)

Council Comments:

Councilmember Krouse discussed the balloon test demonstration on Saturday morning at the Greenbelt Metro and encouraged everyone's participation. He wants to hear people's feedback after the demonstration.

Councilmember Milligan encouraged people to participate in one of the police services forums.

Councilmember Fellows also encouraged people to participate in one of the police services forums. These are important decisions that will face the City this year.

Councilmember Cook announced that the Committee For A Better Environment is seeking nominees for this year's Green Awards. The deadline for nominations is March 15. Contact Elise Vitale for more information.

Councilmember Perry announced that Holy Redeemer Church would hold their pancake breakfast on Sunday starting at 8:30 a.m. It's all you can eat for \$3.00.

Comments From The Audience:

Morgan Gale, 7010 Wake Forest Drive: Appreciates the Council's vote on PG 416-07. Thinks the period of granting large amounts of money to developers to build in Prince George's County is over. This is a step in the right direction.

Adjournment: A motion to adjourn was made by Councilmember Hampton and seconded by Councilmember Catlin. The meeting was adjourned at 11:02 p.m. by a vote of 8-0-0.

Mayor Brayman announced that the Worksession that was tentatively scheduled to follow the regular meeting would not be held tonight due to inclement weather.

Janeen S. Miller, City Clerk