

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, January 23, 2007 – 8:00 p.m.**

**PRESENT:** Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Fellows 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; Steve Halpern, City Engineer; Bob Ryan, Director of Public Services; Councilmember-Elect Mary Cook; Councilmember-Elect Stephanie Stulich

Mayor Brayman opened the meeting by asking for a moment of silent meditation to support everyone serving in the armed forces both here and abroad. Councilmember Milligan led the Pledge of Allegiance.

**MINUTES:** The following meeting minutes were presented for approval: Special Meeting of the College Park City Council on Monday, January 8, 2007; Public Hearing of the College Park City Council on Tuesday, January 9, 2007 on Ordinance No. 06-O-10; and the Regular Meeting of the College Park City Council on Tuesday, January 9, 2007. A motion was made by Councilmember Perry and seconded by Councilmember Hampton to approve the minutes. There were no amendments. The minutes were approved as submitted by a vote of 6-0-0.

**ANNOUNCEMENTS:**

Councilmember Hampton announced that the Prince George's County Municipal Association has scholarships available for college-bound students who plan to study public service. Applications are available from [www.laurel.md.us](http://www.laurel.md.us). Also, the Prince George's Elected Municipal Women also have a scholarship available for college-bound students. For application information on this scholarship, contact Councilmember Hampton at 301-935-5810.

Councilmember Fellows invited the public to a pre-screening sponsored by the Committee For A Better Environment this Thursday January 25 at City Hall for a 38-minute documentary about conserving electricity. You will learn more about how you can save money on your electric bill, and about the many environmental reasons why you should conserve electricity. Also, next Wednesday January 31, County Councilmembers Eric Olson and Tom Dernoga will sponsor a Transportation Town Meeting at City Hall. Everyone is encouraged to attend. If you wish to speak, please contact the Clerk's office.

**ACKNOWLEDGMENT OF DIGNITARIES:** Mayor Brayman recognized Mark Shroder, President of the North College Park Citizens Association; Jack Robson, Chief of the Board of

Election Supervisors. Also in the audience were Councilmembers-Elect Mary Cook and Stephanie Stullich.

**ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE**

**MEMBERS:** Mayor Brayman recognized Ms. Effie Baldwin, new appointment to the Recreation Board, and Andrew Rose, newly appointed as a regular member of the Advisory Planning Commission. The Mayor and Council thanked them for their service to the City.

**AMENDMENTS TO THE AGENDA:**

Add Item 07-G-13, Approval of a Letter Regarding Transportation Priorities.

**CITY MANAGER’S REPORT:** Mr. Nagro mentioned an on-going police incident in the 9200 block of Davidson in College Park Woods. Major Kevin Davis will arrive later to give an update to the Council. Mr. Nagro reminded the Council about the Four-Cities meeting next Tuesday, January 30 at 7:30 at City Hall. The Columbia Avenue project is completed. Before and after pictures will be sent out. The Downtown Lighting project, which has been underway, is currently on hold until replacements for defective parts are received.

Councilmember Perry asked for an update on the State project to improve lighting on streets leading from the College Park Metro. Mr. Nagro replied that the lighting enhancements, including pruning, have been completed. Signage is still in the planning stages.

**STUDENT LIAISON COMMENTS:** Jesse Blitzstein reminded the Council that Spring Semester starts tomorrow.

**COMMENTS FROM THE AUDIENCE:**

**Jack Robson, Chief of the Board of Election Supervisors:** Mr. Robson reported the results of the January 16<sup>th</sup> Special Election: Stephanie Stullich won in District 3 and Mary Cook won in District 4. Anyone wishing to protest the election results has three days from today to do so. He reminded all candidates to turn in their financial reports by the deadline to avoid fines. There was discussion about the absentee ballot process: there were 200 requests for absentee ballots for the Special Election: 73 were rejected for various reasons, 127 absentee ballots were mailed, 32 were received back in time to be counted, and five were received too late to be counted. A number of issues came up at this election that Mr. Robson will raise with the Council at a later date.

**CONSENT AGENDA:** The Consent Agenda consisted of one item:

**07-G-05 Request For Driveway Apron Variance For 4719 Niagara Road**

A motion was made by Councilmember Fellows and seconded by Councilmember Hampton to adopt the Consent Agenda. The motion passed 6-0-0.

**ACTION ITEMS:**

**07-G-06      Traffic Calming Recommendation For The Intersection Of Edgewood Road and 53<sup>rd</sup> Avenue**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to adopt the staff recommendation for two raised crosswalks at the intersection of 53<sup>rd</sup> Avenue and Edgewood Road. A motion was made by Councilmember Milligan and seconded by Councilmember Krouse to amend the motion to add an additional third raised crosswalk at this intersection, on the eastbound side of Edgewood Road.

Mayor Brayman asked if there were any comments from the audience on the amendment.

**Mahfuzur Rahman, 9805 53<sup>rd</sup> Avenue:** Spoke in favor of this additional crosswalk.

Councilmember Perry asked if the crosswalk would line up with the sidewalks. Mr. Halpern stated that the north side of Edgewood Road is undeveloped and has no sidewalk. Mr. Perry believes calling it a crosswalk is a misnomer because it is really a speed hump and doesn't go to a sidewalk. Mr. Halpern stated that a raised crosswalk is a speed hump at an intersection used to facilitate crossing at the intersection and stop sign compliance at the intersection. Councilmember Perry asked why not raise the intersection and install rumble strips instead.

The amendment passed 5-1-0 (Perry opposed).

On the main motion, Councilmember Milligan commented that the issue of speeding and stop sign compliance in our neighborhoods will be on a future worksession agenda.

The main motion, as amended, passed 6-0-0.

**07-G-07:      Traffic Calming Recommendation For Edgewood Road Between 52<sup>nd</sup> Place and 53<sup>rd</sup> Avenue**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to approve the installation of a flat top type speed bump at a location to be determined on Edgewood Road between 52<sup>nd</sup> Place and 53<sup>rd</sup> Avenue.

Councilmember Krouse discussed the Staff report and stated that some data were collected when school was not in session, and also collected on a Wednesday and Thursday, when Friday is the busier day. He noted that 83% of residents in the affected area supported the installation of speed bumps, and that the person who spoke in opposition earlier at the public hearing was not a resident of that block. He stated that the traffic volume substantially exceeded the thresholds.

The motion carried 5-1-0 (Councilmember Perry opposed).

**07-G-08 Traffic Calming Recommendation For 53<sup>rd</sup> Avenue Between 52<sup>nd</sup> Place And Edgewood Road**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to install a flat top type speed hump on 53<sup>rd</sup> Avenue between 52<sup>nd</sup> Place and Edgewood Road. Councilmember Krouse commented that 83% of the residents on this block of 53<sup>rd</sup> Avenue signed the petition in favor of traffic calming.

Councilmember Milligan stated that he is not normally in favor of speed humps but in this case he will support their installation since the residents and users of the street are in favor. He also noted that no one from Al-Huda spoke in opposition.

The motion carried 5-1-0 (Councilmember Perry opposed).

**07-G-09 Approval With Conditions Of Detailed Site Plan 05005 for Garden Suites (College Park Hotel)**

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to approve Detailed Site Plan 05005 subject to the following conditions.

1. Approval of the alternative development district standard for Site Design: S4.E. Buffers and Screening (to allow the applicant to reduce the bufferyard between the subject property and the Exxon Station to the south from 15 feet to 6.9 feet).
2. Approval of the alternative development district standard for Site Design: S2.S. Parking Areas (to allow the applicant to provide up to 28 parking spaces, which is 5 spaces in excess of the maximum number of parking spaces permitted).
3. Revise the site plan to address vehicular and pedestrian circulation as follows:
  - a. Revise the Route 1 streetscape section to include a 5-foot planting area between the building face and the new sidewalk, a 5-foot sidewalk, and a 6-foot landscape strip including street trees and lighting.
  - b. Include a direct sidewalk connection from Route 1 to the front building entrance.
  - c. Include bollards or other traffic control device to prevent left turns from the property to Pontiac Street.
  - d. Provide one loading space.
  - e. Widen the Pontiac Street access and parking lot drive aisle to 22 feet to accommodate two-way traffic.
  - f. Relocate the dumpster away from Pontiac Street.
4. Revise the landscape, lighting, and hardscape plan as follows:
  - a. Clearly identify building, signage, and parking area lighting and include light specifications.
  - b. Provide three of the specified streetlights at 50-foot spacing on center.
  - c. Provide detailed information on the height of the retaining wall and provide safety railing, where necessary.
  - d. Provide street furniture details.
  - e. Provide additional landscaping, including foundation plantings, plantings at the

seating area, and plantings in the large parking lot islands.

5. Revise the architecture as follows:
  - a. Eliminate the free-standing porte-cochere and fabric awnings and provide an integrated design for the building entrance and driveway canopy on the north side of the building. (See attached illustrative example.)
  - b. Incorporate a belt course or string course to differentiate the base of the building.
  - c. Modify the color of the cornice treatment to match the window lintels and label the brick and other material colors on the façade.
6. Revise the sign plan to include individually lit channel letters.
7. Provide a color and materials board for the two brick colors, lintel, cornice, columns, and redesigned building entrance that is acceptable to the City of College Park and M-NCPPC.

Councilmember Perry made the following comments: The applicant is proposing to redevelop this site with a four-story hotel containing 49 rooms, which would be a tremendous improvement for the property and for the City.

In July 2005, the City supported the applicant's request to vacate a portion of the alley running behind the applicant's property. The City also supported the applicant's application to the Maryland Department of Housing and Community Development, Neighborhood Business Works Program for financing.

The hotel lobby will feature a fireplace and the applicant has stated that breakfast will be served in the lobby. Hotel amenities will include a fitness center.

The applicant brought the Detailed Site Plan application to the Berwyn District Civic Association on January 18, 2007, and the Association voted to not stand in opposition to the project but expressed concern about parking and traffic in the neighborhood. The applicant is going to have 49 rooms and 10 employees, but only has 28 parking spaces. The property is directly adjacent to a residential community. The civic association is concerned with Park and Planning's requirement for parking.

Councilmember Perry said he would be interested in hearing if the applicant agrees with the conditions.

Edward Gibbs represents the Applicant, the Patel family, who are the owners and operators of Garden Suites. He clarified that his understanding is that the site will have 50 rooms, not 49. They have reviewed and agree to the proposed conditions. Revised plans incorporating those conditions will be submitted to Park and Planning. He believes the 28 spaces, which is five more than the requirement, will be sufficient. He believes they can design the Pontiac Street access incorporating bollards to inhibit left turns on to Pontiac. He does not see any way that they could have two access driveways onto Route 1. He praised the City's Planning Staff, saying they had great ideas that made the project better.

Mayor Brayman asked Mr. Gibbs if they would testify before the Planning Board in support of the stated conditions. Mr. Gibbs concurred.

Councilmember Perry asked Mr. Gibbs about the location of the dumpster. Mr. Gibbs said it has been moved away from Pontiac Street.

Comments from the Audience:

**Jerry Anzulovic, 4900 Ruatan:** He remarked that the BDCA was concerned about traffic and parking in the neighborhood, as stated by Councilmembers Perry and Catlin; however, the BDCA will not stand in opposition to the DSP.

Mayor Brayman asked if the applicant would enter into an Agreement with the City regarding not allowing agencies to relocate people into their hotel. There have been public safety issues in the past when this has occurred at other hotels in the City. This was discussed at the Berwyn meeting. Mr. Gibbs stated that the applicant was in agreement, but stated it had to be carefully worded. Counsel will draft said Agreement.

Councilmember Catlin raised the possibility of using available Permit Parking on Pontiac Street for any overflow parking from the hotel. He also said there is a possibility of a traffic light being installed on Pontiac Street at some point in the future resulting from development on the West side of Route 1.

Councilmember Fellows believes this new development will be a marked improvement over what currently exists at that location on Route 1. He encouraged their participation in the College Park shuttle program.

The motion carried 6-0-0.

**07-G-14: To Authorize the City Manager and City Staff to negotiate a PUA regarding use of the Garden Suites Hotel by outside agencies to house residents.**

A motion was made by Councilmember Catlin and seconded by Councilmember Fellows to authorize Staff to negotiate and sign an agreement that would prohibit the Garden Suites Hotel from housing residents from outside agencies as discussed at the Berwyn Civic Association meeting.

The motion carried 6-0-0.

Mayor Brayman then recognized Major Kevin Davis, District 1 Commander of the Prince George's County Police, and asked him to give the Council an update on the police activity in College Park Woods.

**07-G-10 Approval With Conditions Of Preliminary Plan of Subdivision 4-06072 And Conceptual Site Plan 06006 For Hollywood Station (9909 Baltimore Avenue)**

Ms. Ferguson told the Council that negotiations on this project have been ongoing, and two documents need to be signed, an Agreement and a Declaration of Covenants. The Applicant had requested certain items to be pulled out of the Declaration of Covenants and instead put into an Agreement. The revised documents were just completed today. She believes they have reached agreement on the language. However, the applicant has indicated their inability to approve the Declaration of Covenants tonight. Michelle LaRocca, representing the Applicant, stated she would have the agreements reviewed by Real Estate Counsel and signed on Monday, January 29, at the earliest. However, the Planning Board meeting is January 25. Ms. LaRocca believes there is agreement on the prohibited uses, which are included in the Declaration of Covenants, but it has to be approved by Real Estate Counsel prior to signing, because it goes forward with the deed.

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to recommend approval of Conceptual Site Plan 06006 and Preliminary Plan of Subdivision 4-06072 subject to certain conditions, and acceptance of the Agreement and Declaration of Covenants by the Developer and the City if the Agreement and Covenants are accepted by the Developer in substantially the same form as presented at tonight's meeting; otherwise, the City will stand in opposition to Conceptual Site Plan 06006 and Preliminary Plan of Subdivision 4-06072 when it comes before the Planning Board.

Councilmember Krouse reviewed the chain of events that led to this motion. He wants to ensure that these conditions have been agreed to in writing before the Planning Board meeting on Thursday, January 25. He read the list of conditions into the record.

**Mark Shroder, 4909 Muskogee Street, President, North College Park Citizen's Association:** He is disturbed to find that on January 25 there may not be a deal. The subdivision was the essence of this project; it takes the building from 7,500 square feet to 22,000 square feet. If the subdivision passes and then the owner decides to sell the property, the next owner can come in with some other plan for a 22,000 square foot building. The matters in the Covenants are the essence of the deal. If the applicant can't agree by January 25, he will go before the Planning Board and stand in opposition, and hopes the City will, too. He believes these issues need to be resolved prior to the Planning Board hearing.

Ms. LaRocca said she will endeavor to find a Real Estate Attorney to review the Agreement and Declaration of Covenants in an effort to have them signed by January 25.

Councilmember Milligan stated that the North College Park subcommittee worked very hard on this project and believes this conditional approval is necessary to protect the agreements they reached. He is happy to see the road improvements on Edgewood Road.

The motion carried 6-0-0.

## **07-G-11 Annual Liquor License Renewals**

A motion was made by Councilmember Catlin and seconded by Councilmember Fellows to authorize the City Manager to send a letter to the Board of License Commissioners and for staff to testify to the Board stating that the City of College Park does not object to and voices no opposition to the renewal of all Liquor Licenses held by business establishments located in the City of College Park.

Councilmember Catlin stated that all alcoholic beverages licenses in the City of College Park are due for renewal within the next few months. The Prince George's County Board of License Commissioners requires that, if a municipality wishes to voice its recommendations for a denial of a renewal, it must conduct a public hearing and submit a verbatim transcript to the Board no later than midnight on March 1, 2007. There are a total of 34 licenses.

Comments From The Audience:

**Mark Shroder, 4909 Muskogee Street:** He recalled that the PUA held by Mamma Lucia's specifically prohibits serving beer on Sundays. Staff did not recall this prohibition but will double check their PUA and get back to Mr. Shroder.

Councilmember Perry will not support this motion because he does not agree with the renewal of two of the liquor licenses, and since they are all lumped together, he has to vote against them all.

The motion passed 5-1-0.

## **07-R-04 Resolution To Amend The City's "Homeownership Grant Program"**

A motion was made by Councilmember Fellows and seconded by Councilmember Hampton to adopt Resolution 07-R-04, which amends Resolution 05-R-23, which established a Homeownership Grant Program to extend the date upon which a grant recipient must take up residence at the property for up to six (6) months from settlement, or until an existing lease expires, whichever first occurs when a property is subject to an existing lease.

Councilmember Fellows stated this Resolution is being moved to address those situations where an existing lease is in place, which would prevent a new owner from moving in to the house within 30 days after settlement.

Mayor Brayman asked for clarification of an issue he raised last week regarding the City's enforcement and recovery of fees. Ms. Ferguson clarified that the Declaration of Covenants that accompanies the grant states that the repayment of any funds would be included in the real property tax bill and collected as City taxes are collected. It also states that the City has the right to enforce any actions and should be reimbursed for reasonable costs including attorney's fees.

There were no comments from the audience on this item.

Councilmember Catlin said the use of this program has been disappointing as there have not been as many applications for this grant money as the City would have liked to see. He said Staff would come forward with recommendations for improvement of the program in the near future. He urged Council's support.

Councilmember Perry asked why it was necessary to amend the whole grant program when this applies to a specific situation and asked if these requests can be handled on a case-by-case basis. Ms. Ferguson stated if this amendment was not instituted, the Staff would have no discretion to authorize an exception. The original Resolution requires the grant recipient to occupy the house immediately after settlement.

A motion was made by Councilmember Perry to postpone this item until the next Worksession to fine-tune the wording. The motion failed for lack of a second.

There were no comments from the audience on this item.

Councilmember Fellows stated that he moved the motion because staff requested it for a specific case, but he believes it encourages people to take advantage of the Homeownership Grant Program by providing more flexibility.

Councilmember Catlin said he would discourage a Resolution that is specific to an individual applicant, and that in the summer when the Council meets less frequently it could not deal in a timely manner with another specific case that could come up.

The motion carried 5-1-0 (Councilmember Perry opposed).

**07-G-13 Authorization of A Letter To Councilmember Tom Dernoga outlining the City's transportation priorities.**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to send a letter to Councilmember Dernoga, Chair of the Transportation, Housing and Environmental Committee, outlining the City's position on several transportation issues, to be submitted as written testimony for the Committee's public hearing on the County's transportation priorities.

Comments From The Audience:

**Councilmember-Elect Mary Cook, 9806 47<sup>th</sup> Avenue:** Asked if the crosswalk on Cherry Hill Road where the bike path crosses the road can be included in the letter as a priority.

A motion was made by Councilmember Hampton and seconded by Councilmember Fellows to amend the letter to include as a priority the crosswalk on Cherry Hill Road where the bike path crosses Cherry Hill Road.

There were no comments from the audience on the amendment.

Councilmember Perry asked the status of the CIP on Cherry Hill Road. Staff will check and provide the information later in the week.

The amendment to revise the letter passed 6-0-0.

The main motion on the letter as amended passed 6-0-0.

## **07-G-12      Appointments To Boards And Committees**

A motion was made by Councilmember Hampton and seconded by Councilmember Fellows to re-appoint Mr. Edward Lynch to the Ethics Commission. The motion carried 6-0-0.

### **Council Comments:**

Councilmember Catlin commented on yesterday's transportation meeting at City Hall and on the possible Route 1 shuttle.

Councilmember Perry asked if the City has applied for any TEP grant money and Councilmember Hampton said the deadline had been extended. He also said that a house on Princeton Avenue had disappeared, and asked if it was on the City's tax roles. Mr. Nagro stated that it was owned by the University of Maryland. They don't need to get a raze permit.

Mayor Brayman asked to have the Council's adopted Rules and Procedures circulated to the Council. He also discussed certain points in Roberts' Rules of Order.

**Adjournment:** A motion to adjourn the meeting was made by Councilmember Perry and seconded by Councilmember Krouse. The motion passed 6-0-0 and the meeting was adjourned at 11:04 p.m.

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Janeen S. Miller, City Clerk