

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 10, 2007
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stullich, Hampton and Cook; Student Liaison Danielle Kogut.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant To The City Manager; Bob Ryan, Director of Public Services.

Mayor Brayman opened the meeting at 8:12 p.m. following an earlier public hearing. Councilmember Perry led the Pledge of Allegiance.

Minutes: The minutes from the June 5, 2007 Special Session, the June 12, 2007 Public Hearing on 07-O-10, the June 12, 2007 Public Hearing on 07-O-11, the June 12, 2007 Public Hearing on 07-O-12, the June 12, 2007 Public Hearing on 07-O-13, the June 12, 2007 Public Hearing on 07-O-14, the June 12, 2007 Public Hearing on Permit Parking in the 5100 Block of Kennebunk Terrace and the June 12, 2007 Regular Meeting were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Stullich to adopt the minutes. A motion to amend the minutes was made by Councilmember Fellows and seconded by Councilmember Stullich. The amendment is to the June 12 Regular Meeting minutes on little page 27 to Announcements by Councilmember Fellows: the wording should read “the final of a first series of public meetings....” The amendment passed 8-0-0. The main motion passed 8-0-0.

Announcements:

Councilmember Stullich announced the next public meeting on the development of the Cafritz property will be held Thursday July 26, 7-9 p.m., or alternatively, Saturday July 28, 10 -12 noon, at Riverdale Elementary School.

Councilmember Fellows encouraged citizens to attend one of the Cafritz meetings.

Councilmember Krouse announced that the second in a series of meetings on the possible future development of the Endelman tract, which is on the SW side of the Greenbelt Metro station, would be held at 7:00 p.m. at Davis Hall on Wednesday, July 11.

Councilmember Milligan reminded viewers that August 7 is the National Night Out, and the Council will meet on Wednesday that week. He encouraged residents to participate in one of the neighborhood National Night Out events.

Acknowledgement of Dignitaries: Mayor Brayman recognized County Councilmember Eric Olson; Mayor Joe Page; Morgan Gale, President of the Calvert Hills Citizens Association; Jerry Anzulovic, President of the Berwyn District Civic Association.

Acknowledgement of Newly Appointed Board And Committee Members: Mayor Brayman recognized Erica Marrari, a new appointment to the Recreation Board.

Proclamation: A Special Proclamation from the Prince George's County Council was presented to Dr. Dora Kennedy by County Councilmember Eric Olson for her civic duty: she served as vice president of the Calvert Hills Citizens Association for 15 years, she was an elementary school teacher; she founded the County's preeminent French Immersion program, and serves as an active member of the College Park Education Advisory Committee. Dr. Kennedy received a standing ovation from the audience. Mayor Brayman read a congratulatory letter from President George W. Bush into the record.

(There was a brief recess.)

Amendments To The Agenda: 07-G-78 Moved to Item #1; 07-G-82 Moved to the Consent Agenda; 07-G-81 Postponed to the next Regular Meeting in August.

City Manager's Report: Mr. Nagro reported on the status of the handicap accessibility work at the Old Parish House; the FY '08 pavement management and concrete work has begun; reported recent arrests made by the City's Contract Officers; announced the Oral Argument has been scheduled prior to the Worksession on August 8 on 7507 Dartmouth; announced an Executive Session on July 17 to discuss the draft Matrix Report.

Councilmember Perry asked for a budget impact report on the increase in the County's tipping fees.

Student Liaison Comments: Mayor Brayman welcomed Danielle Kogut to her first formal meeting of the City Council. She had no comments.

Comments From The Audience On Non-Agenda Items:

Alan Tyler, 7204 Bowdoin Avenue: Wants the Council to monitor the Homeownership Grant Program to make sure its working in the City's favor. He wondered if a landlord should be rewarded the \$5,000 if he or she fixes up their home.

Consent Agenda: A motion was made by Councilmember Perry and seconded by Councilmember Milligan to adopt the consent agenda, which consisted of the following items:

- 07-R-18 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission And Granting Variance Application CPV-2007-01, 9513 48th Avenue, College Park, Maryland, For A Variance From The Maximum Permitted Lot Coverage And The Minimum Front Yard Depth Requirement To Construct A Rear Yard Addition And To Enclose A Front Porch**

- 07-R-19 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission And Granting Variance Application CPV-2007-08, 4716 Muskogee Street, College Park, Maryland, For A Variance Of Six Feet (6') From The Minimum Twenty-Foot (20') Rear Yard Depth Requirement**

- 07-G-74 Approve an Amendment to the City Manager's Contract**

- 07-G-82 Approval of a Letter for the Mayor's Signature to Secretary Porcari Regarding Funding for the Design And Engineering Of Route 1, Phase I**

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

Action Items:

- 0-G-78 Approve the Property Use Agreement for Asian Grill**

A motion was made by Councilmember Stullich and seconded by Councilmember Fellows to approve the Property Use Agreement for SMJP Incorporated, t/a Asian Grill, in substantially the form presented, and to authorize the City Manager to sign the agreement for the City. The motion further authorizes staff to voice no objection to the issuance of a Class B Beer and Wine license to the applicant by the Board of License Commissioners.

There was discussion about the use of the patio on the east side of the building for food and beverage service, and for live, unamplified music. The proposed food to alcoholic beverage ratio is 70% to 30%. The City received a letter from Joan Carol Poor objecting to the provision of outdoor music.

Matthew Tedesco, from Knight Manzi, representing the applicant: Thanked the Old Town and Calvert Hills citizens' associations for their support. He stated the applicant would affirm to the Board of License Commissioners their support for all of the provisions of the Property Use Agreement.

Councilmember Perry remarked on the letter from Ms. Poor. He said staff checked the distance from the door of the establishment to the door of the nearby church. The

distance was just over the allowable limit. He objects to the excess noise this would add to downtown College Park, that it is too close to nearby residential, and he does not like the idea of having a liquor license further down College Avenue.

Councilmember Fellows stated that agreeing to acoustic music is a good precedent that would add to the outdoor ambiance and would not disturb the surrounding community.

Ms. Stullich stated she would not support a proposal for any type of amplified music, and noted that it is only half a block off Route 1. She noted that the Calvert Hills and Old Town citizens' associations met with the applicant and were positive about the request.

Mr. Tedesco noted there is language in the agreement stating that if a complaint is received, they will reconvene and address it, and if justified, limit the outside acoustic music. He stated the applicants are fully aware of the concerns of the residents and the City.

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

07-G-75 Approval of a Letter Relating To Termination of Phase 2 and Phase 3 of the Contract with Capstone Regarding the Downtown Development Project.

A motion was made by Councilmember Fellows and seconded by Councilmember Milligan to approve a letter to Capstone Development Corporation relating to the termination of Phase 2 and Phase 3 of the downtown development project. Phase 2 and Phase 3 refer to the downtown condominium project on the City Hall site, and the concomitant relocation of City Hall to the Friends School site.

Councilmember Fellows commented that this project has been under discussion during his entire six years on the Council. The discussions proceeded cautiously, and the market study that was completed earlier this year did not show the yield that was earlier envisioned. The downtown parking garage is still part of the downtown revitalization effort and will go forward. The Council is still interested in enhancing the downtown area, but the relocation of City Hall and the condominium project was not the way to do it.

Councilmember Milligan stated he has mixed feelings that the entire project will not go forward at this point, but the development industry is tricky and the original thought to relocate City Hall has now turned around. The parking garage can stand on its own. He is not disappointed that City Hall will not relocate to the Friends School site because he was hoping to see a new City Hall more centrally located and many people were hoping the Friends School site could remain a school.

Councilmember Stullich said the decision does not mean Council is not eager to support downtown revitalization, and that there are other means to do that, such as the downtown

parking garage and its retail component. She is personally relieved that the Council is backing away from the decision to redevelop the City Hall site because it would mean losing the Friends School site as a school building.

Councilmember Perry said he is disappointed by this motion. He discussed the constraints at the current City Hall site. He does not believe that the business property owners in downtown College Park are really interested in doing anything more with their businesses than they are doing today. This was a unique opportunity for the City to take a giant step forward, to get off this piece of property onto a piece of property that the City already owns that has restrictions for public use. He believes the City Hall property should be redeveloped all the way to Route 1. He thinks that once the City walks away from this, it will close the door on an opportunity.

Councilmember Catlin stated that the market changes were outside the City's control, and the numbers don't look quite as attractive now. East Campus is also a new factor, which should make the City Hall site more valuable. Calvert Road was not his preferred choice for the location of a new City Hall. He does believe we need a new City Hall.

Councilmember Krouse stated that an 8 or 9 story building was being envisioned on the City Hall site, which might not have been wanted by the surrounding neighbors.

Mayor Brayman is thankful the parking garage will continue and thinks it will add huge momentum to the downtown area, and there may be future opportunities for the City Hall site.

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

07-G-76 Approve the Pursuit of a Lab School at the Calvert Road School Site

A motion was made by Councilmember Fellows and seconded by Councilmember Milligan to adopt an initiative to explore the lab school option at the Calvert Road School site for a period of 120 days. In the event that no viable concept has developed for the use of the site as a lab school within that time, then the City may consider other options for the use of the site.

Councilmember Fellows said a number of uses for the Calvert Road school site have been discussed since Friends School announced they were moving to a new facility out of the City. Interest has been expressed in continuing the educational use of the site. This motion would allow the City to explore the lab school concept more fully before considering other options.

There were no comments from the audience.

Councilmember Milligan commented that he is involved in a project with the University of Maryland trying to get a lab school started and hopefully that project would include

this site. The Deans have been changing which has made it difficult to move forward. The committee includes two County Council members and a state senator.

Councilmember Stulich stated that the community that surrounds the Calvert Road school site is interested in seeing it remain as a school that will continue to attract families with children to the area and throughout the City.

Councilmember Perry remarked that the Calvert Road school was closed by Prince George's County and is in major need of renovation before it can be used. Who will pay for it? The City owns the building and can't expect someone else to fix it. He thinks this is like a pipe dream.

Mayor Brayman supports this motion and said it is a short time line that he thinks is necessary to give this concept a chance. He sees the school as a valuable asset that the City should utilize to directly advantage children City wide. He would like to see grades 7 – 12 considered in this initiative.

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

07-G-77 Approve the Development of the Detailed Site Plan for the Downtown Parking Garage

A motion was made by Councilmember Catlin and seconded by Councilmember Krouse to authorize Capstone Development Corporation to proceed with the preparation and filing of the Detailed Site Plan for the downtown parking garage located at the southwest corner of Knox Road and Yale Avenue. The DSP shall include a pedestrian entrance and exit on the west side of the garage and the south, north and east elevations shall be constructed of thin brick on pre-cast concrete, while the west elevation shall be constructed of a brick formliner instead of thin brick.

Councilmember Catlin said a group of people went to see the brick formliner and it is far better than what is used at the College Park metro station garage (which is not formliner) and he thinks nobody would know the difference, especially on the west side where no one would get very close. He is confident that the formliner can do a good job and can match the thin brick look, so he is recommending it as a cost saving measure. He discussed the general concepts of the garage, and the testimony received at the July 3 public hearing. With the modifications proposed tonight, the total estimated cost for design and construction of the garage is \$8,080,000 plus \$35,000 for the pedestrian access on the west side and \$200,000 for thin brick on the south side, and about \$49,000 for formliner on the west side of the building. This represents a savings of \$75,000.

Mayor Joe Page, 4608 Drexel Road: He considers the noise reduction wall at the north end of Rhode Island Avenue where it joins Paint Branch Parkway to be ugly – it is artificial brick that was painted. He saw a sample of the formliner and thought it was beautiful but wonders how long it will last and how much it will cost to maintain? He

prefers the thin brick option. He cautioned that if the formliner is chosen, get a warranty for at least 10 years.

Morgan Gale, 7010 Wake Forest Drive: He is concerned about the maintenance and is also concerned about a building with three sides of uniform appearance and a fourth side that is inconsistent. He said no one knows what will surround that garage in the future. He believes the cost difference of \$75,000 does not justify making the change.

An amendment to the motion was made by Councilmember Stulich and seconded by Councilmember Hampton to specify the thin brick option on all four sides of the garage.

Councilmember Stulich stated there is a consensus on the Council that favors quality re-development in downtown College Park. The Council wants to hold other developers to a high standard of quality and she thinks it would be a mistake to hold ourselves to a lower standard. She does not think saving \$75,000 is worth it, and that this is a very important project and it's important to do it right. She is concerned how the County would view a formliner selection.

Councilmember Catlin opposes the amendment because formliner is being widely used and the Council shouldn't spend taxpayer money unnecessarily in the face of rising costs.

Councilmember Fellows supports the amendment because of the comments heard at the public hearing and concerns about long-term durability. He does not believe it is that much of an expense in the context of the overall project. The City should strive for as nice a look as possible.

Mayor Brayman stated he wished formliner were better understood and acceptable on all four sides for the financial benefit, but he shares some of the concerns he's heard.

The amendment carried 5-3-0 (Milligan, Catlin and Perry opposed).

Councilmember Catlin said he would support the amended motion because he understands that no one else had a chance to see the formliner and he doesn't want to delay the project.

The main motion as amended carried 8-0-0.

07-G-79 Approve the Selection of a Preferred Alignment for the Greenbelt Station Pedestrian Overpass

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to recommend locating the pedestrian overpass for the Greenbelt Metro Station development at the Board of Education property with a connection at Huron Street and with an alternate location at the southern end of the City's Public Works facility.

Councilmember Krouse read the comments into the record. He added that the City would work with nearby residents to address design considerations and other concerns.

Ruth Herbert, 5004 Cheyenne Place: She submitted a new petition in opposition to the bridge that has been reworded and contains more signatures than the last petition she submitted. This bridge will not benefit the neighborhood in any way and they are strongly opposed to it. She doesn't believe the Council has taken the petitioners' desires into consideration at all. She said they are mostly older people in that neighborhood and that the Council is discounting them. They want their neighborhood to stay a peaceful and quiet area without outsiders using the bridge, without permit parking, without the cars and traffic a bridge would bring. Who will watch their side of the bridge?

Brad Herbert, 5004 Cheyenne Place: Echoes what his mother said. He has heard two different stories about who asked for the bridge, the City or the County, and asked for clarification. He asked when the bridge was first approved by the City. Mayor Brayman said the City's support of the Sector Plan in 2003 or 2002 would have included the bridge concept. Mr. Herbert asked who will watch the College Park side of the bridge? Who will maintain the bridge? What impact will the access to the stores on the Greenbelt side have on the Hollywood Shopping district, which is also part of the Sector Plan? They are opposed to this bridge and will oppose it at the County level.

Donna Weene, 9512 49th Place: Why would the police talk about watching the bridge if they weren't expecting a crime problem. Crime in her neighborhood has gone up since the metro went in. They have had several bikes stolen that were found later in Springhill Lake apartments. They have fought for businesses in the Hollywood area and worries that the bridge would hurt those businesses by opening access to Greenbelt. If she wanted to shop on the Greenbelt side she would drive there, not walk over the bridge. Who is responsible if somebody gets hurt on the bridge?

Diana Claburn, 5001 Cheyenne Place: Please take into consideration the passion they have in not wanting this bridge.

Mark Shroder, 4909 Muskogee Street: He believes the bridge needs to be built because the traffic from the Greenbelt Station development is going to be so intense at the corner of University Boulevard and Rhode Island Avenue that every possible mitigation is needed. This is seen as one mitigation. Everyone who goes through that intersection will benefit from this mitigation. Everyone who enjoys walking or bicycling will see the bridge as a preferred alternative to getting to Greenbelt. There is a real concern about crime. The Greenbelt Metro Station did increase crime in the neighborhood, nonetheless, it is an important infrastructure for the neighborhood and no one would suggest it be taken away. He hopes the bridge would be seen the same way.

Councilmember Perry asked Mr. Shroder if the community perceives Greenbelt as it is now or as it is going to be in the future? Mr. Shroder does not think people have any idea how massive the Greenbelt development will be.

Wayne De Cesar, 5003 Cree Lane: Is firmly opposed to the bridge.

There was discussion about the traffic impact the Greenbelt development and beltway interchange will have on University Boulevard, Greenbelt Road, and Rhode Island Avenue.

Seth Weene, 9512 49th Place: He has had things stolen from his property several times. Whenever the property was recovered, it was in the possession of juveniles in Springhill Lake, who did not drive over to steal from him. They currently use the tunnel, and he is concerned that later they will use the bridge. He is opposed to having the bridge built.

Ruth Herbert, 5004 Cheyenne Place: She has a map that shows a road called Greenbelt Station Parkway and thought that was University Boulevard/193. Mayor Brayman explained that it is a new road that will end in a “T” intersection on 193 across from Berwyn Heights. She asked to get a new map of the area.

Mayor Brayman read into the record the new petition submitted earlier by Mrs. Herbert.

Donna Weene, 9512 49th Place: Has concerns about cracks potentially developing in their foundations when the core drilling is done.

Sandy Gallagher, Greenbelt MetroPark LLC: Soil boring work has not yet been done on the College Park side so she doesn't know what kind of footings will be needed. Experts will look at existing structures and what kind of effect drilling might have.

Councilmember Cook said there are too many unanswered questions – will CSX agree, who will maintain the bridge, how would it impact the College Park businesses, safety concerns, and impact on property taxes. She is not persuaded and will oppose the motion.

Councilmember Krouse discussed the anticipated development at the Greenbelt Metro Station, Springhill Lake, Beltway Plaza and the College Park industrial area to the south of the Metro Station, and the impact these developments will have on the surrounding areas. He stated that this is the one opportunity the City has to build this bridge and that it will add an important missing link and will make College Park a more desirable place to live. The bridge has been part of the development picture for many years. He believes the full value of the bridge may not be apparent now, but he is confident that one day in the future it will be.

Councilmember Milligan said the bridge has always been part of the discussion during the four years he has been on the Council, and has been known to the public. The motion tonight is about the location of the bridge, not whether or not there should be a bridge, and he will support the motion because he believes the Board of Education property is the best place to land it. If the bridge is built, then there should be discussion about gates and security.

Councilmember Stulich is troubled that some people are so distraught about this proposal, but she thinks it would be a mistake to pass up this opportunity to have this pedestrian bridge and to wall off the neighborhood. She acknowledged that the Council is sometimes called upon to make difficult decisions. She discussed her neighborhood's issues when the College Park Metro station was built. She does not find permit parking onerous.

Mayor Brayman stated that the City didn't demand this bridge but did request it. He discussed the College Park Metro tunnel and the Berwyn Road overpass. He said the City will be vigilant about public safety and any other unanswered questions and will continue to dialog with the community about those issues.

The motion carried 6-2-0 (Hampton and Cook opposed).

07-O-06 An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 34 "Elections", By Repealing And Reenacting §34-5 "Polling Places; Hours Of Voting", §34-6 "Absentee Balloting", §34-10 "Additional Provisions", §34-15 "Campaign Finance Reports", And §34-16 "Filing Of Reports As A Condition Of Qualification For Public Office" To Change The Hours During Which Polls Are Open During Elections, To Establish Requirements For The Issuance Of Absentee Ballots, To Provide That The Supervisors Of Elections Officially Report Election Results To The Mayor And Council At The First Regular Council Meeting After The Official Canvass Of Each Election, To Add To A Provision Concerning The Maintenance And Retention Of Election Records And Documents, To Provide For The Filing Of A Pre-Election Report Prior To Elections And Adjusting The Schedule For Filing Other Reports, To Provide For Filing Of Financial Reports By Political Committees Formed After The 14th Calendar Day Prior To The Election, And To Provide That Failure To File The Pre-Election Report Within Three Days Of The Due Date Will Result In Disqualification

A motion was made by Councilmember Stulich and seconded by Councilmember Perry to adopt Ordinance 07-O-06. Councilmember Stulich read the title and comments into the record.

Mayor Brayman stated that due to the public hearing held earlier this evening, no further public comment would be taken at this time unless there was an amendment.

There were no comments from Council.

The motion carried 8-0-0.

07-G-80 Award of Contract CP-07-05 for Design and Engineering for the Duvall Field Renovation to Charles P. Johnson & Associates in the amount of \$93,631.30

A motion was made by Councilmember Milligan and seconded by Councilmember Fellows to award Contract CP-07-07 for design and engineering services for the Duvall Field renovation to Charles P. Johnson & Associates in the amount of \$93,631.30. Councilmember Milligan read the comments into the record. He added that he is glad to see this project moving forward since Duvall Field is the main recreational field for the City and it gets a lot of use.

There were no comments from the audience.

There were no Council comments.

The motion carried 8-0-0.

07-O-16 Introduction of Ordinance Number 07-O-16, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code, Chapter 138 “Noise” To Incorporate The Use Of dB(C) When Measuring Sound.

A motion to introduce Ordinance 07-O-16 was made by Councilmember Cook and seconded by Councilmember Perry.

The Public Hearing will be held August 14 at 7:30 p.m.

07-O-15 Introduction of Emergency Ordinance Number 07-O-15, An Emergency Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 151 “Permit Parking”, By Repealing And Reenacting §151-4 “Issuance Of Permits” To Allow The Council To Set Various Time Periods For The Validity Of Permits.

A motion to introduce Emergency Ordinance 07-O-15 was made by Councilmember Fellows and seconded by Councilmember Krouse.

The Public Hearing will be held August 14 at 7:45 p.m.

07-G-83 Appointments to Boards and Committees

Councilmember Stullich nominated Andrew Friedson to the Rent Stabilization Board. A motion was made by Councilmember Milligan and seconded by Councilmember Krouse to approve this nomination.

The motion carried 8-0-0.

Council Comments: Councilmember Comments were suspended.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adjourn the meeting. The meeting was adjourned at 11:35 p.m. by a vote of 8-0-0.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, on July 3, 2007 at 6:03 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Fellows to consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County. The motion passed 6-0-0.

Present: Mayor Brayman (arrived at 6:10 p.m.), Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, Stulich (arrived at 6:08 p.m.), Hampton (arrived at 6:08 p.m.) and Cook. Also in attendance were Joe Nagro, Janeen Miller, Sara Imhulse, Steve Groh, Ernie Crofoot, Bob Levan, Danielle Kogut, Terry Schum, and Mark Owens.

Topics Discussed: Phase 2 of the Downtown Development Project.

A motion was made by Councilmember Stulich and seconded by Councilmember Krouse to adjourn the Executive Session. The Executive Session was adjourned at 7:01 p.m. by a vote of 8-0-0.
