

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

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

ABSENT: Councilmembers Cook and Hampton (attending the NLC Conference)

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Steve Halpern, City Engineer; and Councilmembers-Elect Patrick Wojahn and Jonathan Molinatto.

Mayor Brayman opened the meeting at 8:00 p.m. Councilmember Krouse led the Pledge of Allegiance.

Minutes: The minutes from the October 23, 2007 Regular Meeting were presented for adoption. A motion was made by Councilmember Fellows and seconded by Councilmember Stullich to approve the minutes. The motion passed 6-0-0.

Announcements:

Councilmember Fellows congratulated the victors in the City election.

Councilmember Perry thanked the voters, his wife and children, and stated that people who are not registered to vote should do so because the primaries are going to be in February.

Councilmember Catlin thanked the voters and congratulated Stacey Baca for a good campaign. He announced the Berwyn District Civic Association would meet on November 15 at 8:00 p.m. at Fealy Hall.

Councilmember Krouse congratulated the victors in the City election.

Councilmember Milligan commented on the voter turnout in District 1. He announced two upcoming meetings: On November 15 at 7:00 p.m. in City Hall on Development in the Route 1 Corridor, and on November 19 at 7:00 p.m. at BARC Building 003 on the proposed Rhode Island Avenue improvements.

Councilmember Stullich commented on voter turnout in District 2.

Acknowledgement of Dignitaries: Mayor Brayman recognized and congratulated the two Councilmembers-Elect from District 1, Patrick Wojahn and Jonathan Molinatto.

City Manager's Report: Mr. Nagro discussed several upcoming meetings: 1) On November 15, 7:00 p.m., City Hall, Development in the Route 1 Corridor from the District line to the Beltway, sponsored by Councilmembers Olson, Dernoga and Campos. 2) On November 15, 10:00 a.m., the State Highway Administration CTP Road Show. 3) On November 19, 7:00 p.m., on proposed improvements to Rhode Island Avenue between 193 and Edgewood Road sponsored by the County. 4) On November 19 at 10:00 a.m. the Historic District Hearing before the District Council.

Student Liaison Comments: Danielle Kogut commented that the Community Cleanup was very successful on Sunday, and will be held at 11:00 a.m. on the two Sundays after the Thanksgiving weekend. She commented on the student voter registration drive and on student voter turnout in the last City election.

Comments from the Audience on Non-Agenda Items:

Jack Robson, Chief, Board of Election Supervisors: Mr. Robson certified the results of the City's November 6 elections. The winners are: Mayor: Stephen Brayman; District 1: Jonathan Molinatto and Patrick Wojahn; District 2: John Perry and Robert Catlin; District 3: Stephanie Stulich and Mark Cook; District 4: Mary Cook and Karen Hampton.

07-G-118: A motion was made by Councilmember Perry and seconded by Councilmember Krouse to accept the results of the election as presented by Mr. Robson. The motion passed 6-0-0. Mr. Robson reminded the Council that the challenge period ends in three days.

Mr. Robson commented on the election tally on election night and the official canvass the following day. He commented on student voter turnout and registration issues.

Consent Agenda:

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to adopt the Consent Agenda. The Consent Agenda consisted of the following items:

- 07-R-31 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 Number CPV-2007-18, 5101 Edgewood Road, College Park, Maryland, For A Variance Of One Foot (1') From The Twenty-Five Foot (25') Required Minimum Front Yard Depth, A Variance Of 4.5 Feet From The Twenty-Five Foot (25') Required Minimum Side Yard Depth For Corner Properties For Yards Along The Street And A Variance Of 3.5 Feet For The Eight Foot (8') Required Minimum Depth For The Southern Side Yard**

07-G-114 Approval Of A Letter In Opposition To The Proposed Reduction in Funding To County Volunteer Fire Departments.

The motion carried 6-0-0.

Action Items:

07-G-117 Petition Request for Traffic Calming for 49th Place Between Cherokee Street And Delaware Street

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to approve the installation of one watts-type speed bump approximately mid-block in the 9100 block of 49th Place.

Mayor Brayman noted there would be no further public comment at this time due to the public hearing held earlier this evening.

Councilmember Krouse commented on the testimony at the public hearing and on the high level of support as indicated by the petition. He believes this street is used as a cut-through.

Councilmember Milligan supports the motion. He commented on the need for a multi-dimensional approach to neighborhood speeding issues.

Councilmember Perry stated he would not support this motion because the warrants for traffic volume and speeding were not met. He disagrees with the comment that the street is used as a cut through.

Councilmember Stullich will support the motion because the testimony at the public hearing was very persuasive.

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

07-G-115 Motion in Support of The Concept Plan for 8300 Baltimore Blvd., And Approval of Declaration of Covenants/Agreement between University View Partners, LLC, 8400 Baltimore Avenue, LLC, and 8320 Associates, LLC and the City of College Park.

Mayor Brayman asked for a status report prior to the motion. A revised agreement from 5:30 tonight was placed in red folders. Mayor Brayman stated this is a proposal for student housing in front of University View.

Applicant Otis Warren was present with Steve McBride and attorney Norman Rivera.

Mr. Rivera stated they are in support of the agreement in the red folders. They are bringing student housing to this area of the City (west of Route 1) to address the shortage of on-campus student housing. Steve McBride stated they have assembled several parcels starting in front of University view (8350 Baltimore Blvd.) and moving north to include the Koons Ford Quick Lane parcel and 8400 Baltimore Blvd, to create a “village” at this location.

The building in front of University View (8350) would be Phase 1, and would be 12 stories high and designated for the University’s “Freshman Connection” program. It is the same height as the previously approved office building at this location, and would house 520 freshmen. Phase 2 would include a 9-story building on the Koons parcel, which they have acquired, and would wrap around to a new building at 8400, with a parking deck behind it. Phase 2 would provide 940 beds. The project would add an intersection with Berwyn House Road. There would be ground floor retail along Route 1 in each building. Eventually, when Phase 2 is completed, parking would be provided for all residents.

Mr. Warren added that this project would be built with private money; they are not asking for a TIF. They are asking for the City’s cooperation and support to help make this happen.

There was a review of the new draft Agreement. Mayor Brayman said the applicant is requesting and the City would support an administrative change to the Detailed Site Plan to change the second University View building from an office building to student housing. The City would still have the right to review and comment on the Detailed Site Plan of the new student housing building.

Ms. Ferguson clarified that the Agreement makes reference to three different owners of properties: The “University View Partners” owns the original University View, “8400 Baltimore Avenue” which owns the property to the north, and “8320 Associates” which has acquired the Koons Quick Lane. In the agreement, 8400 and 8320 have been put together and referred to as the 8350 property.

Ms. Ferguson reviewed the draft Agreement and Declaration of Covenants and stated they are requesting approval in substantially the same form as presented tonight while understanding that some revisions still need to be made. There was discussion about the issue of parking, and the intention of the parties to provide parking both temporarily and permanently. For the short term, the University of Maryland will be contacted and requested to enter into an Agreement to provide for parking for the Phase 1 building until the parking garage is built (the parking garage is in Phase 2 of the project). If that option is not available, the applicant will provide for that parking on the property to the north. If agreement for parking cannot be reached with the University and alternate parking cannot be provided by the applicant, then the Declaration will have no further force and effect as to the amendment of the DSP and the City will not have to support the DSP.

There will be an Exhibit A to the Agreement (not yet provided) that will be a Reciprocal Easement or Lease that will fully describe the reciprocal easements from one property to the other to provide the parking in the future. Exhibit B, the concept drawings, will be attached to the agreement, and Exhibit C will be the chart of heights and units (this was provided).

Ms. Ferguson reviewed other aspects of the Agreement, including tax income on the real property. Mayor Brayman asked about adding tax on personal property in the event a non-taxpaying entity acquired the property in the future. Mr. Warren did not think this request was appropriate for the Agreement because it runs with the real estate. He added that he has no intention of selling the property.

Ms. Ferguson discussed the proposed improvements to the intersection of Route 1 and Berwyn House Road, and stated the applicant would pay for those improvements including a traffic light if possible.

There was further discussion about Item Numbers 13, 15 and 18 in the Agreement, which Mr. Rivera stated were all tied together. Mr. Rivera stated Mr. Warren is committed to the project, but the issue about “participating parties” is that they are affiliated with a lot of people. They don’t want to encumber people that don’t have equity participation by a Declaration of Covenants. Mr. Rivera stated this clarifies that those people that have dollars in the project have to agree they are covered by these Covenants.

Mayor Brayman remarked on Paragraph 4 on Page 5 about the City’s right to comment on future details.

Mr. Warren discussed the plan for parking. The hope is to use UMD Lot 11 for the Phase 1 building which is designed for first year students that are not allowed to bring automobiles to school. They have requested but not received this agreement from the UMD. The back-up plan is that the developer will provide parking for those cars on their property to the north. Eventually, when Phase 2 is built, a parking garage will be constructed. A Shuttle UM stop will remain part of the transportation program.

The Attorney clarified that this entire Agreement is based upon this plan and this concept, and if that concept is not approved by the County, they will go back to the drawing board.

Councilmember Perry asked for confirmation that the population of the new buildings (not including the existing University View) will be 1,467. The existing University View adds another 1,000.

MOTION: A motion was made by Councilmember Perry and seconded by Councilmember Stulich to approve the Agreement/Declaration of Covenants in substantially the same form as presented tonight.

Councilmember Perry stated the Agreement has come a long way, and that everyone is pleased with the student population growth west of Route 1, and that everyone is keeping their fingers crossed that the parking stays on the west side of Route 1.

There were no comments from the audience on this item.

Councilmember Stulich voiced support for the project and discussed the need for student housing.

Councilmember Catlin voiced support for the project and discussed the retail component.

Councilmember Krouse also discussed the retail component.

Councilmember Fellows favorably compared this plan with an earlier preferred student housing plan and commended this model of working with the UMD re: parking.

Mayor Brayman asked the applicant if they were in agreement with these covenants as discussed tonight. Mr. Rivera replied, "Yes."

The motion carried 6-0-0.

07-G-116 Approval of December 24, 2007 As A Day Of Administrative Leave

A motion was made by Councilmember Fellows and seconded by Councilmember Milligan to grant a day of paid Administrative Leave for employees on December 24, 2007. In order that previously scheduled City trash and recycling services can be provided to residents, a trash/recycling crew will be required to work that day. Those employees that work on Monday, December 24 will be entitled to 8 hours of paid administrative leave on Friday, December 28, 2007.

Councilmember Fellows read the comments into the record.

There were no comments from the audience.

Councilmember Perry verified that this motion would not interfere with the trash collection schedule that has been published.

Councilmember Catlin asked what the cost is to the City. Mr. Nagro replied the cost of the non-productive labor would be approximately \$20,000.

The motion carried 6-0-0.

07-G-119 Appointments To Boards and Committees

Councilmember Perry put forth the following names for reappointment: Harry Pitt to the Noise Control Board, and Jerry Anzulovic to the Veterans Memorial Improvement Committee. A motion was made by Councilmember Fellows and seconded by Councilmember Krouse to approve these appointments.

The motion carried 6-0-0.

Council Comments:

Councilmember Milligan commented on a recent report from Comcast that showed a decrease in P.E.G. fees to College Park. He also discussed an off-campus house fire near Rochester, New York and student safety in on-campus and off-campus housing.

Councilmember Catlin mentioned an upcoming meeting in Hyattsville on strategies to encourage homegrown retail.

Councilmember Perry asked for an update on the installation of Verizon FIOS in the City. Mr. Nagro answered that houses in the southern part of the City (Calvert Hills and Old Town) can now sign up, since they are served by the same frame center that services University Park, which is already on-line. Most of the rest of the City comes out of the Berwyn Frame Center, which is currently being worked on. The College Park Woods and Acredale areas come out of the Riggs Road Frame Center and he understands this is the wire center that will next be brought on line. He believes that FIOS will be available in a large part of the City right after the first of the year.

Councilmember Fellows asked if the FIOS wires are above ground or below ground. Mr. Nagro replied they are above ground. Councilmember Fellows hopes this doesn't run counter to the vision of undergrounding utilities on Route 1.

Councilmember Stulich requested discussion on a future worksession of the noise ordinance and specifically the provision that if there are three violations within a six month period a hearing on the use and occupancy permit is scheduled, and she would like to discuss whether that should be three violations within a one year period instead.

Mayor Brayman welcomed Councilmembers-elect Patrick Wojahn and Jonathan Molinatto and said he looked forward to working with them in the new term.

Comments From The Audience:

Hellmut Lotz, 4301 Rowalt Drive: Raised the issue of LEED standards for the Otis Warren project.

Adjournment: A motion was made by Councilmember Stullich and seconded by Councilmember Fellows to adjourn the Regular meeting. The motion carried 6-0-0 and the meeting was adjourned at 9:43 p.m.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, on November 7, 2007 at 7:37 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Fellows and seconded by Councilmember Milligan to enter a closed session to consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale. The motion passed 5-1-0 (Councilmember Perry opposed).

Present: Mayor Brayman, Councilmembers Krouse (arrived 7:39 p.m.), Milligan, Catlin, Perry, Fellows, Stullich, and Hampton. Also in attendance were Terry Schum, Director of Planning; Sara Imhulse, Assistant to the City Manager; Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; and Jonathan Molinatto and Patrick Wojahn, District 1 Councilmembers-elect.

Absent: Councilmember Cook.

Topics Discussed: The possible acquisition of a piece of property.

A motion was made by Councilmember Stullich and seconded by Councilmember Milligan to adjourn the Executive Session. The Executive Session was adjourned at 8:05 p.m. by a vote of 7-0-0.

Pursuant to §C6-3 of the College Park City Charter, on November 13, 2007 at 9:55 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Fellows and seconded by Councilmember Milligan to enter a closed session to consider a matter than concerns the proposal for a business to locate in Prince George's County. The motion passed 5-1-0 (Councilmember Perry opposed).

Present: Mayor Brayman, Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, and Stullich. Also in attendance were Danielle Kogut, Student

Liaison; Sara Imhulse, Assistant to the City Manager; Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; and Jonathan Molinatto and Patrick Wojahn, District 1 Councilmembers-elect.

Absent: Councilmembers Hampton and Cook.

Topics Discussed: Recent discussions regarding a proposal for a business to locate in the City.

A motion was made by Councilmember Perry and seconded by Councilmember Milligan to adjourn the Executive Session. The Executive Session was adjourned at 11:00 p.m. by a vote of 6-0-0.
