

MINUTES
Regular Meeting of the College Park City Council
Tuesday, August 12, 2008
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Wojahn, Catlin, Perry, Stulich, Mark Cook, Hampton and Mary Cook; Student Liaison Dan Hartinger.

ABSENT: Councilmember Molinatto.

ALSO PRESENT: Joe Nagro, City Manager; Fred Sussman, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Terry Schum, Director of Planning; Elisa Vitale, Planner.

Mayor Brayman opened the meeting at 8:00. Councilmember Hampton led the Pledge of Allegiance.

Minutes: The minutes from the July 1, 2008 Special Session, the July 8, 2008 Regular Meeting, and the July 15, 2008 Special Session were presented for approval. A motion was made by Councilmember Catlin and seconded by Councilmember Perry to approve the minutes as submitted. The motion passed 7-0-0.

Announcements:

Councilmember Hampton announced the annual crab feast for the College Park Woods Swim Club would be held this Saturday. For more information, call 301-935-6698. The Neighborhood Watch did a wonderful job of organizing the National Night Out Block Party. There is now a web site for West College Park: <http://cpwmd.pongos.com>.

Councilmember Mary Cook announced that the Cherry Hill National Night Out was a great success and thanked staff and police.

Councilmember Catlin thanked the organizers of the Berwyn and Lakeland National Night Out observances. He is posting information on the East Campus development in the bulletin board in the Trolley Trail Plaza on Berwyn Road.

Acknowledgement of Dignitaries: None.

Acknowledgement Of Newly Appointed Board And Committee Members: None.

Amendments To The Agenda: None.

City Manager's Report: Mr. Nagro stated the climate change presentation by COG to several municipalities would be held on September 3. He gave an update on the parking garage: all of the concrete and asphalt is being recycled, as is debris from the two single-family houses. All single-family homes in the City now have the new single-stream recycling carts.

Mr. Nagro was asked about the Four-Cities Street Sweeper, about single-stream recycling, about the dissemination of recycling information to new tenants, and about encouraging recycling in general.

Student Liaison Comments: Mr. Hartinger is excited to see two items on tonight's agenda – Resident Ridership of the Shuttle UM and the Police Services Contract.

Comments From The Audience On Non-Agenda Items:

Jack Robson, 4710 Harvard Road: Mr. Robson discussed his recycling habits and commented on the designation of English as the official language of the City.

Consent Agenda: The consent agenda consisted of the following items:

08-G-76 Approval of a Sunday Field Use Request by the Boy Scouts

08-G-77 Approval of a Fall Field Use Request by the Maryland Stingers Women's Rugby Club

08-R-12 A 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-2008-03, 9713 Narragansett Parkway, College Park, Maryland, For A Variance Of 2.5 Feet From The Minimum Required Front Yard Depth Of 25 Feet To Construct A Roof Over The Existing Front Stoop

08-R-13 A 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 CEO-2008-01, 4909 Hollywood Road, College Park, Maryland, For A Variance Of One Foot From The Maximum Four-Foot Maximum Fence Height Of City Code §87-23 Paragraph D To Permit The Replacement Of A Fence With Similar Dimensions

- 08-R-14 A 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 CEO-2008-02, 5004 Kenesaw Street, College Park, Maryland, For A Waiver Of City Code §87-23 Paragraph C Which Requires That Rear And Side Yard Fences, Where The Rear Or Side Yard Is A Continuation Of The Front Yard Line Of An Adjacent Lot Be Set Back 25 Feet From The Property Line**
- 08-G-78 Approval Of An Amendment To The City Manager’s Employment Agreement**
- 08-R-15 Approval Of A Resolution Of The Mayor and Council of The City Of College Park, Maryland, Approving An Application By The City Of College Park, Maryland For Designation As A Preserve America Community**
- 08-G-84 Approval of Fall Field Use Requests by the College Park Boys and Girls Club for Duvall Field and Calvert Hills Playground Field**

A motion was made by Councilmember Perry and seconded by Councilmember Stullich to approve the Consent Agenda. The motion carried 7-0-0.

Action Items:

- 08-CR-01 Adoption of Charter Amendment Resolution 08-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article VI “Meetings”, §C6-4, “Statutory Requirements” Of The City Charter To Delete The Requirement That Tape-Recorded Minutes And Transcribed Minutes Of Executive Sessions Be Available For Inspection**

A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adopt Charter Amendment Resolution 08-CR-01, a Resolution of the Mayor and Council of the City of College Park, Maryland, amending Article VI “Meetings”, §C6-4, “Statutory Requirements” of the City Charter to delete the requirement that tape-recorded minutes and transcribed minutes of executive sessions be available for inspection. Councilmember Perry read the “Whereas” clauses into the record.

Councilmember Perry said the City’s charter was more restrictive than state code, and this is a matter of housekeeping to bring the City’s charter into compliance with the state code.

Councilmember Mary Cook asked Councilmember Perry if he was present when the Council added the clause about the tape-recorded minutes, and why that was done.

Councilmember Perry replied it must have been the will of the Council at the time to include that provision.

Councilmember Stulich pointed out that the City has been in compliance with state law, but the City had one additional requirement that went above state law, and this proposed amendment will align the City's Charter with state law.

Councilmember Wojahn stated that this is necessary housekeeping because the two sentences in §C6-4 directly contradict each other. He said the Council should act quickly to correct inconsistencies in the City's Charter.

The motion passed 6-1-0 (Councilmember Mark Cook opposed).

08-G-82 Approval Of An Agreement With Prince George's County For Full Time Contract Police Services And Authorization For The City Manager To Sign The Agreement

A motion was made by Councilmember Mark Cook and seconded by Councilmember Catlin that the City Council approve the Agreement with Prince George's County for Full Time Contract Police Services and authorize the City Manager to sign the Agreement.

Councilmember Mark Cook continued that this is an important item to move forward with and that the funds have been budgeted for this fiscal year. He said the public has come forward in support of the additional police services.

There were no comments from the audience.

Mr. Hartinger said he supports this motion.

Councilmember Perry said he would not support this motion because as a County taxpayer he is already paying for police services.

Councilmember Catlin will support this contract because we can terminate it with 60 days notice if it does not work well. He hopes the program will work satisfactorily.

Councilmember Wojahn supports the expansion of police services. He is concerned that the contract does not address how to handle disputes over billing, but understands that the contract can be terminated if there are any disputes that cannot be resolved.

Councilmember Stulich has heard from constituents who want more policing in the City and fully supports this contract. She hopes it will improve response times.

Councilmember Mary Cook stated she heard from some residents of Districts One and Four who do not support the agreement. She hopes equal amounts of time will be spent in each district of the City. She will not support the motion.

Councilmember Wojahn said the general opinion in District 1 is in favor of this agreement and stated the North College Park Citizens Association unanimously approved funds for additional policing in this year's budget.

Councilmember Perry urged people not to confuse this program with the very successful part-time program. He has seen more police in Berwyn and sees from reports that the entire City is well covered. He hopes the program will continue to do as well if Major Davis is transferred out of District 1.

Councilmember Stullich stated some people who were opposed to this program may have been opposed because of mis-information about the cost. She said it is clear from reports she receives that the contract officers are spending time throughout the City and are dealing with all manner of problems.

Councilmember Catlin said the City would have as much policing as people are willing to pay for.

Councilmember Mary Cook said the mis-information that Councilmember Stullich referred to gave the Council the opportunity to speak to more constituents than they would have otherwise, and that the information was later corrected. She is a supporter of neighborhood watch.

Mayor Brayman said this is not paying twice for the same service – its two different services. He sees the full time program as augmenting the part-time program, because it was getting harder to expand the part-time program due to staffing constraints. He said this contract has safeguards for the City if things go awry.

The motion carried 4-3-0 (Councilmembers Perry, Mary Cook, and Hampton opposed).

08-G-79 Approval, With Conditions, Of Detailed Site Plan 06018 For TownePlace Suites by Marriott

A motion was made by Councilmember Hampton and seconded by Councilmember Mary Cook to approved Detailed Site Plan 06018 and the associated rezoning subject to the following conditions:

1. Staff recommends DISAPPROVAL of the alternative development district standards for:
 - a. Site Design, S5. Freestanding Signs, A. The location of freestanding signs shall not be located closer than 10 feet behind the right-of-way as modified by Section 27-614(a), Freestanding Signs, in Part 12 of the Zoning Ordinance.
2. Staff recommends APPROVAL of the alternative development district standards for:

- a. Public Areas, P6. Utilities, A. To allow the applicant to retain one existing utility pole at the current location without relocating it underground, with the requirement for a contribution at this time, and an ultimate pro rata share contribution by applicant, heirs, successors and assigns to be provided toward a systematic utility undergrounding in the future, if and when it is undertaken. Any undergrounding undertaken as a part of the required road frontage improvements should be credited toward the pro rata share contribution.
 - b. Site Design, S2. Parking Areas, S. The maximum number of off-street surface parking spaces permitted for each land use type shall be equal to the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.
 - c. Site Design, S3. Building Siting and Setbacks, C. Front build-to-line 10 feet to 20 feet behind the Right-of-Way line.
3. Subject to SHA approval, the applicant shall revise the Detailed Site Plan as follows and provide a copy of the revised plans to the City of College Park for review and approval prior to certification:
 - a. Eliminate the “porkchop” and narrow the driveway entrance to a maximum of 30 feet in width with a maximum radius of 15 feet.
 - b. Restrict turning movements to right-in and right-out.
 - c. Construct the US 1 frontage, including road widening, removal of existing sidewalk and installation of new curb and gutter, as well as extension of the median.
4. The applicant shall revise the Landscape, Lighting, and Hardscape Plan as follows and provide a copy of the revised plans to the City of College Park for review and approval prior to certification:
 - a. Provide details for perennial planting bed.
 - b. Provide details for the street furniture.
 - c. Create an urban street edge by enlarging the patio area and providing additional street furniture, relocate the bench adjacent to an entry door, and provide a trash receptacle at the new bench location.
5. The applicant shall revise the Sign Plan as follows:
 - a. Eliminate the monument sign along the US 1 frontage.
 - b. Provide a common sign plan that specifies standards including lighting, colors, lettering style, size, height, quantity and location.
6. The applicant shall revise the Architectural Elevations as follows:
 - a. Carry the brick up the full height of the projecting gables on the north, south, and east façades to replace the fiber cement siding.
 - b. Eliminate the EIFS panels and replace with fiber cement siding.
 - c. On the west façade eliminate the brick that surrounds the two upper windows.
 - d. Provide revised calculations for brick percentages.

- e. Provide a detail for the retaining wall.
7. At the time of building permit application the applicant shall pay:
- a. A pro-rata share of the cost of the US 1 shuttle study, in the amount of \$10,000 to the City of College Park; and
 - b. Funds in the amount of \$5,000 toward undergrounding the existing utilities.
8. Provide a color and materials board.

Councilmember Hampton read the comments into the record.

There was discussion about the continued disagreement between City Planning Staff and the Applicant about the architecture. The Applicant would not agree to Staff's proposed condition, but instead wanted to wait and see if the County required the same conditions about the architecture. Mayor Brayman asked Councilmember Hampton to clarify her motion – if the Applicant does not agree to Staff's proposed condition concerning the architecture, is the motion to support the DSP anyway, or to deny it? Councilmember Hampton stated the motion is to support the DSP, regardless of the Applicant's decision on the architecture.

Mayor Brayman asked Mr. Tedesco if he would be willing to represent before the Planning Board the Applicant's agreement with all of the Staff conditions. Mr. Tedesco said they would agree to all except the condition that the Applicant revise the architecture, unless the Planning Board requires it.

A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin to amend the motion to give City Staff the discretion to oppose the project should the Planning Board not agree with the Staff recommendations regarding the architecture as stated in condition #6. Councilmember Wojahn commented the City has a review process for a reason, and that the City should have a say in development.

There were no comments from the audience on the amendment.

Mr. Tedesco stated the Applicant is aware of the Staff's recommendations, and is not choosing to ignore them. They believe what they are presenting is a high quality and attractive project.

Mayor Brayman asked if Staff's recommendations would make the project costlier. Mr. Tedesco did not know.

Damian Nichols, 8436 Potomac Avenue: Stated the City should have design standards and be willing to deny a project that does not meet those standards.

Councilmember Catlin was glad Councilmember Wojahn proposed the amendment but will not support it because many other conditions on the project are being met.

Councilmember Stulich will support the amendment because this is the opportunity to hold out for the highest level of architecture and design possible.

Mayor Brayman spoke in support of the amendment asking what the point is of putting forward a condition to the County and then not standing behind it. He said staff is not trying to drive up the cost or undermine the project.

Councilmember Perry will not support the amendment because this is a good project for Route 1 and he doesn't want to see it delayed.

The amendment failed 2-5-0 (Catlin, Perry, Mark Cook, Hampton, and Mary Cook opposed).

The main motion passed 5-2-0 (Wojahn and Stulich opposed).

08-G-83 Approval Of A Memorandum Of Understanding With The University Of Maryland Regarding Resident Ridership Of Shuttle UM and Authorization for the City Manager To Sign The MOU

A motion was made by Councilmember Mark Cook and seconded by Councilmember Perry to approve a Memorandum of Understanding with the University of Maryland regarding resident ridership of the Shuttle UM and to authorize the City Manager to sign the MOU. Councilmember Mark Cook read the comments into the record.

There were no comments from the audience.

Mr. Hartinger supports this motion.

Mayor Brayman said this is the third Student Government Association to support this plan, and it took state law to allow it to occur.

Councilmember Mark Cook thanked the 21st Delegation for their efforts in Annapolis.

Councilmember Mary Cook said this is a long time coming and she hopes the City will advertise it well.

Councilmember Wojahn thinks this is part of a broader strategy to reduce traffic on US Route 1.

Councilmember Catlin is excited to see this started now because we will have a lot of people coming to the City in the next few years. His goal is to have such frequent bus service that people don't need to carry schedules.

Councilmember Stullich sees this as a win-win solution to traffic problems and air quality.

Councilmember Perry hopes it will be a popular program that residents will use.

Mr. Nagro said passes will be available starting Monday August 18 from the City Manager's office. Interested parties will need some form of identification to prove they are City residents.

The motion carried 7-0-0.

08-G-80 Approval Of A Letter Regarding A Revision To The Detailed Site Plan For M Square

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich that the City send a letter to the Prince George's County Planning Director providing comments on the proposed revision to the Detailed Site Plan for M Square Building #1, DSP 05078/01.

Councilmember Wojahn read the comments into the record.

There were no comments from the audience on this item.

Councilmember Catlin pointed out this is not a College Park project as it is located in the Town of Riverdale Park. He commented on the amount of surface parking.

Councilmember Stullich spoke about the unfortunate architecture of the building and the loss of trees and green space.

Councilmember Mark Cook discussed the environmental impact of so much parking around this building.

Mr. Hartinger would like to see the developer use local mitigation factors rather than paying a fee in lieu, which is not seen locally.

The motion carried 7-0-0.

08-G-81 Approval Of A Participation Agreement For Program Years 2009 – 2011 For The Prince George's County Community Development Block Grant Program

A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn that the City support participation in the Community Development Block Grant program

for the period July 1, 2009 through June 30 2011, Program Years 35 – 37, and authorize execution of a cooperation agreement with Prince George’s County.

Councilmember Catlin read the comments into the record.

Comments from the audience:

Damian Nichols, 8436 Potomac Avenue: Requested examples of CDBG Projects.

Councilmember Perry said CDBG funds have been well utilized in College Park, and pointed out that the funds can’t be used everywhere.

The motion passed 7-0-0.

08-G-85 To Approve The Formation Of A Subcommittee To Formulate The Parameters Of The Strategic Plan Process

A motion was made by Councilmember Mary Cook and seconded by Councilmember Hampton to form a subcommittee of four Councilmembers to formulate the parameters by which a process can be created to develop a Strategic Plan for the City of College Park. Said Committee will have \$15,000 allotted to it for strategic plan development in the FY 2009 budget which will be used at the Subcommittee’s discretion to allow it to accomplish its mission.

There were no comments from the audience on this item.

Mayor Brayman stated there is nothing in the motion that indicates that the Subcommittee would have to report back to Council before spending the \$15,000 that is allotted in the budget, and believes that is a bad precedent.

Councilmember Stullich proposed an amendment to the second sentence of the motion: “Said Subcommittee will have \$15,000 allotted for strategic plan development in the FY 2009 budget and will make recommendations to the Mayor and Council for use of those funds to accomplish this mission.” The proposed amendment was seconded by Councilmember Catlin.

There were no comments from the audience on the proposed amendment.

Councilmember Wojahn supports the amendment.

Councilmember Perry discussed his participation in an earlier effort to form a Strategic Plan. He thinks this is a good step in the right direction.

The amendment passed 7-0-0.

The main motion, as amended, passed 7-0-0.

08-G-86 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to appoint Christine Nagel to the Cable Commission for a six-month appointment. The motion passed 7-0-0.

Council Comments:

Councilmember Wojahn announced the Branchville Volunteer Fire Company would hold a flea market and yard sale on Saturday August 16 from 9:00 a.m. to 2:00 p.m.

Councilmember Perry requested a future worksession item on the City's preferred alignment of the Purple Line. He urged the City Council to read the City's mission statement. He requested statistics on single stream recycling when they are available.

Comments From The Audience: None.

Adjournment: A motion to adjourn the meeting was made by Councilmember Perry and seconded by Councilmember Hampton. The motion passed 7-0-0 and the meeting was adjourned at 10:12 p.m.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, at 7:25 p.m. on July 15, 2008, in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Molinatto to enter into an Executive Session to discuss a personnel matter. The motion passed 8-0-0.

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, Mark Cook, Hampton and Mary Cook. City Manager Joe Nagro joined the meeting at 8:35 p.m.

Absent: None.

Topic Discussed: The City Manager's performance evaluation.

A motion was made by Councilmember Perry and seconded by Councilmember Stullich to adjourn the Executive Session. The Executive Session was adjourned at 9:21 p.m. by a vote of 8-0-0.
