

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

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

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; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Steve Halpern, City Engineer; Dorothy Friedman, Planner.

Mayor Brayman opened the meeting at 8:02 p.m. Councilmember Mark Cook led the Pledge of Allegiance.

Minutes: The minutes from the May 27, 2008 Regular Meeting and the June 10, 2008 Regular Meeting were presented for approval. A motion was made by Councilmember Stullich and seconded by Councilmember Mary Cook to approve the minutes as submitted. The motion passed 8-0-0.

Announcements:

Councilmembers Stullich and Mark Cook announced that the Old Town Civic Association would meet on Monday July 14, at 7:00 p.m.

Councilmember Mary Cook reminded everyone that August 5 is National Night Out.

Councilmember Catlin stated that there would be no worksession on Tuesday, August 5, due to National Night Out. The Worksession will be held the following night.

Councilmember Wojahn discussed the bike trail that is being built along side of the Inter-County Connector road.

Acknowledgement of Dignitaries: Jerry Anzulovic, President of the Berwyn District Civic Association.

Amendments To The Agenda:

Add 08-G-73: Request for Expressions of Interest in the Redevelopment of the City Hall Site.

Add 08-G-74: Letter to the Maryland Community Legacy Program.

Mayor Brayman announced that the Council would hold a Worksession on items held over from last week's Worksession at the conclusion of tonight's regular meeting, and would not return to voting session after the Worksession.

City Manager's Report: Mr. Nagro reported on the parking garage permits and on items before the Council in their red folders. Councilmember Wojahn asked for an update on the Police Services MOU. Mr. Nagro reported it is with the County and we are waiting for a response from the Office of Law.

Student Liaison Comments: None.

Comments From The Audience On Non-Agenda Items: None.

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

08-G-70 Approval Of A Driveway Apron Variance To Install A Double-Wide Curb Cut At 4607 Cherokee Street

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

Action Items:

08-G-71 Approval, With Conditions, Of Detailed Site Plan 08010 for Star View Plaza, And Authorization For The City Manager To Sign The Declaration Of Covenants And Agreement Regarding Land Use.

Mayor Brayman asked Ms. Ferguson to provide an update on the negotiations regarding the Declaration of Covenants And Agreement Regarding Land Use. Ms. Ferguson stated a new draft arrived this afternoon and was in the red folders. Mayor Brayman outlined the City's conditions about language in the Agreement that would pertain to the building if it becomes a condominium at some point in the future: that the building have unitary management, and that it would be no more than 25% rental. Mukesh Majmudar stated he does not believe the building will ever become a condo because it is being built as rental student housing, therefore does not believe that language is necessary. There was discussion about language in the Agreement and about the likelihood that the building would ever become a condo. Russell Warfel, the attorney for the applicant, suggested alternative language. There was discussion about the City's experience with other student housing buildings.

Councilmember Perry asked if the City's proposed language would create a problem with Mr. Majmudar's financing. Mr. Majmudar stated he was not entirely sure.

The discussion moved on to the next unresolved item in the Agreement, Number 8, regarding the added value provision. Ms. Schum explained that the parcel of land

involved in this project that the City owns was acquired with a \$425,000 loan from the State of Maryland Community Legacy Program. The City's application was written with the intention that when the property was sold to a developer, the City would retain the money and use it to acquire more parcels on the Route 1 corridor. The State responded that they wanted the loan to be repaid when the parcel was sold. An agreement with the State was executed stating that the City would repay the loan when the parcel was sold. Mr. Majmudar recently contacted the administrators of the State's Community Legacy Program to see if it was possible instead for the loan to be forgiven: for the City to retain the money, not repay it to the state, and possibly put it back into this project. Ms. Schum explained that Mr. Majmudar has to pay approximately \$220,000 for this property's portion of the stream restoration expenses, which is considered over and above detailed site plan expenses. He want this credited as their "added value" to the project. Mr. Majmudar is asking if it is possible to use that loan amount, if forgiven, for the pedestrian bridge. Ms. Schum said City staff followed-up with the State, and was told to put the request in writing, and that the funds could be used along the Route 1 corridor for an eligible activity under the Community Legacy Program, but did not necessarily have to go back in to this project.

There was discussion about who would maintain the bridge (the developer or Park and Planning, but not the City), what if the bridge costs more than \$425,000, and what would happen if the State said "No" to the request to forgive the loan.

Councilmember Perry stated he has a problem with this coming up now and suggested other uses for the \$425,000 if the loan is forgiven.

After continued discussion, it was agreed that the applicant would accept the City's condition regarding the condo management language in the Agreement, and that the City would work with the applicant to request forgiveness of the loan from the State, and that if the State forgives the \$425,000 loan, that money would go toward the bridge. If the bridge is built for less than \$425,000, or if the bridge is not built, the remaining money would come back to the City to be used in accordance with Community Legacy guidelines on alternate uses agreed to by the parties. If the bridge costs more, the applicant will pay the surplus. The ownership and maintenance of the bridge still need to be resolved between Park and Planning and the applicant. Finally, the applicant would be credited with the \$220,000 payment for the stream restoration as their added value.

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto that the Mayor and Council support Detailed Site Plan (DSP) 08010 for Starview Plaza, a mixed-use student housing project, located on Baltimore Avenue west of Tecumseh Street, subject to the following conditions:

1. Execution of a Declaration of Covenants and Agreement with the City.
2. APPROVAL of the alternative development district standards for:
 - a. Site Design. S2. Parking. - To allow a waiver of a minimum of three parking spaces. A 1:1 waiver of up to an additional seven parking

spaces for a total of a maximum of ten spaces will be permitted for each parking space below the currently proposed 355 spaces that cannot be provided in the full design and construction.

- b. Zoning Ordinance Section 27-558(a) - To reduce the width of standard parking spaces to 9 feet.
 - c. Zoning Ordinance Section 27-559(a) - To allow half of the number of spaces provided within the garage to be compact spaces.
 - d. Public Areas. P6. Utilities. A. - To allow the applicant to retain four existing utility poles at their current location without relocating them underground, with the requirement for a contribution at this time, and an ultimate pro rata share contribution by the 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.
 - e. Building Design B1. N. Height, Scale, Massing and Size; Zoning Ordinance Section 27-419 - To allow bedroom sizes to vary from required percentages for student housing.
 - f. Building Design B1. Height, Scale, Massing and Size; Building Heights Map - To allow the applicant to exceed the 5-story height limit, to construct a 6- story building.
 - g. Building Design B3. Architectural Features. C. - To permit the applicant to construct a multifamily building whose exterior is 59% brick instead of a minimum of 75% brick, stone or approved equal.
 - h. Building Design B1. N. Height, Scale, Massing and Size. M. - To allow the average bedroom square footages to be lower than the minimum required by the Development District Standards.
3. Prior to obtaining a building permit, the Developer shall execute a written agreement with the University of Maryland for an on-site UM Shuttle stop and service. Service to the stop shall be generally consistent with that offered by the University of Maryland to similar sites on a regular shuttle circuit. In lieu of an agreement with the University of Maryland, the Developer shall provide a private shuttle to and from the University of Maryland that operates between the hours of 7:00 a.m. and 10:30 p.m., Monday through Friday, with headways of every 30 minutes at all times. Specifications and assurances for any shuttle service shall be provided to the City prior to issuance of any building permit, and information regarding the shuttle service shall be included in marketing material for the project. In addition, the Developer shall survey its residents concerning commuting patterns and habits within six months of substantial completion of the Project and shall share this information with the City of College Park.
 4. Revise the site plan to include the following:
 - a. Striping and arrows to show on-site circulation and signs to prohibit left turns, as required by the State Highway Administration, until such time as a median is installed.

- b. An on-site bus stop for the UM Shuttle, with appropriate shelter.
 - c. A minimum of two bicycle racks to serve the retail uses.
 - d. A minimum of two parking spaces in the garage for car sharing under a contract with Zip Cars or other equivalent provider, including provision of car-sharing services by the developer.
 - e. Benches, trash receptacles and planters along the streetscape in front of the retail development.
 - f. Louis Poulson Triangular Pedestrian Street Lights spaced at not more than 50-foot intervals.
5. Revise the landscape plan to include the following:
 - a. Eliminate street trees behind the existing curb at Route 1 and relocate the 5- foot sidewalk to just east of the proposed right-of-way dedication, to be consistent with the approved concept for Route 1 Improvements.
 - b. Substitute Zelcova, Honey Locust, Chinese Elm or Hawthorn for the London Plane Trees along Route 1. Trees should be installed in an underground, connected tree pit with structural soil.
 - c. Substitute Arborvitae, Holly, Euonymus, Privet, Red Tipped Photina for the Leyland Cyprus, along the northern and southern property lines. A mixed planting is suggested at the southern property line.
 - d. Substitute Crepe Myrtle, Acusa Dogwood, or Anur Maple for the Redbuds at the southwestern façade of the garage and add liriopé ground cover at this location.
 6. Submit revised elevations for the northern, southern and western building facades for review and approval, to show detailed design and construction materials for the exposed levels of the parking structure.
 7. Submit a revised sign plan for review and approval. Illuminated box signs are not permitted and should be replaced with individual illuminated channel letters. Consider lowering the lobby signage to the height of the tenant signs.
 8. Prior to building permit, provide a written determination by the Federal Aviation administration and/or the Maryland Aviation Administration that the proposed project does not provide an airway obstruction, if required.
 9. Prior to certification of the DSP, submit a new, revised Stormwater Management Concept Approval Letter.

Councilmember Catlin read the comments into the record.

Mayor Brayman asked the applicant if they would represent their full support of the Agreement negotiated tonight and the conditions listed above to the Planning Board. Mr. Warfel answered, “Yes”. Mayor Brayman asked what LEED standard they are attempting to achieve. Mr. Josh Peters believes they are at about a 33, right on the cusp of Certified and Silver.

Councilmember Perry asked about the type of studs being used, wood or steel. The reply was “wood.” Councilmember Perry asked if steel studs would give them a better rating. He asked the applicant to inquire about the use of steel studs.

There were no comments from the audience.

The motion carried 8-0-0.

08-G-74 Authorize the Mayor to sign a letter to the Maryland Community Legacy program requesting that the loan of \$415,000 received in April 2002 for purchase of the Lee property be forgiven (re: Star View).

A motion was made by Councilmember Perry and seconded by Councilmember Molinatto that the Mayor be authorized to sign a letter to the Maryland Community Legacy program requesting that the loan of \$425,000 be forgiven as per the discussion with the developer this evening.

There were no comments from the audience on this item.

The motion carried 8-0-0.

08-G-73 Request for Expression of Interest in the Redevelopment of the Existing City Hall site

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto that the Council authorize the City Manager to immediately issue a “Request For Expression Of Interest In The Redevelopment of the Existing City Hall Site.” Solicitations would be sent to the development community for projects including high-end hotels and other high-end uses. The request would indicate the City’s preference for a full-service hotel and conference site five to six stories in height. Responses would be requested by mid-August.

There were no comments from the audience on this item.

Councilmember Catlin commented this is needed to keep the existing downtown area on a par with the new East Campus Development, and the timing is needed to take advantage of the expected Tax Increment Financing for the downtown College Park area in conjunction with the East Campus project going forward. Councilmember Catlin stated the Council is optimistic that a new site for City offices can be obtained to make the existing site available for redevelopment. He said the preference is for a full-service, high-end hotel such as a Hilton, but the Council would not preclude other options.

Councilmember Perry stated he would not support the motion because the Council has not had enough time to discuss it. He said the parking garage is supposed to be for the business community, not a hotel. He believes five stories is not high enough for this site. He asked what the property is worth and how much the City is going to get? He asked if this project would be in competition with East Campus?

Councilmember Stulich clarified that this motion only authorizes the issuance of the Request for an Expression of Interest, and is not about making decisions about the many issues that would have to be negotiated. She believes it is prudent to find out what options may be available to the City. She believes taller buildings should go on the west side of Route 1, and that the Council should be more protective of neighborhoods on the east side of Route 1.

Councilmember Wojahn stated this item was discussed at last week's Worksession and at that time his concern was that the request was too limiting. He will support this motion because it does not limit the request to just a Hilton.

Councilmember Mary Cook acknowledged this is moving rapidly and is concerned that this may not be the project that we want. She is not sure a hotel is the best use.

Councilmember Molinatto recognized this might be moving faster than usual but he believes it is best to keep the momentum going on this project. He knows this is just a request for interest and the City is not committing to anything at this time.

Councilmember Mark Cook supports the motion and hopes to get a high-end hotel on the site. He expects a high-end hotel will employ a number of people from the surrounding community.

Councilmember Catlin stated that the University wants a full service hotel in the City and this is not at cross-purposes with East Campus. He mentioned the revenue from Hotel tax.

Mayor Brayman discussed the process to be used for this request. He said the City needs to catch up with East Campus. There will likely be a Special Worksession in August to review the responses to the request.

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

08-G-72 Appointments To Boards And Committees

Mayor Brayman nominated John Krouse to the Advisory Planning Commission for a six-month term, and Charles Smolka to the Advisory Planning Commission for a three-year term. A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to approve the nominations. The motion carried 8-0-0.

Council Comments:

Councilmember Catlin commented on the County’s consolidated tax bill that was recently mailed out. The City’s Homestead Tax Credit appears at the bottom.

Mayor Brayman requested a future worksession item to discuss a request to rename the College Park Community Center after Mayor Dervey Lomax.

Councilmember Perry asked to have the item “English as the official language of the City of College Park” moved up on the future agenda. He also wants to add “the selection of a preferred Purple Line alignment” to the future agenda.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Stulich to adjourn the Regular Meeting. The motion passed by a vote of 8-0-0, and the meeting was adjourned at 9:50 p.m. Mayor Brayman announced that the Council would convene a Worksession at 10:00 p.m., but would not return to voting session tonight.

Janeen S. Miller, City Clerk