

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 14, 2008
8:00 P.M.
Amended October 28, 2008

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stulich (arrived at 8:07 p.m.), Hampton (present for the Worksession) and Mary Cook (left at 10:30 p.m. during the Worksession); Student Liaison Dan Hartinger.

ABSENT: Councilmember Mark Cook

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Robert Ryan, Director of Public Services; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Elisa Vitale, Planner; Dorothy Friedman, Planner; Robert Stumpff, Director of Public Works; Jeannie Ripley, Code Enforcement Manager.

Mayor Brayman opened the meeting at 8:03 p.m. Councilmember Wojahn led the Pledge of Allegiance.

Minutes: The minutes from the September 16, 2008 Special Session and the September 23, 2008 Regular Meeting were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to adopt the minutes. The motion carried 6-0-0.

Announcements: The Council congratulated Councilmember Mark Cook and his wife Sylvia Bolivar on the birth last week of their son, Wyatt Bolivar Cook.

Councilmember Wojahn announced that on October 25 starting at 9:00 a.m. there will be a community clean up in the commercial area around Rhode Island Avenue and Edgewood Road.

Councilmember Perry announced the Berwyn District Civic Association would meet on Thursday, October 16, at 8:00 p.m. at Fealy Hall.

Acknowledgement of Dignitaries: Mayor Brayman welcomed Larry Bleau, President of the North College Park Civic Association, and Jonathan Sachs, President of the Student Government Association.

Acknowledgement Of Newly Appointed Board And Committee Members: None.

Amendments To The Agenda: None. It was noted that there would be a Worksession following tonight's meeting.

City Manager's Report: Mr. Nagro mentioned the items in the Council's red folders. The Public Works yard is open Saturday October 18 and October 25 for fall clean up. The paper shredding event, held last Saturday, was very popular and will be repeated in the Spring.

A Council Subcommittee is needed to review the applications for the Community Services Grants. Mayor Brayman appointed Councilmembers Mary Cook, Catlin and Wojahn to the Subcommittee.

The City of College Park Family Summit, "Connecting Youth to Community" will be held on Tuesday, October 28 from 8:00 a.m. – 2:30 p.m.

A representative from Gov. O'Malley's office has requested a meeting with City officials on Thursday morning. There will be an opportunity to discuss the agenda for this meeting during the Worksession after tonight's Council meeting.

Student Liaison Comments: Mr. Hartinger said the campus voter registration drive ended today and that over 2,000 students registered to vote.

Comments From The Audience On Non-Agenda Items:

Larry Bleau, President, North College Park Citizens Association, 4901 Niagara Road: At the last NCPCA meeting, the Association took a position on the Revised US 1 corridor sector plan: to support the enlargement of the boundaries, with the exception of the residential area between US 1 and north of Edgewood Road. The commercial area of Hollywood should be left in. They discussed the proposal to re-stripe Edgewood Road at the Rhode Island Avenue intersection, and voted to oppose the proposal. They amended their by-laws with respect to the election of officers.

Presentation: Jonathan Sachs, President, Student Government Association, gave a presentation on SafetyUMD. Further information is available at www.sga.umd.edu.

Consent Agenda: None.

Action Items:

08-G-96 Approval of a Petition Request for Vacation of Right of Way in Kropps Addition Subdivision.

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to approve a letter consenting to the vacation of a total of 71,601 square feet, or 1.6437 acres, of City right-of-way (part of College Avenue, Lehigh Avenue, Calvert Road and Cpl. Frank Scott Drive, which are "paper" streets), subject to the following condition: Approval and recordation of a final plat of subdivision,

including provision of the requested easements for Washington Gas and the Washington Suburban Sanitary Commission.

Councilmember Catlin read the comments into the record.

Nick Bridges, a Land Surveyor with WMATA, was present for the applicant. When asked if his agency is in agreement with the condition and the easements, he replied, “We are.”

There were no comments from the audience on this item.

The motion carried 6-0-0.

08-G-97 Approval, With Conditions, of Preliminary Plan of Re-Subdivision of University View (4-08033)

Elisa Vitale, City Planning Staff, updated the Council on the status of the project. The applicant provided staff with the certified Detailed Site Plan, which resulted in the elimination of some of the conditions. The revised motion includes three remaining items that were conditions in the previous DSP approval and old condition 5. All of these are notes that would be added to the Preliminary Plan. The applicant has reviewed and is in agreement with the revised motion.

Norman Rivera, representing the applicant, stated the applicant’s agreement with the revised motion. The parties will work together on the side with respect to the alignment of the sidewalk.

Councilmember Perry asked Ms. Vitale if the revised motion reflects everything in the letter, dated today, that is attached. Ms. Vitale stated that it does.

A motion was made by Councilmember Perry and seconded by Councilmember Catlin that the City Council recommend approval of Preliminary Plan of Subdivision 4-08033 for re-subdivision of University View subject to the following conditions:

- 1. Inclusion of the following Preliminary Plan notes as required by conditions B.1.h.1, B.2.h.2, and B.2.c of DSP 02027/03:**
 - B.1.h.1) A disclosure clause on final plats and deeds for all properties that notifies prospective purchasers that the property has been identified as within approximately one (1) mile of a general aviation airport. The disclosure clause shall include the cautionary language from the General Aviation Airport Environment Disclosure notice.**
 - B.1.h.2) The rooftop terrace and pool area in the existing building shall be available for use by the residents in the subject DSP, subject to reasonable time restrictions if determined to be necessary.**

- B.2.c. Revise the trip cap notes on the record plat for the subject property to indicate: the Total development within the subject property shall be limited to 506 multifamily residential units (506 units or 1,582 beds), and 11,600 square feet of commercial retail, or any other allowed uses generating no more than 77 AM and 211 PM peak hour trips, respectively.**
- 2. A note on the Preliminary Plan should indicate that the approval of this Preliminary Plan is a re-subdivision of a prior Preliminary Plan and plat for a mixed-use development in the M-U-I Zone pursuant to the requirements of the US 1 Sector Plan. The property is under common ownership and the purpose of this subdivision is to facilitate financing of a new phase of the project. This approval in no way allows or permits future projects to be single use sites in the M-U-I Zone unless developed under single use guidelines and requirements. This site was clearly developed under a common Preliminary Plan, Detailed Site Plan and record plat.**

Councilmember Perry read the comments into the record. The project will provide 1,582 beds.

Norman Rivera stated the applicant's support for all of these conditions and stated he would represent this to the Planning Board.

Otis Warren said they will move rapidly to begin construction, and anticipate ground breaking in three weeks.

The motion passed 6-0-0.

08-G-98 Approval, with Conditions, of Detailed Site Plan 08001 and Departure from Parking and Loading Standards and Parking Design Standards and Declaration of Covenants for Mosaic at Turtle Creek.

A motion was made by Councilmember Stulich and seconded by Councilmember Mary Cook to recommend approval of Detailed Site Plan 08001 for the Mosaic at Turtle Creek subject to the following conditions:

- 1. Execute a Declaration of Covenants and Agreement Regarding Land Use with the City that addresses, among other things, the future possibility of the project being sold to a not-for-profit entity and unitary management in the event the project is converted to a condominium regime.**
- 2. Prior to the issuance of building permits:**
 - a. Revise the site plan to show a UM Shuttle bus stop at the building's front entrance.**
 - b. Revise the site plan to show bicycle storage for a minimum of 30 bicycles in the garage.**

- c. **Revise the site plan to show the location of amenities, where possible, including a business center and fitness center.**
 - d. **Post bonds for Mowatt Lane improvements, as approved by Prince George's County Department of Public Works and Transportation.**
 - e. **Submit plans to the City for a pedestrian walkway and lighting to be constructed between the subject site and Mowatt Lane in the easement area adjoining the Hillel property.**
- 3. Prior to obtaining use and occupancy permits:**
- a. **Submit evidence of certification of the proposed development according to the National Green Building Standard (ICC-700 2008) and or Leadership in Energy and Environmental Design for New Construction (LEED-NC) Certification.**
 - b. **Provide the City with evidence of a non-exclusive quitclaim easement from the University of Maryland for pedestrian access and use of the twenty-foot wide property adjoining the Hillel property and connecting the subject site to Mowatt Lane.**
 - c. **Construct the pedestrian walkway in accordance with the approved plan.**
 - d. **Provide the City with written evidence of an agreement with the University of Maryland for UM Shuttle service and an on site bus stop. Service shall be generally consistent with that offered by the University of Maryland to similar sites on a regular shuttle circuit.**

Councilmember Stullich further moved that the City Council recommend approval of Departure from Parking and Loading Standards Application 336 and Departure from Parking Design Standards Application 587 that are companion applications to the Detailed Site Plan submission.

Councilmember Stullich read the comments into the record.

Ms. Ferguson stated a revision to the Declaration of Covenants and Agreement is provided in tonight's red folders that includes non-substantive changes that were requested by the applicant for clarification. Mayor Brayman requested clarification on the resolution of the two outstanding items from last week's worksession: 1) to allow for an additional 10% on the rental cap of the number of units within the development that could go rental, and 2) whether the development could be removed from the tax rolls if purchased by a non-profit entity. Ms. Ferguson said there was agreement to the City's standard language concerning the tax rolls. The number of rentals was increased by 10% because of the unique nature of this project. It was clarified that the extra 10% would come from the University of Maryland College Park, not University College nor the University System of Maryland.

William Shipp, O'Malley Miles, representing the applicant: He stated the applicant's agreement with the terms of the Declaration of Covenants and Agreement and will support the conditions in the motion.

Groundbreaking is anticipated in 2010 after permits are obtained.

There were no comments from the audience.

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

08-G-99 Appointments to Boards and Committees

Mayor Brayman reappointed Grace Gardiner, Alan Bradford and Peter King to the Ethics Commission. Councilmember Stullich reappointed Alan Stillwell to the Noise Control Board. A motion was made by Councilmember Mary Cook and seconded by Councilmember Stullich to approve the reappointments. The motion passed 6-0-0.

Council Comments:

Councilmember Perry complimented Staff for placing safety reflectors on the stop signs.

Councilmember Catlin discussed electronics recycling and reminded residents to recycle their old TVs when television signals convert to digital in February. Mr. Nagro clarified that electronics are recycled year-round.

Councilmember Wojahn reminded residents that the Shuttle UM bus schedule and IDs are available at City Hall.

Councilmember Stullich discussed the sound wall barrier that disrupts the hiker-biker trail on the Old Town side of Paint Branch Parkway. She also raised the issue of pedestrian safety on Route 1. These items will be placed on a future worksession for discussion.

Councilmember Mary Cook requested Staff look into reports of shots being fired close to the park on Autoville Drive.

Comments From The Audience:

John Hawvermale, 1342 Excalibur Lane, Sandy Spring: Wanted to know how much of the sound wall would be removed for the hiker-biker trail connection to Paint Branch Parkway, because he owns the last property that abuts the sound wall. Asked when they are going to start the work on the extension through Rhode Island from Paint Branch Parkway south of Calvert Road. (Mr. Nagro said public hearings would be held early next year and begin construction next summer.) He concurs with the concern for pedestrian safety on Route 1.

Larry Bleau, 4901 Niagara Road: Commented on his use of alternative forms of transportation. Said there should be a curb cut on the hiker biker trail at Paint Branch Parkway.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to adjourn the regular meeting. The Council will reconvene in Worksession after a 10-minute break, but will not return to voting session tonight.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, at 12:20 a.m. on October 8, 2008, in the Council Chambers of City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to enter into an Executive Session to consult with Counsel to discuss a matter directly related to a negotiating strategy. The motion passed 4-2-0 (Molinatto and Perry opposed; Hampton and Mark Cook were absent).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, and Mary Cook. Also in attendance were City Manager Joe Nagro, Assistant City Clerk Yvette Allen, City Attorney Suellen Ferguson, Planning Director Terry Schum, Assistant to the City Manager Sara Imhulse, Planner Dorothy Friedman and Student Liaison Dan Hartinger.

Topic Discussed: Discussion of Mosaic at Turtle Creek – Declaration of Covenants and Agreement regarding land use.

A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adjourn the Executive Session. The Executive Session was adjourned at 12:34 a.m. by a vote of 6-0-0.

Pursuant to §C6-3 of the College Park City Charter, at 6:41 p.m. on October 15, 2008, in the Council Chambers of City Hall, a motion was made by Councilmember Molinatto and seconded by Councilmember Catlin to enter into an Executive Session to consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale; consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George’s County; and discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal. The motion passed 4-1-0 (Councilmember Perry opposed; Councilmembers Wojahn, Mark Cook and Mary Cook absent).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn (arrived at 6:47 p.m.), Catlin, Perry, Stulich, Hampton; Student Liaison Dan Hartinger; Financial Advisor Tom Himler; City Attorney Suellen Ferguson; Finance Director Steve Groh; City Manager Joe Nagro; Planning Director Terry Schum.

The Council was later joined by two development teams.

Topic Discussed: The Council interviewed potential developers of the City Hall site.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stulich to adjourn the Executive Session. The meeting was adjourned at 10:47 p.m.
