

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, January 13, 2009**  
**8:00 p.m.**  
**As Amended 1-27-09**

**PRESENT:** Mayor Brayman; Councilmembers Wojahn, Catlin, Perry, Stulich (arrived at 8:20 p.m.), Mark Cook, Hampton, Mary Cook; Student Liaison Dan Hartinger (arrived at 8:16 p.m.).

**ABSENT:** Councilmember Molinatto.

**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; Dorothy Friedman and Elisa Vitale, Planning staff.

A quorum being present, Mayor Brayman called the Regular meeting of the College Park City Council to order at 8:03 p.m. The pledge of allegiance was led by Councilmember Mark Cook.

**Minutes:** A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to approve the minutes of the December 9, 2008 Public Hearing and the December 9, 2008 Regular Meeting as distributed. The motion carried 6-0-0.

**Announcements:**

Councilmember Perry announced he will seek reelection to the City Council in the November elections.

Councilmember Catlin announced the Berwyn District Civic Association would hold their monthly meeting on Thursday at 8:00 p.m. at Fealy Hall.

Councilmember Mary Cook announced the annual tribute to Dr. Martin Luther King, Jr. would be held on Saturday at the Clarice Smith Center for the Performing Arts.

**Acknowledgement of Dignitaries:** Mayor Brayman recognized Larry Bleau, President of the North College Park Citizens Association; Bobbie Solomon Pinkett, Noise Control Board; Helen Long, Housing Authority; and State Senator Jim Rosapepe.

**City Manager's Report:** Mr. Nagro announced that City offices would be closed on Monday and Tuesday January 19 and 20 for the Martin Luther King and Inauguration Day holidays. Trash will be picked up on Tuesday per the published schedule. Budget Worksessions will be held on Saturday April 4 and Saturday April 18. Mr. Nagro introduced new full-time contract police officer Shannon Baldwin to the Council. Mr. Nagro discussed the City's participation in the Maryland Municipal League Geocache Trail and the Geocache box that the Clerk's office has hidden in the City. For more information, visit [www.geocaching.com](http://www.geocaching.com).

**Student Liaison Comments:** Mr. Hartinger said that since school is currently out of session, there is not much on the docket.

**Comments from the Audience on Non-Agenda Items:**

**Larry Bleau, 4901 Niagara Road, President, North College Park Citizens Association:** At their January meeting, the NCPCA discussed litter in north College Park and a possible web page for NCPCA. They also heard a presentation on the Preliminary Master Plan of Transportation. Mr. Bleau submitted the NCPCA's comments on the Preliminary Master Plan of Transportation to the Council for consideration.

**Byron Patterson, 4813 Guilford Road:** Requested the City to better manage security within the City limits and discussed concerns with identify theft.

**Consent Agenda:**

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

**09-R-01        A Resolution of the City of College Park Maryland Paying Tribute To Dr. Martin Luther King, Jr.**

**The motion passed 7-0-0.**

**Action Items:**

**09-R-02        Approval Of A Resolution In Support Of The College Park City-University Partnership And College Park Housing Authority Grant Application For The Neighborhood Conservation Initiative Program.**

**A motion was made by Councilmember Wojahn to adopt 09-R-02, A Resolution Of The Mayor And Council Of The City Of College Park In Support Of The College Park City-University Partnership And College Park Housing Authority Grant Application For The Neighborhood Conservation Initiative Program.**

Councilmember Wojahn stated that adoption of this Resolution would support a grant application submitted jointly by the City-University Partnership and the College Park Housing Authority which, if granted, would allow the Partnership to buy vacant, foreclosed single-family homes in the City, with the intention of renovating and then reselling the homes to people who work in the City or M-Square. This would address the issue of vacant foreclosed housing and providing quality affordable housing to the public.

Mayor Brayman thanked Senator Rosapepe for bringing this to the attention of the Partnership.

There were no comments from the audience.

Councilmember Catlin believes this is a program the City can make good use of, assuming it gets funded. He stated it is a competitive grant.

Councilmember Perry asked if a budget adjustment would be necessary to implement this? Mr. Nagro stated the Resolution gives the City Manager and the Finance Director the ability to move the monies around for this program. The \$22,500 is currently funded in the Capital Improvement Program begun 3 years ago. That balance would be moved to this new program. The \$59,500 (roughly \$12,000 over five years) would be budgeted each year beginning in FY '10. The resolution also relieves the PILOT. This Council cannot obligate future Councils. A new budget is adopted each year and the Council that adopts each year's budget will determine what they approve.

Councilmember Stullich spoke in support of the grant application because the growing number of foreclosures can have an adverse impact on our neighborhoods.

Councilmember Mary Cook asked about marketing, selling and advertising the homes – do we know who would take that on?

Amy Negebauer, Executive Administrator of the College Park City University Partnership, and Regina Stone-Mitchell, Executive Director of the College Park Housing Authority, responded that marketing would be handled partially through the CPCUP and the University of Maryland. Marketing strategies were discussed. The homes will be sold using Realtors.

Mayor Brayman thanked Ms. Neugebauer, Ms. Stone-Mitchell, and Ms. Helen Long for their work on this program. He is pleased with the partnership of the University of Maryland, the Housing Authority, the City of College Park, and the City-University Partnership on the program. Mayor Brayman pointed out an additional document in the red folders that requires his signature tonight. Hearing no objections, he will also sign that document with this motion.

**The motion passed 7-0-0. Councilmember Perry noted that he voted in favor of the motion with reservation.**

**09-G-01      Approval Of A Letter To Diane Ratcliff, Director of Planning for MTA, In Support Of The Purple Line**

A motion was made by Councilmember Stullich to send the attached letter to the Maryland Transit Administration in support of the Purple Line. Councilmember Stullich read the comments into the record. She recommends support for the medium investment option rather than the high investment option due to cost-benefit tradeoffs. The high investment option is 34% more expensive than the medium investment option. She stated the medium investment option is a good option to support, is more likely to be funded, and is supported by the M-NCPPC as well. She discussed the letter, the various alignments, the University of Maryland's concerns, and the City's recommendation.

**Comments from the audience:**

**Byron Patterson, 4813 Guilford Road:** Does not believe the Purple Line’s objective is consistent with the zoning structure, and believes it will take additional resources to bring it up to par with the goal.

**A motion was made by Councilmember Perry to amend the letter by deleting the second line of the first paragraph. The motion failed for the lack of a second.**

**A motion was made by Councilmember Perry to amend the letter by deleting the sentence that begins with “Furthermore...” in the second paragraph on the first page. The motion failed for the lack of a second.**

**A motion was made by Councilmember Perry to amend the letter by deleting Paragraph 2 on page 2 in its entirety which begins, “We do, however....” The motion to amend was seconded by Councilmember Mary Cook.**

Councilmember Stullich spoke against the proposed amendment.

Councilmember Mary Cook was bothered by the paragraph because it is wishy-washy. She does not want to ask for permission to defer the Council’s decision. She prefers stronger language.

Councilmember Wojahn said other universities with research facilities successfully co-exist with light rail lines.

Councilmember Catlin is opposed to the amendment and thinks we should let the experts sort out the data before we make the final decision.

**The vote on Councilmember Perry’s motion to amend was 1-6-0 (Councilmembers Wojahn, Catlin, Stullich, Mark Cook, Hampton and Mary Cook opposed).**

**A motion to amend the letter was made by Councilmember Stullich and seconded by Councilmember Wojahn. Councilmember Stullich proposed amendments to the second paragraph on Page 2 to address concerns raised during Council discussion.**

**The motion to amend the second paragraph on Page 2 passed 6-1-0 (Councilmember Perry opposed).**

**A motion to amend the final paragraph of the letter was made by Councilmember Perry and seconded by Councilmember Stullich by removing the word “preliminary.”**

**A motion to amend the amendment was made by Councilmember Wojahn and seconded by Councilmember Perry by changing the second sentence of the paragraph. Several changes were proposed. The motion to amend the amendment passed 7-0-0.**

**The vote on the amended amendment carried 7-0-0.**

**The vote on the main motion, as amended, carried 6-1-0 (Perry opposed).**

The final letter is attached.

**09-G-02      Approval Of Detailed Site Plan 07062 for The Varsity At College Park, And Approval Of And Authorization For The City Manager To Sign The Declaration Of Covenants**

Mayor Brayman requested and received an update from Ms. Schum and Ms. Ferguson prior to the motion. Ms. Ferguson outlined recent changes to the Declaration of Covenants and Agreement Regarding Land Use as presented to Council in tonight's red folders. She stated the applicant is in agreement with the proposal. As a result, the motion has also changed.

**The revised motion was made by Councilmember Catlin and seconded by Councilmember Perry that the City Council support Detailed Site Plan 07062 for the Varsity at College Park, a mixed-use student housing project located on Baltimore Avenue west of Melbourne Place, subject to the conditions listed below. I further move that the City Council support the rezoning of 1.03 acres of R-O-S land to the M-U-I zone and the requested amendment from Section 27-548.44 of the Zoning Ordinance requiring 30% open space in Aviation Policy Area 4. The conditions are as follows:**

- 1. Execute a Declaration of Covenants and Agreement with the City.**
- 2. Support APPROVAL of the following alternative development district standards for:**
  - a. Public Areas. P6. Utilities. A. - To allow the applicant to retain five existing utility poles at their current location without relocating them underground, with the requirement for a contribution at this time to be determined by the Planning Board, 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.**
  - b. Site Design. S2.W. Parking. - To allow a waiver of up to 186 parking spaces, with the requirement that the University of Maryland provide for overflow parking on campus as required by residents.**
  - c. Site Design S3.L. Lot Coverage - To allow applicant to cover 100% of the site contrary to the requirement that the applicant provide a minimum of 30% open space as stated in the Sector Plan.**
  - d. Site Design S6.C Trees, Planting and Open Space – To allow the applicant to provide 3.57% tree cover instead of 10%.**
  - e. 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.**
  - f. 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.**

- g. **Building Design B3. Architectural Features C.** - To permit the applicant to construct a multifamily building whose exterior is 64% 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 be lower than the minimum required by the Development District Standards.
3. Prior to Detailed Site Plan Certification provide an updated letter from the University of Maryland reaffirming the availability of parking on campus to accommodate the parking needs of residents.
  4. Prior to Detailed Site Plan Certification provide a written justification for the 20% parking credit for alternate modes of transportation that, at a minimum, includes language that supports a car sharing program, a University of Maryland bicycle lending/leasing program, and University of Maryland shuttle service.
  5. Prior to obtaining a building permit, the developer shall execute a written agreement with the University of Maryland for a UM Shuttle stop contiguous to the site. 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 Applicant shall provide a private shuttle to and from the University of Maryland that operates consistent with that offered to similar sites on a regular University of Maryland regular shuttle circuit. Specifications and assurances for any shuttle service, which shall continue for so long as the property is used for student housing, 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 Applicant 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.
  6. Prior to applying for a Use and Occupancy Permit, the developer will provide a minimum of four (4) parking spaces in the project garage for car-sharing of four (4) vehicles, based on 1 shared space per 100,000 square feet of gross floor area. The developer shall contract with Zip Cars or other equivalent vendor to provide such car sharing services. In the event that the developer after good faith effort is unable to contract with a vendor to provide such car sharing services, or the full number of cars required herein, then the developer shall be relieved of the obligation to provide those services, or the number of cars it is unable to obtain.
  7. Prior to building permit, the developer shall enter into an agreement with the University of Maryland for the support of the University of Maryland Leasing/Lending Bike Program. This agreement shall require the developer to make a one time financial contribution of ten thousand dollars (\$10,000) towards said University Program. A copy of said agreement shall be provided to the City and M-NCPPC. If the said University program fails to be implemented before the issuance of the developer's use and occupancy permit, the developer shall be relieved of the obligation to provide said financial contribution.
  8. Revise the site plan to include the following:
    - a. A minimum of 136 bicycle parking spaces to serve the development. Four bicycle racks for retail users should be provided at grade along the US 1 building elevation.

- b. A minimum of three trash receptacles along the US 1 streetscape at stairway locations and an additional trash receptacle on the arcade level.
  - c. A note that crosswalks on US 1 and Melbourne Place are to be constructed of interlocking pavers or stamped concrete.
  - d. Sidewalk material continued over the driveway aprons.
  - e. A note that the Applicant will be responsible for any signal modifications to the traffic light at US 1 and Melbourne Place.
  - f. A minimum of four parking spaces reserved for Zip Cars or other equivalent providers unless such car sharing services cannot be provided.
  - g. A specification for the wheelchair lifts and delineation of access to the lift shown on the northern elevation.
  - h. A “Do Not Enter Sign” to prevent residents from accessing the 1-way service drive.
  - i. A Lighting Plan that includes building lights to illuminate the pedestrian pathway on the north side of the building.
9. Revise the landscape plan to include the following:
- a. A note on the Landscape Plan that reads “All landscaping within the courtyard and along the front of the building needs to be irrigated by an automatic underground irrigation system.”
  - b. Extend the proposed green screen along the parking area along the southern property line or work with the University of Maryland to provide additional plant material at North Gate Park to screen the parking and provide copies of the park improvement plans to the City and M-NCPPC.
10. Work with the University of Maryland to revise plans for the construction of North Gate Park to address conflicts with the proposed building design, including the park’s entry feature and plantings. Also show a pathway from the stairs on the southern building elevation to the park entry feature at US 1. Provide copies of revised park plans to the City and M-NCPPC.
11. Revise the Architectural Plans to include the following:
- a. Prior to certification of the DSP, the exterior design of the wheelchair lift area on the southern elevation shall be finalized with the input of the City of College Park. The design may include, but it is not limited to, an area for public art installation.
  - b. Prior to certification of the DSP, the design of the retail frontage on the south elevation shall be finalized with the input of the City of College Park. The design may include, but it is not limited to, design features that will take advantage of the views into North Gate Park, such as increased fenestration, additional outdoor seating area, or open air dining opportunities.
  - c. Identify fencing material around the parking deck.
  - d. Provide a railing along the walkway on the north elevation by the retail, if the walkway is not at grade.
  - e. Revise the parking plaza to show all parking space dimensions as 18’ x 8.5’ (universal spaces) to maximize the number of parking spaces and request a Departure from Parking Design Standards, unless such a revision would impede, contravene or delay the pending detailed site plan. Insure that loading spaces do not conflict with the

structure of the building and that handicapped individuals have easy access to elevators.

- f. If the parking spaces are revised pursuant to condition 11(e), recalculate and revise the parking schedule.
12. Prior to DSP certification, provide a color and materials board and lighting plan for approval by City and M-NCPPC staff.
13. Provide a listing of the building amenities on the plan.
14. Prior to the issuance of the first building permit, if required by SHA, the construction of the proposed US 1 Street Improvements along the property's street frontage, as per specifications provided by SHA, shall (a) have full financial assurances, (b) have been permitted for construction and (c) have an agreed-upon timetable for construction with the City of College Park and/or SHA.
15. The Applicant shall comply with Section 27-548.42 (b) that states that in APA-6: *“No building permit may be approved for a structure higher than fifty feet unless the applicant demonstrates compliance with FAR Part 77.”*
16. The Applicant shall comply with Section 27-548.43 (b)(2) which states that *“A disclosure clause shall be placed on final plats and deeds for all properties that notifies prospective purchasers that the property has been identified as within approximately one mile of a general aviation airport. The disclosure clause shall include the cautionary language from the General Aviation airport Environment Disclosure Notice.”*

Councilmember Catlin commented that the project consolidates three parcels: Jerry's, Merchants and the old Alario's sites. The project will provide 258 units (901 beds) of student housing, 20,019 square feet of ground floor retail, and a 243 space parking garage.

Matthew Tedesco, Attorney for the Applicant, stated the applicant, as represented tonight by Donnie Gross, acquiesced to all conditions in the motion and to the revised Declaration of Covenants. The Planning Board date is next Thursday. Mayor Brayman asked Mr. Tedesco if he would affirm support for all of the conditions before the Planning Board? Mr. Tedesco replied, "Yes."

#### **Comments From The Audience:**

**Byron Patterson, 4813 Guilford Road:** He doesn't think the design fits in with the surrounding area and doesn't think it merits the land swap. The style of the architecture won't support the proper flow of traffic.

Councilmember Perry commented that what is being referred to tonight as the University of Maryland "North Gate" is properly called the "Founder's Gate." He has seen several proposals for this piece of property in the past and he will believe it when he sees it.

Councilmember Stullich is pleased to support this project because it helps to meet the serious need for student housing.

Mr. Hartinger supports the project and hopes the building isn't delayed.

**The motion passed 7-0-0.**

**Council Comments:**

Councilmember Perry complimented staff on recent street sweeping efforts and said that single stream recycling appears to be working in Berwyn.

Councilmember Wojahn asked for a future Worksession item to explore ways to address the crisis of homeowners who face potential foreclosure.

**Comments From The Audience:** None.

**Adjournment:** A motion to adjourn the meeting was made by Councilmember Perry and seconded by Councilmember Stulich. Following a vote of 7-0-0, Mayor Brayman adjourned the meeting at 9:50 p.m. Mayor Brayman announced that the Council would meet in Worksession to discuss one item after a ten minute recess.

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Janeen S. Miller  
City Clerk

Date Approved