

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 25, 2008
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stulich (arrived 8:08 p.m.), Mark Cook, Hampton and Mary Cook; Student Liaison Danielle Kogut.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager (arrived 8:11 p.m.); Robert Ryan, Director of Public Services; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Dorothy Friedman, Planning Department.

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

Announcements: Councilmember Perry announced that the Berwyn District Civic Association would hold a potluck dinner on Saturday night in the Four Seasons Room of Holy Redeemer Church.

Councilmember Wojahn announced two upcoming events sponsored by the Committee for a Better Environment: On April 12 at 9:30 a.m. there will be a clean-up and landscaping event at Hollywood Elementary School. On April 19 at 9:30 a.m. the Committee will participate in a County-wide Earth Day clean-up event at Guilford Run in south College Park.

Amendments To The Agenda: None.

City Manager's Report: Mr. Nagro announced the FY 2009 Budget would be delivered on Friday. The budget Worksessions will be held Saturday April 5 and Saturday April 12 at 7:30 a.m.

The solicitations have been sent to the banks for the Bond Anticipation Notes for financing the parking garage. He reviewed the schedule regarding the financing. He said permits are still in process for the garage.

Student Liaison Comments: Ms. Kogut announced the "M" stencil is in and the "M"s will soon be painted in the streets.

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

Consent Agenda:

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

08-G-49 The Maryland Stingers Women's Rugby Club Field Use Application For Duvall Field On March 30, 2008 From 9:00 a.m. to 5:00 p.m.

The motion carried 8-0-0.

Action Items:

08-G-42 Petition Request For Traffic Calming Devices On 51st Place Between Lackawanna Street And Mangum Road

Prior to the motion, Mayor Brayman announced that the Public Hearing for the petition request for traffic calming devices on 51st Place between Lackawanna Street and Mangum Road was held on March 11, but due to an advertising mistake on the web site, the record was held open until today. He asked if there was anyone present who wished to testify on this item. There was not. However, a letter was received from Ms. Barbara Wall, which Councilmember Wojahn read into the record.

A motion was made by Councilmember Wojahn and seconded by Councilmember Mary Cook to approve the petition request and authorize the City Manager to proceed with the installation of two traffic-calming devices on 51st Place between Lackawanna Street and Mangum Road.

Councilmember Wojahn stated that because of the testimony at the Public Hearing and the number of people who signed the petition, he felt it was justified to proceed with the installation of speed humps despite the staff recommendation to the contrary.

Mayor Brayman stated no further public comment would be taken at this time.

Councilmember Perry will not support this motion because the staff report shows that warrants for the installation of speed bumps were not met.

There was discussion about the placement of the traffic counters and the potential placement of the speed humps. City Engineer Steve Halpern stated the slope of the hill on the block is too steep to place the speed bump on the hill, because they cannot be placed on slopes 7% or greater, and the slope of the hill is 7%. Thus, the speed bumps will be placed at the top and bottom of the hill. He will do a site visit to determine the exact placement.

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

08-G-45 Motion To Approve A Declaration Of Covenants And Deed Of Access, Use And Parking Easement Agreement With 8400 Baltimore Avenue, LLC, 8320 Associates LLC And University View Partners, LLC For Signature By The City Manager

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to approve a Declaration of Covenants and Deed of Access, Use and Parking Easement Agreement with 8400 Baltimore Avenue, LLC, 8320 Associates LLC and University View Partners, LLC in substantially the form attached, for signature by the City Manager.

Councilmember Perry read the comments into the record.

Mayor Brayman asked the City Manager and the City Attorney if the City is in agreement with the language in the document. Both concurred. He then recognized Otis Warren, the applicant, and Norman Rivera, attorney for the applicant. He asked the applicant to confirm that all parties are in agreement with the documents. Mr. Rivera replied that they are in agreement with and accept the documents as presented.

Comments from the Audience:

Sam Doyle, 8004 Travis Lane, College Park: He expressed concern about the impact this and other developments along Route 1 might have on the flood plain. He presented historical information and photos showing flood conditions in the Metzert Road area of Acredale Park. He wants some assurance that this development won't make a bad situation worse.

Mr. Rivera stated the County code addresses the developer's Stormwater Management plan, which is designed to deal with the 100-year flood plain. He also discussed the Paint Branch Stream Restoration program that will improve the overall flow of the waterway. He said there is no evidence this development will exacerbate the problem.

Councilmember Perry expressed his faith in the County, State and Army Corps of Engineers who are working to revamp the stream and make it work better. He advised Mr. Doyle to keep an eye on development upstream – Konterra, Greenbelt Station, the brickyard, and the University of Maryland.

Councilmember Mary Cook asked about the calculation of the number of parking spaces, and the plan to deal with overflow parking. Ms. Schum stated parking calculations are done for the entire site, (both buildings together), in accordance with the formulas contained in the US Route 1 Corridor Sector plan, which allows a number of discounts to reduce the required amount of parking. Ms. Schum reviewed the numbers. Mayor Brayman stated the University had committed to taking overflow parking on campus. There was discussion about the stress overflow parking places on adjacent neighborhoods.

Councilmember Stulich expressed her support for the positive aspects of this project to aid the student housing crisis.

The motion passed 8-0-0.

08-G-46 Recommendation Of Approval With Conditions For Detailed Site Plan 02027/03 For University Overlook

A motion was made by Councilmember Catlin and seconded by Councilmember Perry that the Mayor and Council support Detailed Site Plan (DSP) 02027/03 for University Overlook, located at 8300 Baltimore Avenue subject to the following conditions:

1. Execution of the Declaration of Covenants and Agreement between the City of College Park and University View Partners, LLC, 8400 Baltimore Avenue, LLC, and 8320 Associates, LLC.
2. Execution of the Deed of Access, Use and Parking Easement Agreement between 8400 Baltimore Avenue, LLC, 8320 Associates, LLC, and University View Partners, LLC. The easement shall be noted on the site plan and shall provide for the number of on-site parking spaces required for in DSP 02027/03.
3. Revision of the site plan to show full access at the intersection of Route 1 and Berwyn House Road with installation of a traffic signal. In the event State Highway Administration (SHA) approval for this intersection is not obtained, prior to the issuance of a building permit, a staff level revision to the DSP may be filed, with the concurrence of the City, to address the access issue. If the concurrence of the City is not obtained, any amendment of the DSP for this purpose must be through public hearing before the Prince George's County Planning Board and, as appropriate, the District Council. If the Porter Property (liquor store) is acquired, the Navahoe Street access should be the minimum necessary and a pocket park should be provided as an amenity.
4. Finish the eastern elevation of the parking garage at University View by utilizing material to match the southern façade of the garage, providing a green screen or other treatment approved by the City of College Park and the Maryland-National Capital Park and Planning Commission (M-NCPPC).
5. Revision of the site plan to include the following:
 - a. Increase the number of plant units by providing additional shrubs and perennials at existing planting sites, if possible.
 - b. Provide four benches and trash receptacles in the streetscape along Baltimore Avenue.
 - c. Stripe the driveway between University View and University Overlook to

- indicate two-way traffic.
 - d. Provide additional bicycle racks on site as determined by M-NCPPC.
 - e. Clearly mark internal pedestrian ways to distinguish from vehicular travel-ways on site.
 - f. Continue sidewalk material across driveway aprons to provide safe and clear pedestrian crossings, subject to SHA approval.
 - g. Provide crosswalks across Baltimore Avenue as required by P2.E of the Route 1 Sector Plan Development District Standards, subject to SHA approval.
 - h. Provide an architect's evaluation for the installation of a green roof over the University View parking garage for review by the City of College Park and M-NCPPC staff.
6. Provide access to the swimming pool at University View for residents of University Overlook.
7. 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.

Councilmember Catlin read the comments into the record. Mayor Brayman asked Norman Rivera if the development team is in complete agreement with all of the conditions. Mr. Rivera replied, "Yes," and stated he is willing to represent this before the Planning Board.

Ms. Schum noted the City has received some additional information that was placed before the Council tonight. She reviewed a letter from Henry Zhang at the State Highway Administration. The SHA letter recommends that M-NCPPC staff deny the application until such time as the concerns are addressed by SHA. Ms. Schum discussed the issues raised in the SHA letter. The applicant provided a response to the SHA letter that was also provided to Council at the meeting.

Mayor Brayman stated he believes the City is protected through the Deed and the Covenants, and that these issues need to be resolved prior to the building permit phase. He hopes the item can proceed tonight to keep the timing on track, as a condition of approval, rather than a reason for denial.

Ms. Schum asked for clarification from Mr. Rivera that the traffic study that State Highway has requested would be completed next week? Mr. Rivera stated the applicant's intention is to complete the study next week and submit it to State Highway and Park and Planning.

Ms. Schum reviewed the other items placed before the Council tonight. She stated State Highway would make the determination about signalization and traffic flow after the traffic study is completed.

The motion passed 8-0-0.

08-G-47 Motion To Approve A Letter To Notify Crown Real Properties, LC, Owners Of The Property Located At 8315 Baltimore Avenue, Of The City's Decision To Accept Dedication Of, And To Exercise Jurisdiction And Control Over, That Portion Of Osage Street That Is Adjacent To Their Property, And Of The Proposed Future Improvement Of The Right Of Way

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to approve a letter in substantially the form as attached to notify Crown Real Properties, LC, owners of the property located at 8315 Baltimore Avenue, of the City of College Park's decision to accept dedication of, and to exercise jurisdiction and control over, that portion of Osage Street that is adjacent to their property, of the proposed future improvement of the right of way, and of the need to remove paving that encroaches into the right of way.

Councilmember Perry read the comments into the record.

There were no comments from the audience on this item.

Councilmember Perry stated Osage Street is a platted right of way and belongs to the City. He stated Koons is aware that they are encroaching on a platted right of way.

Mayor Brayman acknowledged this action will make waves and the Council will hear about it. He urged the Council to be strong because the City is trying to make something positive happen by these three actions tonight. He stated there is the existing problem of dysfunctional access to the current building, and this puts forward a recommended course of action. He stated it would not displace a business, and is for the good of the public.

The motion passed 8-0-0.

08-G-48 Appointments to Boards and Committees

A motion was made by Councilmember Mary Cook and seconded by Councilmember Perry to reappoint Sam Bronstein to the Committee For A Better Environment. The motion passed 8-0-0.

Council Comments:

Councilmember Perry commented on the SHA questionnaire about the I-95, I-495 UMD Connector Road. He encouraged people to respond. He also remarked that he received a mailing from Park and Planning indicating they are changing their procedures. You have to make sure you are still on their mailing list.

Councilmember Catlin commented that the Berwyn Community Garden group has hit a snag with the original location and is now considering the Plan B location, which is the vacant lot next to 4900 Ruatan Street. He also commented on a plan to install triple track sections on the CSX lines between Greenbelt and Riverdale Park by 2012-2013.

Councilmember Wojahn said he heard from a resident who is concerned about foreclosures and asked what resources might exist to help people facing foreclosure, and how the City can help by referring people to those resources. This item will be placed on a future worksession.

Mayor Brayman also discussed the SHA questionnaire about the UMD Connector Road, and urged residents not to circle the option of “construction of a new roadway” as a solution to traffic problems, because constructing the campus connector road will divert resources from Route 1 and would negatively impact a large section of College Park and the South Farm of BARC, which is the largest tract of undisturbed land from Boston to Raleigh. He also announced that Friday night, the Student Liaison Selection Committee would meet to interview candidates for the 2008-2009 Student Liaison position.

Comments From The Audience: None

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Stulich to adjourn the meeting. The meeting was adjourned at 9:48 p.m. by a vote of 8-0-0.

Janeen S. Miller, City Clerk