

MINUTES
Regular Meeting of the College Park City Council
Tuesday, January 31, 2006
9:15 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Olson, Fellows, Hampton and Peña-Melnyk. Emily Guskin, Student Liaison.

ABSENT: None

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Bob Levan, City Attorney; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services; and Suellen Ferguson, City Attorney.

Mayor Brayman opened the abbreviated Regular Meeting (following the Public Hearing) at 9:15 P.M. He noted there will be no additional public comment on the agenda item regarding Site Selection of City Hall Location as Part of the Downtown Redevelopment Project, since this was the subject of the Public Hearing.

06-G-10 Site Selection of City Hall Locations As Part of the Downtown Redevelopment Project.

A MOTION WAS MADE BY COUNCILMEMBER PERRY TO
AUTHORIZE STAFF TO PROCEED WITH THE CALVERT ROAD/FRIENDS
SCHOOL SITE AS THE PREFERRED LOCATION FOR CITY HALL.

Councilmember Fellows asked a clarification question about the intent of the motion. Mayor Brayman and Councilmember Perry confirmed that this is a first step in identifying this site as a preferred location to help negotiations with a developer move forward.

COUNCILMEMBER CATLIN SECONDED.

Councilmember Perry stated that the City currently owns the Friends School site, and that no new tenant can use the building without significant and expensive renovations. The land under the existing City Hall has a value to downtown developers. The Friends School site is restricted to a public use, and is ideal for a new City Hall due to its access to public transportation. Until the Council makes a firm

decision, we can't negotiate with potential developers. The Council has got to take action now, because a delay costs the City more money.

Councilmember Olson thanked the residents for coming to the Public Hearing that was held earlier. He believes the downtown redevelopment project has merit. He appreciated the Council's consideration of the Branchville site. He does not want to see City Hall move to the Friends School site, and believes there is value in keeping that location as a school. He questions why the Special Lot site is now unacceptable. This has been a very difficult decision for the Council. He cannot support this motion.

Councilmember Milligan agrees this is a difficult decision and that schools and education are important but are not the only things that make a community. He has been disappointed with the pace of the UMD Charter School talks. He read a passage about the survival of downtowns. Acknowledges that not everyone will be satisfied by the decision reached tonight, but points out this is not the final decision. His continued support of the Friends School site is contingent on some "musts:" 1) the project will remain financially viable, 2) soccer field and playground must remain on the site, 3) there be a commitment to look at the possibility of a satellite service center for people who live farthest away from this site.

Councilmember Catlin echoes many of Councilmember Milligan's comments. The dangers of increased delays include the loss of the preferred developer and skyrocketing costs. Alternative sites don't make sense due to acquisition costs. Need to move forward now. Believes using the Friends School as a school site in the future is speculative. This is not a final choice, just a preferred location to move forward with negotiations. We will have to come back to the public later with the details.

Councilmember Peña-Melnyk agrees this is a complicated question that the Council has studied in detail. The Council has approached this in a responsible manner: hired a consultant, considered other locations, considered other opinions. The Council has done what it was elected to do.

Councilmember Krouse said he favored the Branchville site because it was centrally located. He agrees with comments made by Councilmembers Perry, Peña-Melnyk and Milligan, and agrees with Councilmember Milligan's list of "musts." The Council doesn't have the time now to consider other sites. Supports moving City Hall to the Friends site.

Councilmember Fellows acknowledges this is his most difficult vote. He is not personally sold on the idea of relocating City Hall, but is very sold on downtown redevelopment. Of the two sites, the Friends site is better. In addition to the "must" of retaining the playground and playing field at the Friends School site, he adds the new City Hall should contain an educational component, such as a pre-K or childcare facility. He supports a satellite facility for northern College Park. He won't support this project unless 25% of the proceeds of the downtown redevelopment deal go to educational grants to PG County Public Schools that serve College Park. Also

believes the existing building's architecture should be preserved. He will support the motion but may not support the ultimate development deal.

Councilmember Hampton thanked the public for coming out to the hearing. A lot of time, effort and research have gone in to this project. This plan has minimal financial impact to the residents. She is in favor of this motion.

Ms. Guskin stated that City Hall should remain downtown to increase student involvement. Believes the redevelopment project will benefit the student population and can improve the diversity of downtown businesses. Believes the Friends School site would be beneficial as a public school site. Believes the façade, playing field and park should be retained at the Friends School site.

Mayor Brayman reviewed the history of the parking study and the ZHE study, the importance of downtown redevelopment, and addressed the educational and police missions the Council is now discussing. Believes the decision to move forward must be made tonight.

THE MOTION PASSED 7-1-0, WITH MR. OLSON OPPOSING.

Mayor Brayman called a recess at 10:00 P.M. The meeting reconvened at 10:20 P.M.

06-O-01 Emergency Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 15 "Boards, Commissions And Committees", Article IV "Advisory Planning Commission By Repealing And Re-Enacting §15-21 "Composition" And Enacting §15-30 "Hearing Panel For Fire Protection And Fire Safety Appeals", To Make Provision For A More Expeditious Appeal Process In Fire Protection And Fire Safety Violations.

Mayor Brayman opened discussion on the proposed Emergency Ordinance.

Suellen Ferguson stated the proposed Emergency Ordinance is designed to expedite the appeals process for properties with egress issues by allowing additional members be appointed to the APC, and having a panel of three or more persons to hear these cases.

Mr. Ryan discussed the history of the City's enforcement of the fire code, Public Services staff training as Fire Inspector II, training of APC members to hear fire code cases, and the requirement of second means of fire escape and rescue from bedrooms. Mr. Ryan summarized various properties' compliance or non-compliance with this code, the number of properties that have filed appeals, the number of appeals that have been heard, and the number remaining to be heard. At this time, there are 85 outstanding appeals to be heard. This legislation would give the APC additional means to expedite this process and move the cases forward. He urged property owners to work with the City to voluntarily comply with the Code. One owner has voluntarily vacated 12 apartments.

Mayor Brayman asked if any other agencies could assist in hearing these appeals. Ms. Ferguson replied that the State will not be able to help the City hear cases but has committed to helping with expertise. We are still looking to Prince George's County for some support. Wants an APC that is ready and able to process these appeals in a fair and expeditious manner to eliminate the backlog. Mayor Brayman commented the City is one of the leaders of local jurisdictions in enforcing second means of egress laws. There was further discussion about the efforts of various property owners to comply with the fire code. Mayor Brayman credited Mr. Ryan and the Public Services Department with the effort of taking on this task and acknowledged the additional workload on Staff and the APC.

Councilmember Perry had questions about the total number of appeals and the types of housing under citation. He raised a question about the section number to be added; Ms. Ferguson will make a correction to the section number revising it from §15-30, to §15-29A, as §15-30 is already in use under Animal Control. Councilmember Perry asked for a clarification about the temporary nature of these appointments, and about who is entitled to extend these appointments. As currently written, the Mayor and Council approve the original temporary appointment, and the Mayor alone can extend the temporary appointment if necessary. After discussion, Councilmember Perry asked that the "Mayor and Council" should also approve the extension of a temporary appointment. Ms. Ferguson will make this correction to the Ordinance as well.

Councilmember Catlin asked about the appeals process, and if any further appeals had been made to Circuit Court. Ms. Ferguson replied that there have been none to date.

Ms. Guskin stated she is sorry that it took a death to bring this issue to the forefront, but thinks that College Park does a good job of checking housing. Believes this is a good step toward ensuring safety. Asked what happens if property owners lose their appeals, what are the consequences, how long it will take. Ms. Ferguson outlined the process and stated it is difficult to state how long it will take because Courts take an indeterminate period of time. Councilmember Perry stated that the Court records and appeal process are public information.

Councilmember Krouse asked which City Department staffs the APC, whether the City Manager, instead of the Mayor and Council, should make the determination of what would expedite the APC process. There ensued a discussion of the APC process, and the coordination between Planning and Public Services staff. Ms. Ferguson and Mr. Ryan outlined the process. Mayor Brayman stated that the standard procedure is for Mayor and Council to appoint the members of Boards and Commissions.

Ms. Guskin asked if she could receive more information about the 30 appeals cases that have been heard. Mr. Ryan replied that information would soon be available; Ms. Guskin requested that information be provided when ready.

COUNCILMEMBER PERRY MOVED TO ADOPT THE EMERGENCY ORDINANCE WITH THE TWO CHANGES NOTED (CHANGE THE SECTION NUMBER FROM §15-30 TO §15-29A, AND THE LANGUAGE ON THE EXTENSION OF APPOINTMENTS). COUNCILMEMBER PEÑA-MELNYK SECONDED.

Councilmember Perry commented this is an emergency ordinance to address the immediate problem of the backlog of appeals of the secondary means of egress.

COMMENTS FROM THE AUDIENCE: Mayor Brayman recognized Fred Welsh, Chief of the College Park Volunteer Fire Department: Statistics show that off-campus housing is more prone to fatal fires than campus-based housing. Urges moving forward with student based fire education and to enact mandatory fire sprinkler retrofitting ordinance in off-campus rental housing in College Park. Supports this Emergency Ordinance. Councilmember Krouse asked about the cost of retrofitting a house with fire sprinklers. Chief Welsh paid \$2,000 to retrofit his house. Mr. Ryan reported a property owner in College Park paid \$5,000, and the Townhouses on Berwyn House Road averaged about \$5,000 each.

Councilmember Perry asked Chief Welsh if there were any members of the CPVFD who could serve on this committee. Mr. Welsh believes there are.

Lawrence Bleau, 4901 Niagara Road, currently an APC Commissioner: Asked if temporary members have to be citizens of College Park. Ms. Ferguson replied No. Mr. Bleau asked for clarification about who would comprise the panel of three. Ms. Ferguson replied the panel can consist of a minimum of any three members, and the APC Chair can determine the schedule and who would sit on the panel at each meeting.

Andrew Rose, SGA President: Supports the Emergency Ordinance.

Councilmember Fellows asked Mr. Rose if the SGA would take a position on the retrofit of multi-family units with sprinklers. Mr. Rose replied that it was likely the SGA would advocate in favor of the retrofit, with the red flag that additional cost to landlords often is passed on to students.

Councilmember Peña-Melnyk asked Mr. Rose if the SGA is pressuring the UMD to be more proactive regarding student housing, including building additional housing.

Mayor Brayman raised the question of how much on-campus housing is sprinklered. He raised the issue of how student behavior changes in on-campus vs. off-campus housing.

Councilmember Catlin raised the issue of overcrowding in off-campus housing as contributing to unsafe conditions.

There followed a discussion of the University's plans to build additional housing. Councilmember Olson hopes the Emergency Ordinance will not be needed because property owners not currently in compliance would voluntarily comply with the fire and life safety codes.

THE EMERGENCY ORDINANCE PASSED 8-0-0.

AT 11:30 P.M. A MOTION WAS MADE BY COUNCILMEMBER OLSON AND SECONDED BY COUNCILMEMBER PENA-MELNYK TO MOVE INTO EXECUTIVE SESSION, TO CONSULT WITH COUNSEL. THE MOTION PASSED 7-1-0 WITH COUNCILMEMBER PERRY OPPOSING.

AT 12:16 A.M. THE REGULAR MEETING RECONVENED.

06-G-07 APPROVAL OF THE REVISION TO APPROVED CONCEPTUAL SITE PLAN AND PRELIMINARY PLANS FOR GREENBELT STATION.

COUNCILMEMBER KROUSE MOVED THAT THE CITY COUNCIL RECOMMEND APPROVAL OF REVISED CONCEPTUAL SITE PLAN 01008/01 AND REVISED PRELIMINARY PLAN 4-01026 SUBMITTED BY GREENBELT METROPARK, LLC SUBJECT TO THE FOLLOWING:

1. CONDITIONS 1 THROUGH 60 CONTAINED IN THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION TECHNICAL STAFF REPORT WITH THE FOLLOWING REVISIONS TO CONDITIONS 44 AND 32:

CONDITION #44 - THE GENERAL LOCATION OF THE COLLEGE PARK PEDESTRIAN OVERPASS ON THE WEST SIDE OF THE RAILROAD SHALL BE BETWEEN HURON STREET AND THE CITY OF COLLEGE PARK PUBLIC WORKS FACILITY. THE CITIES OF COLLEGE PARK AND GREENBELT SHALL REVIEW AND APPROVE THE FINAL LOCATION AND DESIGN OF THE PEDESTRIAN OVERPASS WHICH SHALL ALSO BE SUBJECT TO REVIEW AND APPROVAL BY CSX, WMATA, AND OTHER AGENCIES. THE OVERPASS SHALL BE DESIGNED TO PROVIDE A DIRECT POINT OF PUBLIC ACCESS WHICH IS VISIBLE FROM THE NORTH-SOUTH CONNECTOR ROAD. ENTRANCE TO THE OVERPASS SHALL BE RAMPED TO PROVIDE HANDICAPPED ACCESS, AND MAY INCLUDE NOT MORE THAN ONE SWITCHBACK IN RAMP DIRECTION, UNLESS AGREED TO BY THE CITIES OF GREENBELT AND COLLEGE PARK. CIRCULAR RAMPS ARE NOT PERMITTED, UNLESS AGREED TO BY THE CITIES OF GREENBELT AND COLLEGE PARK. SUBJECT TO THE APPROVAL OF A DETAILED SITE PLAN FOR ANY PROPERTY ADJACENT TO THE OVERPASS, ACCESS TO THE OVERPASS MAY BE INCORPORATED INTO A STRUCTURE AND/OR THE SITE DETAILS.

CONDITION #32 - AT THE TIME OF EACH DETAILED SITE PLAN REVIEW, THE DEVELOPER SHALL SUBMIT PLANS TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT FOR REVIEW AND COMMENT AND SHALL NOTIFY THE CITY OF COLLEGE PARK OF EACH PLAN SUBMITTAL. AT THE TIME OF DETAILED SITE PLAN REVIEW FOR ANY AREA THAT INCLUDES 100 YEAR FLOODPLAIN IMPACTS, MODELING DATA GENERATED IN CONJUNCTION WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT PERMITTING PROCESS FOR FLOODPLAIN FILL SHALL BE PROVIDED TO THE CITY OF COLLEGE PARK. THE CITY SHALL ALSO BE NOTIFIED OF ANY PROPOSED CHANGES TO FLOODPLAIN ELEVATIONS. FLOODPLAIN MITIGATION SHALL FULLY COMPENSATE FOR ALL

FLOODPLAIN IMPACTS IN THE PROJECT AREA INCLUDING UPSTREAM AND DOWNSTREAM. THE DEVELOPER AGREES TO REIMBURSE THE CITY IN AN AMOUNT NOT TO EXCEED \$20,000 FOR THE COST OF THE CITY'S ENVIRONMENTAL REVIEW. [MS. FERGUSON ADDED THE FOLLOWING: THE CITY AGREES TO PROVIDE AN ESTIMATE FOR THOSE SERVICES FROM THE EXPERT AND THE DEVELOPER WILL BE PRESENTED WITH BILLS FOR REIMBURSEMENT. THIS AGREEMENT SHOULD BE INCLUDED IN A LETTER OF COMMITMENT BY THE DEVELOPER AND THE AMENDMENTS TO PARAGRAPH 32 AS JUST READ, IF NOT ACCEPTED AS PART OF THE CSP, WOULD BE INCLUDED AS PART OF THE LETTER THAT THE DEVELOPER WOULD COMMIT TO THIS LANGUAGE REGARDLESS OF WHETHER OR NOT IT IS INCLUDED IN THE CSP.] MR. KROUSE AGREED TO INCORPORATE MS. FERGUSON'S COMMENTS INTO HIS MOTION.

2. A MIX OF RESIDENTIAL UNIT TYPES SHALL BE PROVIDED IN THE SOUTH CORE TO ENCOURAGE DIVERSITY IN OWNERSHIP TYPES. CONSIDERATION SHALL BE GIVEN FOR COOPERATIVE HOUSING, SENIOR HOUSING, WORK-FORCE HOUSING, VARIOUS PRICE POINTS OR OTHER ALTERNATIVES WHICH WILL INCREASE HOUSING CHOICE AND OPPORTUNITIES. MD/GM SHALL PROVIDE A REPORT TO THE CITY, IN WRITING, DEMONSTRATING THAT EFFORTS HAVE BEEN UNDERTAKEN TO LEASE, FINANCE AND CONSTRUCT COOPERATIVE HOUSING, SENIOR HOUSING, AND WORK-FORCE HOUSING.
3. IN CONJUNCTION WITH THE MARYLAND ROUTE 193 ROAD IMPROVEMENTS, MD/GM SHALL INSTALL STAMPED CONCRETE OR SIMILAR TYPE OF SPECIAL MARKING FOR THE CROSSWALKS AT THE INTERSECTION OF RHODE ISLAND AVENUE AND MARYLAND ROUTE 193.

THE MOTION WAS SECONDED BY COUNCILMEMBER MILLIGAN.

Councilmember Krouse had the following comments:

- The applicant, Greenbelt Metropark, LLC, is requesting a revision to the Conceptual Site Plan (CSP 01008) and Preliminary Plan (PP 4-01026) for Greenbelt Station that was approved by the Prince George's County Planning Board on July 26, 2001 and September 6, 2001, respectively. The subject property is located north of Greenbelt Road, west of Cherrywood Lane, and south of the Capital Beltway. The site is bounded on the west by the Greenbelt Metrorail and CSX tracks. The proposed development consists of a 243.01-acre site in the M-X-T Zone, located north of Greenbelt Road, west of Cherrywood Lane, and south of the Capitol Beltway. The Greenbelt Metro Station and associated commuter lot, currently owned by the Washington Metropolitan Transit Authority (WMATA), occupies 81.08 acres of the northern portion of the site. The southern portion of the site, owned by Greenbelt Metropark, LLC, consists of 86.47 acres and was previously used for a mining operation, concrete plant and asphalt plant. The eastern 75.46 acres of the site were also used for mining and contain the Indian Creek 100-year floodplain and other

environmentally sensitive land. Greenbelt Metropark, LLC, has conveyed this area to the State of Maryland for preservation. The CSP proposes two main areas of development – the North Core and South Core. The North Core area is proposed as a high-density, mixed-use development around the Metro station, including office, retail, hotel, and residential uses. The South Core is proposed to consist of medium-density, mixed-use development with residential, neighborhood commercial and office as the primary uses. A north-south connector road intersecting with Greenbelt Road to the south and the Capital Beltway (I-495) to the north will connect the two development nodes. Access is also provided to the station via Cherrywood Lane. A new interchange is proposed where the North-South Connector road intersects the Capital Beltway. The applicant submitted two hydrology studies (*Hollywood Drainage Study* prepared October 2005 by Dewberry & Davis, LLC and *Hollywood Community Ground Water Levels* prepared September 2005 by Hardin-Kight Associates, Inc.). The Mayor and Council expressed concern that the studies did not provide adequate baseline groundwater and floodplain data and that the reports did not sufficiently address how the developer would mitigate surface (flooding) and subsurface (groundwater) and floodplain impacts in the North College Park area. The Mayor and Council also stated that they would like to see the applicant evaluate the impacts of construction (Hollywood Park, pedestrian path, and Metro entrance) that took place to the west of the CSX rail lines at the time of the construction of the Greenbelt Metro Station. The applicant and their consultants have been working closely with the City to address these concerns. The existing reports will be supplemented with additional sampling data taken over the course of six months from ten monitoring wells located in the North College Park area.

Mayor Brayman invited comments by Mr. Rivera: The DSP is to follow and “the devil is in the details.” Mr. Rivera stated the applicant is in agreement with these conditions. Mayor Brayman asked if the developer will testify to this before the Planning Board and will request the CSP to reflect that. Mr. Rivera cautioned that the Planning Board and District Council have the prerogative to change something, but that the applicant will not advocate for any changes. Mr. Rivera stated the applicant and the City are in agreement, and he is willing to state that to the Planning Board. Mayor Brayman stated a separate letter needs to reflect a binding agreement between the City and the applicant, and Mr. Rivera suggested that the letter of agreement be incorporated into the findings of approval for the CSP so its carried forth in the record at the County level. Mayor Brayman stated the City will submit its own staff report that will also reflect this agreement.

Councilmember Peña-Melnyk had a question about the applicant’s support of the agreement if the District Council or County Council do not include it as a condition. Mr. Rivera clarified that if the District Council or County Council do not support the agreement, the applicant will still honor it as an agreement between the developer and the City.

Councilmember Perry had questions about “work force housing.” Mr. Rivera said it is considered housing that is affordable housing for the governmental or blue collar workforce in any jurisdiction, but that there is no clear definition in this County. Basically it means a mixture of housing.

Mayor Brayman expressed concern on the long term impacts of the hydrology but there is no better tool at this time to assess these issues.

Mr. Shroder, 4909 Muskogee Street, President of the North College Park Citizens Association, expressed deep appreciation to the Mayor and Council for their strong support of the concerns of the NCPCA. He echoed the Mayor's concerns that the science is not better on the hydrology issues.

Councilmember Olson was pleased to see the mix of residential housing for seniors, though it was not as strong as he would have liked.

Councilmember Peña-Melnyk thanked the staff.

THE MOTION PASSED 8-0-0.

APPOINTMENTS TO BOARDS AND COMMITTEES:

Mayor Brayman put forward Andrew Rose and Robert Day as temporary appointments to the Advisory Planning Commission under the new Emergency Ordinance.

COUNCILMEMBER PERRY MOVED THOSE TWO APPOINTMENTS BE ACCEPTED, COUNCILMEMBER PEÑA-MELNYK SECONDED, THE MOTION PASSED 8-0-0.

COUNCILMEMBER PERRY MOVED TO ADJOURN, COUNCILMEMBER FELLOWS SECONDED. THE MOTION PASSED 8-0-0 AND THE MEETING ADJOURNED AT 12:41 A.M.