

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 13, 2006
9:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Perry, Olson, Fellows, and Peña-Melnyk; Student Liaison Jesse Blitzstein.

ABSENT: Councilmembers Catlin and Hampton.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bob Levan, City Attorney; Sara Imhulse, Assistant to the City Manager; Terry Schum, Director of Planning; Dorothy Friedman and Elisa Vitale, Planners.

Mayor Brayman opened by explaining that tonight's meeting started at 9:00 p.m. because the Mayor and Council attended the earlier meeting with Dr. Deasy, the new CEO of the Prince George's County Public Schools, in Berwyn Heights. This was a meeting sponsored by the College Park and Berwyn Heights Education Advisory Committees. The Council appreciated the opportunity to hear Dr. Deasy speak about his vision for the County schools.

Councilmember Olson led the Pledge of Allegiance.

Minutes:

A motion was made by Councilmember Olson and seconded by Councilmember Peña-Melnyk to accept the minutes of the regular meetings on May 9 and May 23. They were adopted without amendment by a vote of 6-0-0.

Announcements:

Councilmember Krouse recently visited the College Park Woods Swim Club and encouraged residents to check it out.

Councilmember Perry announced the Berwyn District Civic Association would meet Thursday night to elect officers, hear a presentation by the City's Economic Development Coordinator, and hear a presentation by one of the candidates for Prince George's County Council.

Councilmember Olson announced an "open house" would be held in the Council Chambers on Wednesday June 21, 4 – 8 p.m., on the Purple Line.

Councilmember Peña-Melnyk announced a College Park Arts Exchange program would be held on June 25 that will be fun for children.

Mayor Brayman thanked staff and the Berwyn and Lakeland communities for participating in the Walking Town Meeting on Saturday. They had a good turnout. Mayor Brayman also appreciated the presence of Major Kevin Davis, the PGPD District 1 Commander.

Acknowledgement Of Dignitaries: Mark Shroder, President, North College Park Citizens Association; Leo Shapiro, member of the Advisory Planning Commission; Morgan Gale, President, Calvert Hills Citizens Association.

County Council Chairman Tom Dernoga and State Senator John Giannetti both made appearances in the Council Chamber during the meeting.

Awards: None

Amendments To The Agenda: Councilmember Krouse asked to add 06-G-90, Parking Prohibition near the Hollywood Elementary School, to the Consent Agenda.

City Manager's Report: The City has signed purchase contracts for the properties at 7306 and 7308 Yale Avenue. There will be a Special Session during the July 5 Worksession to authorize the City Manager to sign these contracts.

Mr. Nagro informed the Council that a show-cause hearing was held by the County's Board of License Commissioners for the Los Cabos Restaurant. The City had not received any advance notice of this hearing, but has learned that Los Cabos was fined \$5,000 for serving alcohol to a minor and operating as a nightclub. City staff will follow up with the BOLC to learn more about the actions that led to the show-cause hearing, to find out why we weren't informed, and will invite representatives from Los Cabos to a future Worksession to discuss this. Councilmember Perry asked that a letter be sent to the BOLC to congratulate them on the diligence of their inspectors.

Student Liaison Comments: Jesse Blitzstein said that he and SGA President Emma Simson want to work on educating students about fire safety and tenant rights. They are open to suggestions as to how to best accomplish this task. Mayor Brayman asked Mr. Blitzstein to coordinate with Bob Ryan, Director of Public Services.

Comments From The Audience On Non-Agenda Items:

Mark Shroder, 4909 Muskogee Street: Suggested Mr. Blitzstein contact the UMD Department of Off Campus housing to help them disseminate information on tenant rights and also on fire safety in off campus housing.

Larry McNabb, 5107 Iroquois Street: Talked about people who were in the neighborhood on Saturday wearing blue shirts that said “Chesapeake Bay.” He wanted to know who sent them out.

Presentations: None.

Consent Agenda:

A motion was made by Councilmember Olson and seconded by Councilmember Fellows to adopt the Consent Agenda. The Consent Agenda consisted of the following items:

- 06-G-81 Approve The Extension Of The Concrete Maintenance Contract CP-06-01, to NZI Construction Corporation
- 06-G-82 Award Of Contract To Gable Signs And Graphics, Inc. In The Amount Of \$50,051.55 For The Fabrication And Installation Of Gateway Signs To Be Located At Entrances To The City Of College Park.
- 06-G-83 Approve Installation Of Stop Signs On Westbound Kenesaw Street At Rhode Island Avenue Service Road AND Westbound Iroquois Street At Rhode Island Avenue Service Road
- 06-R-14 Approval Of Resolution For The Application And Financing Of Community Legacy Projects To Be Financed Either Directly By The Department Of Housing And Community Development Of The State Of Maryland Or Through Other Departments Or Agencies Of The State Of Maryland
- 06-G-84 Authorize the City Manager to enter into a sole-source contract with Ferrell Madden Associates in an amount not to exceed \$13,000 for the preparation of a form-based code for the Starview property on US Route 1 (**Requires Super Majority**)
- 06-G-85 Authorize The City Manager To Complete And Sign The MML 2007 Legislation Request Form To Include Support Of Legislation Concerning The Homestead Property Tax Credit – Eligibility Verification
- 06-G-90 Approval Of An Extension Of The Parking Prohibition In Front Of Hollywood Elementary School, To Prohibit Vehicular Parking Along The Northbound Lane Of 49th Avenue Beginning At The North Side Of The Hollywood Elementary School Driveway For A Distance Of 52 Feet.

The Consent Agenda was adopted by a vote of 6-0-0.

Action Items:

- 06-G-86 Approval Of Detailed Site Plan DSP 05026 For Northgate Condominiums With Conditions**

Before this motion was made, Mr. Levan gave the Council an update on the status of this application. Mr. Levan stated that the conditions on the Detailed Site Plan are still being negotiated with the applicant, and no formal agreements have been reached. The Planning Board hearing is this coming Thursday (June 15), but both parties plan to request a continuance, which would probably be granted, because the County's Staff Report was just received today. The Council can either: 1) take a position tonight and give Staff their views on this application, even though negotiations are still underway, in case the continuance by the Planning Board is not granted, or 2) hold a special meeting next week to allow further negotiations, assuming the continuance will be granted by the County Planning Board.

After further discussion, a motion was made by Councilmember Peña-Melnyk and seconded by Councilmember Perry, as follows:

06-G-91 To Authorize Staff To Request A Continuance Of The Planning Board Date, and To Hold A Special Meeting On Tuesday June 20 To Work Out Conditions With The Applicant.

There was no comment from the audience or from the Council on this motion. The motion carried 6-0-0.

Motion **06-G-86** will come before the Council on June 20, 2006.

06-G-87 Authorize The City Manager To Execute A Memorandum Of Understanding With The Maryland-National Capital Park And Planning Commission (M-NCPPC) Regarding The Funding Of A Transportation Study Of The US Route 1 Corridor.

A motion was made by Councilmember Peña-Melnyk and seconded by Councilmember Olson to authorize the City Manager to execute a Memorandum of Understanding with the M-NCPPC regarding the administration and funding of a Transportation Study of the US Route 1 Corridor. The study will address congestion management strategies for Route 1 and include the feasibility of implementing a transportation demand management district, and a Route 1 Shuttle bus or trolley, the preparation of an access management plan and a review of adequate public facilities standards and policies. Councilmember Peña-Melnyk also read the comments into the record.

There were no comments from the audience on this item.

Councilmember Perry said he would not support this item because he does not think we need another Route 1 study, and should not subsidize the M-NCPPC.

Councilmember Fellows supports this motion and sees it as a partnership with the M-NCPPC. He believes studying mass transit alternatives for Route 1 should be a priority.

Councilmember Olson also supports this motion and recognized Ms. Peña-Melnyk's efforts to improve mass transit on the Route 1 corridor.

Councilmember Peña-Melnyk discussed what other municipalities are doing with respect to mass transit.

Mayor Brayman thanked Councilmember Peña-Melnyk and recognized her efforts on this topic.

The motion carried 5-1-0 with Councilmember Perry opposed.

06-G-88 Approval of Amendments To The Development Agreement And Declaration Of Covenants For Mazza GrandMarc Apartments.

A motion was made by Councilmember Peña-Melnyk and seconded by Councilmember Krouse to approve the revised 'Amendment To Agreement' and the revised 'Declaration of Covenants and Agreement Regarding Land Use' for the Mazza property. She read the comments into the record.

Mayor Brayman asked Staff questions about Shuttle-UM headways. Ms. Peña-Melnyk stated she has spoken with Staff off-line and supports their position.

Thomas Haller spoke on behalf of the applicant and thanked Staff and the City Attorney for their availability as these revisions were being worked out.

Councilmember Fellows asked what the developer will do if they have difficulty marketing the property to graduate students. There ensued a discussion of incentives and marketing strategies.

Student Liaison Blitzstein discussed the Shuttle-UM schedule to University View.

Councilmember Perry had questions about the logistics of filing the Covenants when the property owner (the Mazza family) does not agree. City Attorney Bob Levan replied that a leasehold interest could be recorded so that if the lessee does purchase the property, the covenants will extend to the owners of the property, even though they would not be binding on the Mazza family.

There was further discussion about the applicant's option to purchase the property, and the financability of the property.

There were no comments from the audience on this item.

The motion carried 6-0-0.

06-R-13 Adoption of Resolution 06-R-13 To Authorize The City Manager To Negotiate For The City As Part Of A Municipal Coalition, Or As Part Of A Coalition With Prince George’s County, With Verizon Maryland, Inc. For A Cable Franchise.

A motion to adopt Resolution 06-R-13 was made by Councilmember Peña-Melnyk and seconded by Councilmember Fellows.

There was no comment from the audience on this item.

Mayor Brayman said he has requested the negotiating team to ask whether Verizon would recognize a “consumer clause” to achieve an across-the-board discount if we negotiate in a coalition with other entities.

The Resolution was adopted by a vote of 6-0-0.

06-O-03 Introduction of Ordinance 06-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 175 “Taxation” By Repealing And Reenacting §175-1 “Rates”, To Increase The Admissions And Amusement Tax From 4.5% To 7% For Theatre And Concert Charges

A motion was made by Councilmember Perry for the Introduction of Ordinance 06-O-03. The motion failed for lack of a second, and the Ordinance was not introduced.

06-G-89 Appointments To Boards and Committees

Mr. Blitzstein recommended that Emma Simson and Megan Bond be appointed to the Rent Stabilization Board. A motion was made by Councilmember Fellows and seconded by Councilmember Peña-Melnyk to make these appointments. The Motion passed 6-0-0.

Council Comments:

Councilmember Milligan was recently in Boulder, Colorado, to attend his daughter’s all-star rugby tournament and noticed several things about development in Boulder that could apply to College Park. One thing was the heavy use of bicycles. The City of Boulder purchased 150 bicycles and placed them around town for the free use of the citizens.

Councilmember Krouse discussed his concern about the hiker-biker lanes on Rhode Island Avenue. He is hoping to set up a meeting in July with Councilmember Dernoga. Staff is requested to follow up on this request.

Councilmember Perry stated he was disappointed that he couldn't get a 2nd on the introduction of Ordinance 06-O-03.

Councilmember Fellows thanked Jesse Blitzstein for his Rent Board nominations. He also asked Senator Giannetti if he had any information from Annapolis about pending electric utility rate hikes.

Senator Giannetti commented on the Special Session that was held in Annapolis this week regarding electric utility rate hikes and also on other pending legislation.

Councilmember Peña-Melnyk thanked Staff for planning the reception for Delegate Pauline Menes last week.

Mayor Brayman discussed the City's tax base, revenues coming from campus, the loss of properties from the City's tax rolls, and the A&A tax. He also thanked Senator Giannetti for attending the meeting.

Comments From The Audience:

There were no comments from the audience.

Adjournment:

A motion to adjourn was made by Councilmember Fellows and seconded by Councilmember Peña-Melnyk. The meeting was adjourned at 11:23 p.m.

Janeen S. Miller, City Clerk