

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 28, 2006
8:30 P.M.

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

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Elisa Vitale, Planning Department Staff.

Councilmember Krouse led the Pledge of Allegiance.

Mayor Brayman explained that the meeting began late this evening because of a 7:00 p.m. presentation by a group of experts assembled by the EPA on the Smart Growth initiative. Mayor Brayman thanked Councilmember Olson for identifying the grant that brought this project to the City, and Staff for developing the grant. The final report should be delivered soon.

Minutes:

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to adopt the minutes of the March 7, 2006 Special Session (9:00 p.m.), the March 7, 2006 Special Session (9:28 p.m.) and the March 14, 2006 Regular Meeting. A technical correction was noted in the March 7 9:00 p.m. Special Session Minutes: at the end of the first paragraph, the Minutes should reflect that Councilmember Olson was out of the Council Chambers during the vote, and not that he abstained from the vote. The minutes were adopted by a vote of 8-0-0, with the correction noted.

Announcements:

Councilmember Peña-Melnyk announced the West College Park Citizen's Association will hold a meeting at the Pool on April 9 regarding crime. Members of the police department and code enforcement will attend.

Councilmember Hampton congratulated the Maryland Women's Basketball Team for advancing to the NCAA Final Four.

Councilmember Milligan announced the Boys and Girls Club parade which is scheduled for Sunday April 23 at 1:00 p.m.

Mayor Brayman discussed the "If I Were Mayor" essay contest.

Acknowledgement Of Dignitaries: Mayor Brayman acknowledged Morgan Gale, President of the Calvert Hills Citizen's Association; Mark Shroder, President of the North College Park Citizen's Association; and Perry Stancil and Kim Lugo, new appointees to the Citizen Corps Council. Kim Lugo is also the Chair of the City-wide Neighborhood Watch Committee.

Awards: Mayor Brayman asked Mrs. Renee Milligan to join him at the podium. Councilmember Milligan joined them as well. Mrs. Milligan is the outgoing President of the College Park Boys and Girls Club, and was given an award for her years of community service. Mayor Brayman and Councilmember Milligan made remarks of appreciation. Mrs. Milligan thanked her supporters, and mentioned several upcoming Boys and Girls Club activities.

Amendments To The Agenda: None.

City Manager's Report: City Manager Joe Nagro made the following announcements: The Historic Preservation Commission Hearing has been scheduled for June 1, 2006, at 7 p.m.

FY '07 Budget Worksessions will be held at 7:30 a.m. on Saturday April 1 and April 8, and on Monday evening April 10 for the C.I.P.

The Public Works yard will be open four Saturdays in April (not on April 15) to accept spring clean up items.

The Manager discussed the continued negotiations in the Electrical Consortium. 5% of the City's total kilowatt-hours come from Wind Power, which is a 2-year contract.

He has had several questions from the Council about the construction on River Road by the Metro. They are installing an "intelligent" crosswalk.

Today the Board of License Commissioners awarded a BLX Liquor License to Curley's Grill.

Councilmember Perry asked about the new College Park domain address:

"collegeparkmd.gov." Mr. Nagro explained the web site has switched to the new domain address, and e-mail will be next. Both addresses will operate concurrently for the time being until the transition is complete.

Councilmember Olson asked what happened to the continuance request for the Curley's Liquor License. Mr. Nagro and Ms. Ferguson stated that the Liquor Board never received a formal request for a continuance, because it would have cost the applicant more money.

Student Liaison Comments: Ms. Guskin made several announcements: Saturday at 11:00 a.m. is the next Community Clean up. The upcoming Student Liaison replacement process will begin soon, since Ms. Guskin will be graduating in May. Applications are due April 11, and are available on the SGA website. SGA elections are also coming up. She wanted to echo the earlier positive comments about the Boys and Girls Club and stated it is a great organization. On Thursday the SGA Economic Planning Committee will hold a forum to learn what students want to see in downtown College Park. It will be held Thursday March 30 at 6:00 p.m. Finally, Ms. Guskin congratulated the Women's Basketball Team on the Final Four appearance.

Comments From The Audience On Non-Agenda Items:

Sam Bronstein, 9026 Autoville Drive: He presented State Highway data on traffic volumes on Route 1, as a follow up to the EPA Smart Growth presentation made earlier in the evening.

Consent Agenda: The Consent Agenda included the following items:

- 06-G-50** **Approval Of Field Use Request – Maryland Stingers Women's Rugby.**
- 06-G-51** **Approval Of A Letter To Rental Property Owners In Response To Misconceptions About The Rent Stabilization Program.**
- 06-G-52** **Authorize The City Manager To Proceed With The Installation Of Lights On The Trolley Trail Between Pierce Avenue And Paint Branch Parkway In An Amount Not To Exceed \$25,000.**
- 06-G-58** **Approval Of A Letter In Support Of HB-1260 – Municipal Corporations – Building Excise Tax**

A motion was made by Councilmember Perry and seconded by Councilmember Peña-Melnyk to adopt the Consent Agenda. The Consent Agenda passed 8-0-0.

Action Items:

- 06-G-43** **Approval To Authorize City Manager To Restructure Monthly Parking Permit Fee Rates, In Areas Requiring Monthly Parking Permits.**

A motion was made by Councilmember Catlin and seconded by Councilmember Fellows to delegate authority for setting and restructuring monthly on-street parking permit fee rates in areas approved by the Council as requiring monthly on-street parking permits to the City Manager. The City Manager is granted authority to reduce the monthly fee established by action of the Council to enable the cost of City parking spaces to be competitive with parking alternatives so that these parking spaces will be rented. In addition the City Manager is authorized to determine eligibility for those monthly on

street parking permits. Eligibility should be granted to persons who reside in the area nearby the permit area who do not have adequate parking at their residence.

Councilmember Catlin discussed the history of this motion and the clarifications that were added after last week's Worksession.

There were no comments from the audience on this item.

The motion carried 8-0-0.

06-G-54 **Approval of Revisions to City Recreation Facilities Rules And Regulations**

A motion was made by Councilmember Milligan and seconded by Councilmember Krouse to approve the revisions to the Field Use Rules And Regulations as presented.

Councilmember Milligan reviewed the Recreation Board's revisions to the Field Use Rules in their December 2005 draft. Subsequent discussions by the Council on those recommendations were incorporated by the City Attorney into the draft presented at last week's Worksession. Additional proposed revisions discussed last week will be referred to the Recreation Board for future consideration. At this time, it is recommended that the attached revised rules be adopted.

Mayor Brayman invited comments from Jeff Smith, the Chairman of the College Park Recreation Board, on this agenda item. Mr. Smith reviewed the history of the recent revisions to the Field Use Rules; specifically, City-located Youth Organizations are allowed to use fields without paying a fee. This is the first revision since 2000.

Councilmember Perry asked about use of "half" of the field, how the restrooms and lights are provided, and about enforcement of the rules. Councilmember Perry asked when the Recreation Board would address the concerns he raised last week. Mr. Smith replied the Recreation Board would address these concerns at their April 4 meeting, and return to Council in May for any further revisions.

The motion carried 8-0-0.

06-G-55 **Approval of Detailed Site Plan DSP 04049 For Mazza Property With Conditions**

A motion was made by Councilmember Perry and seconded by Councilmember Hampton to approve Detailed Site Plan DSP 04049 for the Mazza Property with conditions. Councilmember Perry read conditions number 1 – 7 into the record, which referenced the Amendment to Agreement between PPC/Collegiate Hall Properties Maryland Limited Partnership (Mazza) and the City of College Park.

Councilmember Perry reviewed the location of this parcel and outlined the development in general terms.

Ms. Vitale reviewed the recent changes to the conditions. Condition #5 is new and addresses the extension of Autoville Drive and its future connection to Hollywood Road extended. Regarding condition #7(d), Ms. Vitale stated that Pat Mielke would not enter into a formal agreement regarding marketing, but will work with the applicant, and will discuss this with Mayor and Council if requested.

Councilmember Fellows is interested in further discussions with Pat Mielke and asked staff to facilitate same.

Mayor Brayman clarified that Condition #5 does not require the applicant to construct the northern portion of Autoville Drive or the future connection.

Suellen Ferguson commented on the attached Amendment to Agreement: This is an Amendment to the earlier Agreement reached in November 2004, and all of the prior provisions will stay in place, other than those specifically amended in the Agreement presented tonight. Councilmember Peña-Melnyk raised the question of the Shuttle-UM. This raised further discussion about which items appear in the DSP, in the Declaration of Covenants, and in the Amendment to Agreement, and about what further motions may be needed tonight.

Councilmember Peña-Melnyk asked about Jordan Kitts' position. Ms. Vitale replied they do not have the technical staff report yet, but that Jordan Kitts prefers the private access road be moved to the north, which may be too close to the intersection with Hollywood Road. Representatives from Jordan Kitts are here tonight and will speak later.

Russ Davis, President of Collegiate Hall Properties, presented the Mazza DSP to the Council. He reviewed the changes that have taken place since October 2001 when the project began, and the modifications they have made to the development in response to Council and community feedback. Mr. Davis estimated the project will result in taxes of \$560,000 per year, \$100,000 of which will come to the City. He is working with the University of Maryland on developing a Shuttle-UM stop with 30-minute headways. He asked the City's support of their DSP to the County.

Regarding the issue of the extension of Hollywood Road west of Route 1, Mr. Davis stated they are willing to share in the cost to construct a new road, and are willing to put \$250,000 into an escrow account to secure that commitment.

Councilmember Perry asked if Mr. Davis would have any problem signing the amended Agreement, and he said "No."

Mr. Davis was asked for an estimate of the cost to build Hollywood Road extended. Mr. Davis said the cost has not been determined. There was lengthy discussion of how to

build and finance the new road. Establishing a TIF District was discussed. There was additional discussion about who else might be asked to contribute to the cost.

Ms. Schum reviewed the alignment of this road on the Sector Plan from the Chapter on Road Improvements: Autoville Drive North Relocated (reference P-200). There is no narrative description, but the map in the Sector Plan shows a connection of Autoville Drive to Cherry Hill Road, south in a new alignment, and connected to a new Hollywood Road that would be extended to the West of Route 1, also continues South behind the Auto dealerships, and again connects to Route 1 at Fox Street. The revision in the Agreement language is to clarify that this entire P-200 alignment does not need to be in place in order to be satisfied.

Councilmember Olson also shares concern about the access road and how it will be funded. Mr. Davis replied that the property will generate a significant income stream in taxes, and stated that businesses downstream that may also benefit from the connection to Route 1 could be tapped to contribute. He agrees the cost of that road should be split among the parties, and pledged to continue to work with the City on this issue.

Councilmember Peña-Melnyk asked if Mazza would instead pay a certain percentage of the road construction expenses rather than a flat fee of \$250,000. Mr. Davis replied that condition would render them completely unable to move forward with the project, and is the same as an unknown “blank-check.” Councilmember Peña-Melnyk asked if they would instead put \$1,000,000 into escrow. Mr. Davis emphatically stated “No,” that was too much money for this project. Councilmember Peña-Melnyk withdrew that request and asked him to consider putting \$500,000 into escrow instead, half now, and half in two years. Mr. Davis replied that the more expensive this project becomes, the more it takes them away from providing affordable housing for graduate students. She explained it makes it a lot easier when the developer goes in front of the County Council with community support, which this good faith effort would achieve.

Councilmember Krouse asked about the cost of acquiring the Chen property. Mr. Davis stated the offer was for \$2.5 Million. Mr. Krouse asked the cost of the traffic light? Mr. Davis responded \$250,000.

Mayor Brayman confirmed with Mr. Davis the University’s position that they will not limit on-campus parking permits for residents of this development. Mayor Brayman commented about security on the path behind the Mazza property that leads to the trail, and discussed the need for good lighting on the path, and the funding for it.

Councilmember Olson raised his objection to not having brick on the back and sides of the development that face the trail. Mr. Davis said they are committed to having 40% brick on the exterior.

Mayor Brayman invited **Ms. LaRocca and David Mahoney from Jordan Kitts Music at 9520 Baltimore Avenue** to comment on the project. Their main concern is that the access road is up against their building, which will make ingress and egress harder for

them. They want the private access road moved further to the north. There was a meeting with the developer and the SHA, which they were not a part of. They request another meeting with those parties and their own traffic consultant to continue discussions about moving the access road northward. Ms. LaRocca read a proposed condition (#8) into the record regarding realignment of this temporary access road to the north and requested that it be included. Their first choice would be for Hollywood Road west to be built, which would eliminate the need for the temporary access road. But if that doesn't happen, shift the temporary access road as far north as possible, to give as much room as possible between the two roads.

Mayor Brayman asked if Jordan Kitts would consider being a participant in the financing of the new road. Mr. Mahoney replied they would be hesitant to commit to that.

Comments from the Audience on the Motion:

Mark Shroder, 4909 Muskogee Street, on behalf of the North College Park Citizen's Association: The NCPA voted in support of development of the back portion of this property for graduate student housing. They desire to provide more dense housing for graduate students to take them out of single-family homes in the neighborhoods. The development would also reduce the distance that many graduate students are now living from the campus, and could possibly reduce traffic on surrounding roads. They believe the City needs to approve more multi-family student housing in the City to take the pressure off the neighborhoods and the streets.

Mayor Brayman asked Mr. Shroder if he as a taxpayer would be willing to fund some of Hollywood Road west? Mr. Shroder said yes, for the purposes of taking pressure off the streets and out of the neighborhoods.

Corey Harbison, 9109 49th Avenue: Concern that right in/right out access will force traffic through the Hollywood neighborhood. Reminded Council that the Smart Growth report they heard earlier applies here: to get properties to work together, to get the access road built.

Kiersten Johnson, 4901 Cherokee Street: Concerned about access issues. Believes the City should make a clear statement to the County about the problems getting the access road built and asking for their assistance. Believes it would be inappropriate to move forward without building west Hollywood Road. Encourages Jordan Kitts to participate in the construction of the road.

Mr. Davis stated the applicant will provide an apartment to a police officer who will be required to ticket people who make illegal left turns into the property. Mr. Davis further stated that he had a chance to speak with his partner and they found that an \$18/month increase in rent would allow them to proffer the \$500,000 in escrow as requested.

Ms. Guskin felt it was unfortunate that the cost for this road will be on the backs of the graduate students.

Mr. Davis said he meant to say that the developer will take a lower yield.

Councilmember Olson requested postponing the vote until a time definite of next Tuesday, to allow time to develop language for the proposed amendment. Motion failed for a lack of a second.

Councilmember Milligan said these development issues are often not black and white decisions. Overall he believes this is a good project, the developer has done a lot to try to work with the City and the community, and he believes that they will stay and be a part of the community after the project is completed. At some point we have to trust our Staff. He will support this project.

Councilmember Krouse believes the access is the key to this project and says the project has a lot of benefits. He will support the project.

A motion was made by Councilmember Fellows and seconded by Councilmember Olson to amend the motion to include condition #8 submitted by Ms. LaRocca on behalf of Jordan Kitts Music regarding moving the temporary access road further north. Mr. Davis said there was no objection from the applicant on this condition. Councilmember Fellows continued the amendment to the motion by adding language that the applicant will put \$500,000 in escrow for construction of Hollywood Road extended.

There were no comments from the audience on the proposed amendments.

Councilmember Perry asked some clarifying questions about the use of the \$500,000.

Mayor Brayman asked Mr. Davis if it was his understanding that the City won't be asking him for any more money. He replied "not necessarily." He understands that the City wants to get this road built, and there are other parcels out there that no one has talked about, and whoever develops those may play a role in funding the road.

Mayor Brayman called for the vote on the amendment to the main motion (adding condition #8 provided by Ms. LaRocca and adding language in the Agreement about the applicant placing \$500,000 in escrow for funding of the road); the motion carried 8-0-0.

Comments on the main motion as amended:

Councilmember Catlin expressed his gratitude to Mr. Davis for his patience, and stated that Mr. Davis has done a lot for this project. He believes this project has significant advantages, especially the amount of parking. We now need to look to SHA for Route 1 solutions.

Councilmember Olson stated the City does need this housing and acknowledged the transportation strategies that have been incorporated. He believes there are still outstanding issues, both large and small, and wanted more time to address them.

Councilmember Fellows supports this motion and welcomes more student housing west of Route 1. Hopes the applicant will be part of the restoration of Little Paint Branch.

Councilmember Peña-Melnyk thanked the parties and acknowledged that the applicant has been willing to work with the City.

Mayor Brayman wants the record to reflect that his name is not on this temporary access. He believes the road issue should be solved now, or it will be the applicants' downfall at the County. He will be disappointed if the taxpayers of College Park have to pay for this road. He is also disappointed about the amount of brick on the back and sides of the development, and is concerned about safety on the rear path.

The main motion passed 7-1-0, with Councilmember Olson opposed.

06-G-56 Approval Of A Letter Of Support Of TIF For Greenbelt Station

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to approve a letter of support for Tax Increment Financing for Greenbelt Station. Councilmember Krouse read the letter into the record.

Councilmember Krouse made the following comments: The TIF and Special Taxing District (STD) will be used to support four bond sales to fund a total of \$36,219,992 in on- and off-site infrastructure improvements plus the construction of parking garages associated with the Greenbelt Station development. The pedestrian bridge over the tracks, which will connect north College Park and the development, is listed in the first bond sale in the amount of \$1,250,000. The city signed an agreement with the developer on August 3, 2005, agreeing to cooperate with the developer in instituting any TIFs or STDs for the project. The developer expects that legislation establishing these districts will be presented soon to the County Council for approval and is requesting the City's support.

Sandy Gallagher, with Greenbelt Metropark, the developer of this project, thanked the Council for considering this letter.

There was discussion about adding the City's interest in the pedestrian bridge into the letter. Ms. Gallagher felt it was not necessary.

Councilmember Perry asked about the County's portion of the TIF.

Councilmember Catlin asked about "TIF-ing" the Park and Planning tax rate, and the timing of the construction of the pedestrian bridge.

The motion carried 7-1-0, with Councilmember Perry opposing.

06-G-57 Appointments to Boards and Committees

A motion was made by Councilmember Catlin and seconded by Councilmember Hampton to reappoint Anita Wolley to the Education Advisory Committee. The motion passed 8-0-0.

Council Comments were suspended by a straw vote of 4-3.

Comments From The Audience: None

Adjournment:

A motion was made by Councilmember Olson and seconded by Councilmember Fellows to adjourn the meeting. The motion carried 8-0-0.

The meeting was adjourned at 12:07 a.m.

Janeen S. Miller, City Clerk