

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 26, 2006
8:40 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Olson, Fellows, and Hampton; Jesse Blitzstein, Deputy Student Liaison.

ABSENT: Councilmember Peña-Melnyk

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Suellen Ferguson and Bob Levan, City Attorneys; Bob Ryan, Director of Public Services.

Mayor Brayman noted that the late start of this regular meeting is because of the four Public Hearings held earlier this evening.

Councilmember Milligan led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Olson and seconded by Councilmember Fellows to adopt without amendment the minutes from the September 13, 2006 Regular Meeting and the September 19, 2006 Special Session. The motion carried 7-0-0.

Acknowledgement Of Dignitaries: Mark Shroder, President, NCPCA; Eve Müller, President, CPAE; Major Kevin Davis, PGPD District 1 Commander; Ben Barnes, candidate for 21st delegation; Jim Wildoner, candidate for County Council; Morgan Gale, President, CHCA; Jerry Anzulovic; Jack Robson.

Awards: None

Amendments To The Agenda: Councilmember Krouse asked to take 06-G-120 before 06-G-119. Councilmember Perry asked to move 06-G-123 from the Consent Agenda to tonight's regular agenda.

Comments From The Audience On Non-Agenda Items:

Major Kevin Davis, District 1 Commander, Prince George's County Police Department: Provided details about recent criminal incidents reported in the City of College Park, the collaborative policing efforts between District 1 and the University of Maryland Police, the County police response, and spoke about a future meeting planned with bar owners and other stakeholders in overall efforts to reduce crime downtown.

There were follow-up questions and comments from Councilmembers Olson, Fellows and Catlin. Mayor Brayman thanked Major Davis for attending the meeting.

Ben Barnes, 5018 Laguna Road: Hopes to have the opportunity to work with the Mayor and City Council as a Delegate in the 21st District after the November general election. He wants to work with the City to identify community priorities.

Jim Wildoner, New Carrollton City Council: Introduced himself as the Republican candidate for the District 3 County Council seat.

Mark Shroder, 4909 Muskogee Street: Asked the City to conduct baseline traffic studies on Cherokee Street prior to the JPI development. Discussed the concept of “unitary management” with respect to the JPI development.

Carl Baker, 4907 Tecumseh Street: Stated that several streets in the Berwyn neighborhood of College Park are listed as being located in Berwyn Heights in the zip code book, and questioned if that affects tax revenue.

Charles Sarahan, Box E, College Park: Discussed term limits for politicians.

Jack Robson, 4710 Harvard Road, Chief, Board of Elections Supervisors: Discussed potential City Code changes relative to the timing of possible special elections in the City. Mr. Robson was requested to put his comments in writing to the Council.

Presentations: Eve Müller, President, College Park Arts Exchange: The annual report is attached. Ms. Müller highlighted CPAE programming for the 2005-2006 fiscal year, which included 49 events enjoyed by 3,200 people. She discussed the popular long-standing programs, and detailed many new programs which should draw people from a wide area. She discussed their success in obtaining additional grant funds, their direct mailing campaign, the changing composition of the CPAE Board of Directors, future outreach efforts to local schools and to local senior citizens.

After discussion, it was recommended that the CPAE provide an additional, written report to Council in February of each year in time for budget season.

Consent Agenda: The Consent Agenda included:

- 06-R-15 Resolution of the Mayor and Council of the City of College Park, Maryland adopting the Recommendation of the Advisory Planning Commission and Granting a Waiver of Section 27-120.01 of the Prince George's County Zoning Ordinance to Permit the Construction of a Second Driveway in the Front Yard of 5104 Mangum Road, College Park, Maryland; and Granting a Variance of 3.2% or one Hundred Sixty (160) Square Feet From the 30% Maximum Lot Coverage Requirement and a Variance of 1.7 Feet From The Minimum Side Yard Depth Requirement For The Property.

A motion was made by Councilmember Hampton and seconded by Councilmember Milligan to adopt the Consent Agenda. The vote to Adopt was not unanimous and the item was reintroduced as an Action Item.

Action Items:

06-R-15 Resolution of the Mayor and Council of the City of College Park, Maryland adopting the Recommendation of the Advisory Planning Commission and Granting a Waiver of Section 27-120.01 of the Prince George's County Zoning Ordinance to Permit the Construction of a Second Driveway in the Front Yard of 5104 Mangum Road, College Park, Maryland; and Granting a Variance of 3.2% or one Hundred Sixty (160) Square Feet From the 30% Maximum Lot Coverage Requirement and a Variance of 1.7 Feet From The Minimum Side Yard Depth Requirement For The Property

A motion was made by Councilmember Hampton and seconded by Councilmember Milligan to adopt Resolution 06-R-15.

There were no comments from the audience on this item.

The motion passed 6-1-0 (Councilmember Perry opposed).

06-G-120 Petition Request For Change Of Existing Permit Parking Restrictions in the 5200 Block Of Edgewood Road

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to approve the Petition Request to change the existing permit parking restrictions in the 5200 block of Edgewood Road by adjusting the hours of enforcement to 6:30 a.m. to 12:00 midnight, Monday through Friday, and by permit only.

Due to the Public Hearing earlier this evening, no further public comment was taken.

Councilmember Catlin commented that the District of Columbia does not enforce parking laws around churches on Sunday mornings.

Councilmember Milligan also commented on the parking problems near churches in the District of Columbia. He acknowledged this is a very complex situation and questioned what impact it would have if Al-Huda changes to two Friday services. Because of the support of the residents, he will support this.

The motion passed 5-2-0 (Councilmembers Hampton and Perry opposed).

**06-G-119 Petition Request For Change Of Existing Permit Parking Restrictions
in the 9700 – 9800 block of 53rd Avenue**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to postpone this item for two months, to allow time to determine whether or not Al-Huda will hold two services on Fridays.

The motion passed 7-0-0.

This item will return to Council at the November 28 meeting.

**06-O-06 An Ordinance Of The Mayor And Council Of The City Of College
Park, Maryland, Amending Chapter 129 “Licenses”, To Clarify That
Solicitors Must Comply With All Applicable Laws Before Issuance Of A
License And To Limit The Hours Of Solicitation To Between 7:00 A.M.
And 9:00 P.M., To Remove Vending Machines, Taxicabs And Auction
Houses From Licensing Requirements, To Clarify And Expand
Licensing Restrictions As To Mobile Vendors, To Renumber Various
Sections And To Amend Chapter 110, Section 110-1 To Remove The
License Fees For Vending Machines, Taxicabs And Auction Houses.**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to adopt Ordinance 06-O-06. Councilmember Krouse read the comments into the record. This Ordinance was introduced on August 8.

Because of the public hearing held earlier this evening, no further public comment will be taken.

Councilmember Fellows recused himself from the vote because he works for a national non-profit organization that uses door-to-door solicitation to raise funds.

Councilmember Milligan commented that many non-profit organizations depend on the right to solicit door-to-door.

Councilmember Krouse commented on the times of solicitation and raised an issue for future discussion about a pushcart-delineated zone.

Councilmember Perry asked if there is enough staff to enforce this Ordinance.

The Ordinance was adopted by a vote of 5-1-1 (Councilmember Perry opposed; Councilmember Fellows abstained).

06-G-123 Approval Of A Letter To The Prince George’s County Planning Board Outlining The City’s FY 2008 Budget Requests

A motion was made by Councilmember Perry and seconded by Councilmember Krouse to amend the letter to Samuel Parker to use the term “skate spots” instead of skateboard facilities to be consistent with Park and Planning terminology.

There were no comments from the audience on this amendment.

Councilmember Krouse asked staff to comment on Councilmember Perry’s motion. Ms. Imhulse answered the change in language was fine.

The motion to amend the letter passed 7-0-0.

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to further amend the letter to include the language “ownership or long-term access” after the words “The City is interested in acquiring” on page 2 of the letter under the heading “Acquisition Assistance.”

There were no comments from the audience on this amendment.

Councilmember Perry asked the Staff to provide Council with a copy of the lease the City has with the Board of Education for the use of the property.

The motion to amend the letter passed 7-0-0.

The main motion as amended passed 7-0-0.

06-O-07 AS AMENDED

An Amended Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 11 “Authorities”, Article II, “Airport Authority”, §11-5 “Creation; Members; Compensation; Conflicts Of Interest” To Allow Members Of The Airport Authority To Hold Positions In The City Government That Are Paid Or Compensated, And §11-7 “Election Of Officers; Meetings; Hearings” To Change The Number Required For A Quorum From Five To A Majority Of Appointed Members Who Are Currently Serving.

A motion was made by Councilmember Fellows and seconded by Councilmember Perry to adopt 06-O-07 As Amended. This Ordinance was introduced on August 8. There was a Public Hearing earlier this evening, so no further public comment will be taken.

Councilmember Perry said it was a shame there wasn’t more depth on Committees and that there weren’t more citizens able to participate.

The Ordinance was adopted by a vote of 7-0-0.

06-G-121 Authorize The Mayor And City Manager To Sign The Preliminary Development Agreement Between The City of College Park And Capstone Development Corporation.

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to approve the proposed Preliminary Development Agreement between the City of College Park and Capstone Development Corporation relating to the redevelopment of the City Hall property, the construction of a public parking garage on the special lot and adjacent Yale Avenue properties, and the renovation of the City-owned property at 4601 Calvert Road (Friends School) to accommodate City Hall, and further, to authorize the Mayor and City Manager to execute the agreement on behalf of the City.

Mr. Levan noted that Mr. Jeff Jones from Capstone was present, and that Mr. Levan and Mr. Crofoot are available to answer any questions the Council may have.

Councilmember Catlin noted that this is a preliminary Agreement, and that additional and more detailed agreements will come later. This Agreement has been on the City's website since September 8, and a Public Information meeting on the Agreement was held on September 21. The City has already acquired the two properties on Yale Avenue next to the "Special Lot." The proposal is to combine those lots to build a municipal parking garage of approximately 340 spaces with ground floor retail. The proposed second project would be to demolish the existing City Hall, replace it with residential condominiums with retail on the ground floor, and to relocate City Hall to the Friends School site on Calvert Road.

Comments from the audience:

Morgan Gale, 7010 Wake Forest Drive: He believes this project raises the bar for future development and urges the Council to hold retailers to high standards.

Richard Biffl, 7002 Chancory Lane, Hyattsville: Provided written comments for the record. He is opposed to this agreement. Does not see sufficient justification for the need for the parking garage, and discussed the parking study. Believes the condominium units will become student housing. Relocating City Hall will hurt the downtown. He is concerned about the financial projections. He believes the Yale Road lots should be converted to surface parking for now, and that the City could build a garage later if the need is demonstrated.

Charles Sarahan, Box E, College Park: Believes parking has always been a problem and needs to be solved. Thinks very highly of Capstone Development Corporation.

Councilmember Fellows noted he would also be concerned if the condominium units become student housing. He supports this motion to provide a mixed-use transformation of downtown and to provide a large block of non-student housing. He commented on

other developments on the Route 1 corridor. He looks forward to seeing the results of the forthcoming market feasibility study.

Councilmember Catlin restated that this is just a preliminary agreement and that the City is not making the decisions about the condominiums or City Hall now. He also commented on other student-oriented housing developments that are under discussion.

Councilmember Krouse commented on the need for additional parking in downtown College Park and how that would spur additional development in the area.

Councilmember Milligan said that the look of downtown really has not changed as long as he's been here, and that we need to bring new types of development to the area. Believes this parking garage will help to do that. We are seeking a new downtown in College Park that serves not only the student community, but the entire College Park community as well.

Councilmember Perry supports this Agreement and is sorry it took so long to get to this point. Thinks this is the catalyst that will spur improved development in the immediate area.

Student Liaison Jesse Blitzstein supports the Agreement and is excited about the potential this would bring for students of the future and for residents.

Councilmember Olson acknowledged mixed feelings about this Agreement. He is in favor of the parking garage aspect but does not favor the use of the Friends School site as City Hall. He hopes this will spark an influx of new types of retail in downtown. He expressed the need to involve the public in the design aspects of the parking garage and any other projects. He thanked his colleagues for attempting to find alternative sites for City Hall before selecting the Friends School. He acknowledged this is an exciting step forward for the City but he cannot support the motion because of the use of the Friends School site.

Mayor Brayman reviewed the early parking study and his initial concerns about downtown development. He discussed using parking garages as a development tool. He thanked the developer for understanding the City's need to vet these agreements publicly. He discussed past efforts to tackle the issue of the Route 1 frontage.

Jeff Jones, Capstone Development Corporation: Introduced his colleague Keith Brown. Thanked members of the Staff whom he worked with during this process. Capstone is approaching this development opportunity with excitement, optimism, and prudence. This is a once-in-a-generation opportunity that must be approached carefully.

The motion passed 6-1-0 (Councilmember Olson opposed).

06-G-122 Appointments To Boards And Committees

A motion was made by Councilmember Perry and seconded by Councilmember Olson to appoint Jack Robson to the Airport Authority for a three-year term.

The motion passed 7-0-0.

Student Liaison Comments: Jesse Blitzstein appreciated Mr. Robson's suggestion to change the Special Election timeline to accommodate students.

City Manager's Report: Mr. Nagro announced the University's e-cycling event that is free and open to the public. He reviewed the weekend noise patrols.

Council Comments:

Councilmember Fellows said he was sad to learn that Kesha Eaddy was leaving the City staff and thanked her for her work on the Martin Luther King committee.

Councilmember Perry commented on a notice from COG he received at home.

Councilmember Catlin announced a green building workshop to be held on Friday.

Councilmember Milligan commented on an article in the Municipal Maryland magazine that highlighted statistics about foreign immigration.

Comments From The Audience: None

Adjournment:

A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adjourn the meeting. The meeting was adjourned at 11:18 p.m. by a vote of 7-0-0.

Janeen S. Miller, City Clerk