

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 13, 2009
8:00 P.M.
(As Amended 10/27/09)

PRESENT: Mayor Brayman; Councilmembers Molinatto (arrived at 8:05 p.m.), Wojahn, Catlin, Perry, Stulich, Mark Cook, Hampton and Mary Cook; Student Liaison Jonathan Sachs and Deputy Student Liaison Becca Lurie.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Yvette Allen, Assistant City Clerk; Sara Imhulse, Assistant to the City Manager; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; and Elissa Vitale, Planner.

Mayor Brayman opened the meeting at 8:00 p.m. Councilmember Catlin led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Perry and seconded by Councilmember Mark Cook to approve the minutes of the September 16, 2009 Special Session and September 22, 2009 Regular Meeting. A motion to amend the minutes was made by Councilmember Mary Cook and seconded by Councilmember Catlin. The amendment is to page 6, paragraph 7 change the word “would” to “could” and on page 1 under Councilmember Catlin's comments remove the word “systems” and add “in its districts”. The motion to amend the minutes passed 8-0-0. The amended minutes were approved by a vote of 8-0-0.

Announcements:

Councilmember Mark Cook announced that October was Breast Cancer Awareness Month.

Councilmember Mary Cook reminded everyone that a Strategic Planning Focus Group will meet this Thursday, October 15 at Marie Mount Hall Maryland Room on the University of Maryland campus at 7:00 p.m. and anyone wanting to attend should R.S.V.P. to the College Park Planning Department at 301-277-3445.

Councilmember Perry announced that the Berwyn District Civic Association will meet Thursday, October 15th at 8:00 p.m. in Fealy Hall and will hold a candidates night.

Councilmember Catlin announced that the Berwyn District Civic Association will hold their annual Oktoberfest Bonfire on Saturday, October 24th from 7:00 p.m. to 9:00 p.m. at the Berwyn Neighborhood Park.

Councilmember Wojahn thanked everyone for attending one of the two Strategic Planning Focus Group meetings held at City Hall and Davis Hall. Councilmember Wojahn announced a Rain

Garden Workshop to be held on Saturday, October 24th at Davis Hall from 10:00 a.m. to 12 Noon which will be hosted by the Committee for a Better Environment.

Acknowledgement of Dignitaries:

Mayor Brayman recognized Larry Bleau, President of the North College Park Civic Association and Morgan Gale, President of the Calvert Hills Civic Association.

Acknowledgement Of Newly Appointed Board And Committee Members: None.

Amendments To The Agenda: None

Proclamations:

Mayor Brayman presented Sara Imhulse, Assistant to the City Manager, a proclamation to express the appreciation of the Mayor, Council and City Manager for her dedicated service to the City. Ms. Imhulse will be leaving the City on October 23, 2009 to become the Town Administrator for Riverdale Park.

City Manager's Report:

Mr. Nagro reminded everyone that Public Works will be open from 7:30 a.m. to 3:30 p.m. this Saturday as part of the Fall Cleanup Saturdays. Document Shredding will be available from 9:00 a.m. to 2:00 p.m., this Saturday only, if you have papers that need shredding. Mr. Nagro also reminded everyone that American Rescue Workers and Community Forklift will there to accept donated items.

Mr. Nagro also reported that milling is tentatively scheduled to being the week of October 19th on 49th Avenue, Muskogee Street and Lackawanna Street. After the streets are milled, paving will commence, weather permitting. The project should last three weeks.

Student Liaison Comments:

Mr. Sachs reminded everyone that homecoming will be held this Saturday. The SGA is trying to get students to sign up to attend the Strategic Planning Focus Group this Thursday.

Comments From The Audience On Non-Agenda Items:

Larry Bleau, 4901 Niagara Road: Reported on the last North College Park Citizens association meeting.

Bob McCeney, 5701 Vassar Drive: Asked if the Yarrow Civic Association will meet prior to the November 3, 2009 election.

Councilmember Mark Cook stated that they are not scheduled to meet.

Mayor Brayman stated that he may get the College Park Estates community together on Halloween.

Morgan Gale, 7010 Wake Forest Drive: Mr. Gale wished Sara well in her future endeavors. He announced the Calvert Hills Citizens Association Picnic to be held on Saturday October 24 from 2:00 p.m. to 5:00 p.m. in Calvert Park.

Consent Agenda: The Consent Agenda consisted of the following items:

- 09-R-11 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2009-07, 9701 47th Place, College Park, Maryland, Recommending Approval Of A Variance Of 2 Feet From The Minimum Required Front Lot Depth Requirement Of 25 Feet To Construct A 6.5' X 25' Covered Front Porch**

- 09-R-12 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2009-08, 9603 48th Place, College Park, Maryland, Recommending Approval Of A Variance Of 1.2% Or 75 Square Feet From The 30% Maximum Permitted Lot Coverage To Allow Reconstruction Of A 4.5' X 6.5' Covered Entryway In Front Of Their Home**

- 09-G-84 Approval Of Staff Recommendation For Two Speed Humps In The 5000 Block Of Blackfoot Place adjacent to Duvall Field**

A motion was made by Councilmember Perry and seconded by Councilmember Mark Cook to adopt the Consent Agenda. The motion carried 8-0-0.

Action Items:

- 09-G-85 Approval Of A Property Use Agreement For Kiyoko Express, 7313-H Baltimore Avenue, Authorization For The City Manager To Sign The PUA, And Authorization For Staff To Voice No Objection At The BOLC Hearing In Reference To Their Application For A Class B, Beer And Wine License**

A motion was made by Councilmember Mark Cook and seconded by Councilmember Wojahn to voice no objection to the application of CJMG, LLC for a Class B Beer and Wine License subject to the Licensee entering into a Property Use Agreement and authorize the City Manager to sign the agreement.

Councilmember Mark Cook stated that CJMG, LLC/Kiyoko Express Restaurant has applied for a Class B, Beer and Wine License to sell beer, wine and sake. The applicant, who has been in business for eight months, has agreed to sign a Property Use Agreement.

Comments from the audience:

Morgan Gale, 7010 Wake Forest Drive, one of the owners of Kiyoko Express: Mr. Gale stated that Kiyoko Express is owned by local residents that are mindful of the community and that all business partners are in agreement with the Property Use Agreement.

Councilmember Perry asked Mr. Gale what is the distance of Kiyoko Express from the closest restaurant with a Class B License. Mr. Gale stated that Applebee's is across the street and R.J. Bentleys is a block down the street. Councilmember Perry stated that the City requires that a business needs to be open for a year prior to having a liquor license and Kiyoko Express has only been open eight months and wanted to know if they really needed the Class B license to make ends meet. Mr. Gale stated that he is not sure; they had a very slow summer and with such a small margin on food, this license would hopefully allow for a little cushion.

Councilmember Mary Cook asked for clarification of the wording in the Property Use Agreement on page three item number five where it talks about window advertising. Ms. Ferguson explained that Kiyoko Express is allowed to have one generic advertisement advertising that food, beer, wine and sake is sold on the premises. No other advertising is allowed.

Councilmember Perry stated that he will not support the motion since the business has only been in operation for eight months and that the area is well served with liquor licenses.

Councilmember Stulich stated that she will support the motion and happy to see a small family owned establishment succeeding.

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

09-G-86 Approval, With Conditions, Of Detailed Site Plan 08010/02 For Star View Plaza

Mayor Brayman stated that prior to this motion there would be a discussion with representatives of Star View Plaza Hotel, Jay Patel, Attorney for Star Hotels, and Josh Peters, Sr. Vice President of Acquisition and Development for Star Hotels, regarding new language for the Declaration of Covenants and Agreement Regarding Land Use.

After a recess, Suellen Ferguson, City Attorney, stated that agreement between the parties had been reached on the last two sentences of paragraph 17 of the Declaration of Covenants and Agreement Regarding Land Use, and that paragraph 17 shall now read as follows:

“The Developer and Star View shall make a good faith effort to begin construction of Phase II (defined as groundbreaking) prior to issuance of the use and occupancy permit for Phase I. The parties acknowledge that the ability to accomplish this may be impacted by various factors, including a decline in enrollment at the University of Maryland, College Park, further deterioration of the economy, and/or inability to obtain financing . In the event that construction on Phase II has not begun as stated herein, the Developer and Star View shall present

documentation of their good faith efforts to begin construction of Phase II to the City at a time between the issuance of the last temporary Use and Occupancy Permit for the structure and the issuance of the final Use and Occupancy Permit. This paragraph shall not be construed as a condition precedent to the issuance of the Use and Occupancy permit for Phase 1.”

Jay Patel, Attorney for Star Hotels, stated that the above wording is acceptable.

A motion was made by Councilmember Hampton and seconded by Councilmember Catlin that the City Council recommend approval of the revised Detailed Site Plan 08010/02 for Star View Plaza subject to the following conditions:

- 1. Revise the Declaration of Covenants and Agreement Regarding Land Use to address the phasing of the project. The Developer and Star View shall make a good faith effort to begin construction of Phase II (defined as groundbreaking) prior to issuance of the use and occupancy permit for Phase I. The parties acknowledge that the ability to accomplish this may be impacted by various factors, including a decline in enrollment at the University of Maryland, College Park, further deterioration of the economy, and/or inability to obtain financing. In the event that construction on Phase II has not begun as stated herein, the Developer and Star View shall present documentation of their good faith efforts to begin construction of Phase II to the City at a time between the issuance of the last temporary use and occupancy permit for the structure and the issuance of the final use and occupancy permit. This paragraph shall not be construed as a condition precedent to the issuance of the use and occupancy permit for Phase I.**

- 2. The applicant shall revise the Detailed Site Plan as follows:**
 - a. Eliminate the existing sidewalk at the back of the curb of US Route 1.**
 - b. Provide revised parking calculations to reflect a total unit count of 172 versus 177 units.**
 - c. Provide revised information regarding bedroom percentages and unit mix.**
 - d. Provide revised architectural elevations that include cantilevered decorative metal awnings that span the retail entryways from column to column and that allow for the mounting of individual channel letter signage; modify the columns at the retail level to show two different types of brick and a metal cap; and modify the south elevation to include a vertical panel of the simulated slate on the west side.**
 - e. Ensure consistency, including dimensions, among the engineering, architectural, and landscape plan sets.**
 - f. Clearly label all building and site materials and finishes and provide a revised calculation for percentage brick, which shall be no less than the prior approval that permitted 59 percent of the overall exterior facades to be finished with brick and sandblasted pre-cast masonry units; over 80 percent of the elevations visible from Baltimore Avenue to be finished with brick and sandblasted pre-cast masonry units; and the west elevation to be finished primarily with brick-tone cementitious siding.**

3. **The applicant shall revise the Landscape and Lighting Plan as follows:**
 - a. **Provide detailed information, including plant material and quantity for the proposed foundation plantings in the courtyard area.**
 - b. **Provide a continuous lawn panel with portable furniture in the courtyard.**
 - c. **Provide a trellis at the southern elevation to enclose the courtyard and block access to the driveway.**
 - d. **Provide detailed information, such as cut sheets, for all street furniture, courtyard furniture, and site lighting.**

4. **The applicant shall revise the Sign Plan as follows:**
 - a. **Provide a common sign plan that specifies standards including area, lighting, colors, lettering style, size, height, quantity and location consistent with condition 2d above.**

I further move that the City of College Park shall agree to waive its right to appeal should the final Planning Board resolution incorporate the City's proposed conditions, as appropriate.

Councilmember Hampton added the following comments:

The City of College Park City council voted 5-3-0 at its August 25, 2009, regular meeting to support a request by Star View to seek administrative approval for an amendment to revise the Approved Detailed Site Plan to allow the applicant to construct the proposed student housing project in two phases. The revision is not being processed at the Planning Director level but is being expedited and a Planning Board hearing has been set for November 5, 2009. The applicant is proposing to construct a 172-unit student housing building with 9,580 square feet of commercial retail. Phase 1 will contain 94 units, 9,580 square feet of retail, and 355 parking spaces. Phase 2 will contain 78 units. The applicant will be constructing the entire structured parking garage as part of Phase I. The applicant hopes to complete Phase 1 in December 2010 and Phase II in August 2011.

Mayor Brayman noted that the City of College Park agrees to waive its right to appeal if the final Planning Board resolution incorporates the City's proposed conditions.

Jay Patel, representing Star Hotels, confirmed the applicant's agreement on the conditions and on the Amendment to Declaration of Covenants and Agreement Regarding Land Use.

The motion carried 8-0-0.

09-G-87 Appointments To Boards And Committees

Councilmember Stulich nominated Ballard Troy to the Committee for a Better Environment for a three- year term to expire October 2012. A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin to approve the nomination. The motion carried 8-0-0.

Council Comments:

Councilmember Wojahn informed everyone of a fatal vehicle accident that took place on Rhode Island Avenue. Due to budget cuts, Prince George’s County has put plans for rebuilding Rhode Island Avenue on hold. Councilmember Wojahn has asked to meet with Prince George’s County Councilmember Dernoga regarding safety measures on Rhode Island Avenue.

Councilmember Perry thanked staff for the Leaf Plan and said he would be sharing it with the Berwyn Civic Association if anyone wanted to take a look at it.

Councilmember Stullich stated that there was another car accident on Paint Branch Parkway at the hiker biker crosswalk where a vehicle was struck from behind while stopped for flashing lights at the crosswalk. Councilmember Stullich stressed that this is a very dangerous intersection and that we should schedule a meeting with the Prince George’s County Department of Public Works and Transportation.

Comments From The Audience:

Scott Maseoley, 8907 34th Avenue: Mr. Maseoley stated he is from Professor William’s Journalism class and thanked Council for allowing them to attend the meeting.

Adjournment: A motion to adjourn was made by Councilmember Perry and seconded by Councilmember Mary Cook. The meeting was adjourned at 9:50 p.m. by a vote of 8-0-0.

Yvette T. Allen
Assistant City Clerk

Date Approved