

MINUTES
Regular Meeting of the College Park City Council
Tuesday, November 25, 2014
7:30 p.m. – 11:24 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich, Day, Mitchell and Hew.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bill Gardiner, Assistant City Manager; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services; Miriam Bader, Planner; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 7:30 p.m. and Councilmember Kabir led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to approve the minutes of the Special Session on November 5, 2014; the Public Hearing of November 12, 2014 for Traffic Calming in the 7300 block of Radcliffe Drive; and the Regular Meeting on November 12, 2014. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Kabir announced the holiday event for the Hollywood Farmers Market and discussed Small Business Saturday.

Councilmember Wojahn reminded Council about the Neighborhood Quality of Life Committee meeting on Monday, December 1, and the Route 1 University Communities Coalition meeting on Wednesday, December 3.

Councilmember Brennan attended a meeting today with the City Engineer, BDCA and SHA about the new road striping on Greenbelt Road between Route 1 and 193. SHA will take immediate action to address the concerns. The College Park Community Foundation will hold their Winter Gala on Saturday December 13.

Proclamations: Mayor Fellows read the proclamation for “Municipal Government Works!” month.

Amendments to the Agenda: Councilmember Brennan added a letter to the Department of Housing and Community Development on the Cruz development – Branchville Crossing (14-G-127). Councilmember Stulich added a letter on the Purple Line Corridor Coalition (14-G-128).

City Manager’s Report: Mr. Nagro discussed the upcoming Thanksgiving holiday and the December Council meeting schedule.

Student Liaison's Report: Mr. Holocker said he has been asked to serve on the University's Innovation District Committee (old East Campus development area), the SGA made a \$5,000 contribution to restore the Campus Creek which starts at the UMD Golf Course and runs into the Paint Branch, they are working to provide flags to downtown merchants for game days, student athletes are partnering with Athletics for a Thanksgiving turkey dinner distribution.

Comments from the Audience on Non-Agenda items: None.

CONSENT AGENDA: A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to adopt the Consent Agenda which consisted of the following:

- 14-G-122 Award of FY '15 Business Recycling Grants to the Clarion Inn in the amount of \$2,300 and to the Quality Inn in the amount of \$4,000.**
- 14-R-35 Authorization for the Mayor to sign the Four Cities Resolution in support of locating the FBI Headquarters at the Greenbelt Metro station**

The motion passed 8 – 0 – 0.

ACTION ITEMS

14-CR-02 Adoption of 14-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article I, "General Provisions", To Add §C1-2, "City Policy Of Non-Discrimination", To Adopt A General City Policy Against Discrimination With Respect To Employment, Housing And Public Accommodation

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to adopt 14-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article I, "General Provisions", To Add §C1-2, "City Policy Of Non-Discrimination", To Adopt A General City Policy Against Discrimination With Respect To Employment, Housing And Public Accommodation.

Councilmember Wojahn said this will add a provision to our City charter that states that in our practices, policies and services that we provide with respect to employment, housing and public accommodation, we will not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information or political affiliation. Those are the same bases for non-discrimination in our state code, and as a City that promotes inclusiveness and diversity, we want to make this statement. Non-discrimination is a fundamental principle.

Due to the earlier public hearing, no audience comments were taken.

Councilmember Mitchell questioned whether there is a problem we are currently having regarding equal rights justification for all. She is reluctant to move forward. There is a state bill that we have to follow.

Councilmember Kabir said we can't tolerate discrimination in any form, but he has mixed feelings about this Charter Amendment. It is unnecessary because Maryland already has a similar law; we have never had a general discrimination clause in our Charter in our 70 year history; other Maryland municipalities do not have a similar clause; he had emails regarding the term "public accommodation" which is controversial because it includes bathrooms which makes the heterosexual population uncomfortable; the employment term is already covered under section C9-1.

Mr. Holocker agrees that discrimination is not a problem in City government which speaks to our values, and it makes sense to reflect this in our Charter.

Councilmember Brennan said when it comes to non-discrimination, leading the way by codifying where we are is not controversial. Discrimination exists, and if we don't recognize that it exists we allow it to grow. Taking this extra step sends a strong message of welcome about our City and respects people's individuality.

Councilmember Stullich said the diversity evident on our Council and staff is just the way it should be. Of course we should not discriminate, and because we hold that value to treat everyone equally, there should be no controversy over adding this language to our Charter. It makes sense to put this in our Charter so it is clear to all that this is who we are.

Councilmember Day said discrimination is unacceptable in any form, but he has a problem with narrowing it down and believes we need to keep it as general as possible; he worries that other groups will want to be added to this list. He is also concerned about enforcement.

Councilmember Wojahn said this is only enforced internally to the extent that we carry it out. This is a guiding principle to make sure what we are doing is right. He read a list of municipalities around the country that include similar clauses in their charters. When you take for granted that discrimination doesn't exist is when it can start happening. This sends a message to residents who are in a minority or underrepresented group that we oppose discrimination.

Councilmember Hew is in favor of this amendment and believes as we move forward it will not be controversial.

Councilmember Stullich said this is about City policy for its own action, so concerns about enforcement are not necessary.

Mayor Fellows will vote to support this amendment if he has the opportunity.

Roll Call Vote:

Aye: Hew, Day, Stulich, Dennis, Brennan, Wojahn

Nay: Mitchell, Kabir

Motion passed 6 – 2- 0.

14-CR-03 Adoption of 14-CR-03, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article IX “Officers And Employees”, §C9-1, “Discrimination”, To Add Certain Non-Discrimination Provisions Concerning City Employment And To Make Clarifying Changes.

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to approve 14-CR-03, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article IX “Officers And Employees”, §C9-1, “Discrimination”, To Add Certain Non-Discrimination Provisions Concerning City Employment And To Make Clarifying Changes.

Councilmember Brennan said we have a structure that celebrates diversity and does not tolerate discrimination, and when we put language into the structures that our city holds valuable, we solidify that belief. Putting this in our Charter sends a message to our existing employees and surrounding community and also to future employees and will attract talented and diverse people to work for our City.

Councilmember Kabir said he had requested that the two Charter Amendments be separated because this is different from the previous item because it is an existing article in our Charter. We should not discriminate against anyone as far as employment goes and he will support this.

The motion passed 8 – 0 – 0.

14-G-124 Selection of Knox Road site for construction of a new City Hall and authorization for staff to take the next steps to retain consultants to assist with this project.

A motion was made by Councilmember Day and seconded by Councilmember Brennan that the City Council select the Knox Road location as the site for construction of a new City Hall and authorize staff to take the next steps to retain consultants to assist with this project.

Councilmember Day said for over 20 years, the city has been interested in having an expanded and improved City Hall facility to consolidate city offices and improve service delivery. Other needs include more community meeting space, a public outdoor space, better civic prominence and room for future expansion of staff and services. More recently, the City narrowed the site selection options to two properties owned by the city: the existing City Hall site on Knox Road and the Calvert Road site. A Public Forum was held on October 28, 2014 to provide information

about the site selection process and obtain input from the public. Many residents, from most city neighborhoods, provided oral and written testimony. Support was expressed for both sites as well as concerns about the vacant Calvert Road school building and the need to provide public meeting space that is more accessible to all residents of the city. The selection of the Knox Road site will enable the city to collaborate with the University of Maryland and the University of Maryland Foundation who will soon acquire most of the Route 1 frontage next to our site. This presents a unique opportunity to jointly redevelop an important block in the center of Downtown College Park and contribute to the revitalization of the Route 1 corridor. It also affords an opportunity to partner with the University to study options for the Calvert Road site for other public uses including daycare. We are not going to look only at the Calvert Road site for other meeting space – we will look throughout the City. It is important moving forward for the City to retain professional expertise in real estate development, financing and architectural design to ensure the best outcome. City staff should proceed with identifying appropriate consultants to work with the city on this project.

Suchitra Balachandran, 9320 St. Andrews Place, President West College Park Civic Association: She has previously conveyed that the WCPCA is in favor of the Calvert Road site over the Knox Road site for a new City Hall. She heard at the last Worksession that the need driving a quick decision on this was based on the state bond bill for this project. Overall, the bond money just represents 5% of the cost, and that should drive us to make a hasty decision. She believes it is highly unlikely we could even spend the funds by the deadline - \$800,000 by June 1, 2015 - in order to make use of the bond money. The Knox Road site is not really ready for development because the Route 1 frontage has not been acquired. Table the vote today.

Zari Malsawma, 3433 Duke Street: When she comes to City Hall it is because she has to come here but it is stifling for her – parking is a problem, it is not convenient, we don't face Route 1. Please move City Hall somewhere else where there is open space and open parking. This makes it look like we are subsumed by the University of Maryland. Table the vote tonight.

Arthur Eaton, 9012 51st Avenue, Vice President, North College Park Citizens Association: Table the vote tonight. There are other properties available such as the one on 51st Avenue. This location and the Calvert Road location are convenient only to residents of the far southern part of the City but half of the citizens live north of the University. It is not fair to have them drive all the way down here.

Christine Nagle, 9506 52nd Avenue: The North College Park Civic Association, along with West College Park and Berwyn, is on record that Council defer this decision tonight until all options can be considered. Personally, she thinks that after the public hearing there was a sense that of the two options under consideration, the Calvert Road site was the preferred option. Then last week when she watched the Worksession, people started saying that Knox Road was the place to go. She is confused about why there was a shift from Calvert Road to Knox Road.

Mary Cook, 4705 Kiernan Road: The decision on City Hall should be incorporated into the new Strategic Plan. The due diligence has not been done; we don't know how much money will

be spent. Table this motion until a later time; share all the information with the residents to show that “municipal government works.”

Jack Robson, 4710 Harvard Road: Since you are considering tabling this, he suggests you table it for a year and put all the options on a non-binding referendum at the next election and let the voters select the site.

John Krouse, 9709 53rd Avenue: The Branchville site is at the center of the City. City offices can be spread around – he is not a fan of centralization. The North College Park Citizens Association discussed and visited the Stone Industrial site – it is a fantastic site.

A motion was made by Councilmember Mitchell and seconded by Councilmember Kabir to table the vote tonight for selecting Knox Road for the new City Hall until approximately May 2015 to allow time to do our due diligence to consider other sites.

The City Attorney said a motion to table is not debatable.

Roll call on the motion to table:

Aye: Kabir, Hew, Mitchell

Nay: Wojahn, Brennan, Dennis, Stulich, Day.

The motion to table fails for lack of majority.

Comment on the main motion:

Councilmember Wojahn said the Branchville site is not available. The Stone Industrial site is not appropriate for City Hall; it is an industrial site with one office building that is too small and a warehouse. You can't just take an industrial site and turn it into a City Hall. Its location is not accessible to a public thoroughfare or public transportation. It would cost \$5.5 million to buy, and then you would have to pay to renovate it.

Councilmember Day has been a supporter of the Knox Road site all along. We need to move forward and we can't do that until we make this decision. This location gives us the opportunity to work with the University of Maryland so that we don't lose our downtown. The University of Maryland is our biggest employer, our largest friend, and to walk away from downtown would not contribute to a vibrant downtown. We have already spent the money to build a garage to support this location to be developed. We need to create a downtown that people want to come to.

Councilmember Kabir said this is a sad night for residents in College Park, but it could be exciting if we had a good process. There is a north-south divide. We are missing the big picture and lost the opportunity to bring all the residents together. In a few months we will be talking about other developments like College Park Academy or the day care center. We have

limitations and you can't review these on a piecemeal basis; we can borrow only so much money. Four civic associations asked us to delay the vote and we ignored them. Shame on us.

Councilmember Dennis said we need to make a decision on the City Hall site so we can then discuss these other options like day care, open space, community space, and other amenities. We can't address those until we make the decision on City Hall. He is in favor of the Knox Road site. If not, we would discount the opportunity to engage with other stakeholders on the additional amenities and he sees this as one step in a multi-step process to move forward.

Councilmember Hew thinks we missed an opportunity by not tabling this. There are still unanswered questions. He is surprised by the outcome after people said they wanted the Calvert Road site. He needs a good reason to keep it here besides that it is what the University wants, but he is not sure what their timeline is. What can they do to assist our move, what contributions would they have on the design of City Hall? It will add to the inefficiencies of our operations and disruption to our employees to have a construction site here.

Councilmember Day said we should work out a letter of commitment between the University and the City. We want them to make a commitment to this process and to partner with us to build a better downtown. We don't want them walking away and building in other places in the City that we have stood up and fought against in the past. Let's move forward and develop a downtown that will bring the dollars back down here and help other businesses in the process.

Mr. Holocker said students have a stake in this decision. Development with the University of Maryland on this site would be the best option. They are willing to move down that road. The goal is to be a Top 20 College Town – we need to see how we can further that, and the downtown is the key. Abandoning this site is not the optimal way to develop downtown. We need mixed use, office, retail and housing to support businesses 12 months a year. Student housing at this site would not be the best use. We need a huge civic prominence in downtown, but we want to look forward on sustainability and smart growth – not one with a huge surface parking lot around it.

Councilmember Wojahn was torn between the two sites (Calvert Road and Knox Road) – he was initially leaning toward Calvert Road because there were limited other options there. But there are a lot of pros to Knox Road as well. Staying here will be an investment in our downtown area. Downtown is far from being everything we want it to be, but we are working on that – to create a “place”, a public square, a nice restaurant that people want to come to.

Councilmember Mitchell said a City Hall is supposed to be for the community, but we are negating the communities in north College Park, west College Park, Crystal Springs, Autoville and Cherry Hill with this decision. We say we are trying to be open minded for everyone, but we're not. Councilmember Kabir is right – it seems only a certain part of the City matters, and that's wrong. Everyone pays taxes. That's why she brought the motion to table – so that all the residents were engaged. Last year we engaged the residents of Calvert Hills and Old Town for a purpose, but we haven't engaged the residents in other parts of the City. We need to do a better

job in how we engage north and west College Park and the types of amenities that serve all parts of the City.

Councilmember Stullich said District 3 residents were on both sides of the two sites, but the majority preferred Calvert Road over Knox Road because of the concern that the Calvert Road site has been essentially abandoned for years and it is not a situation the City should be in. She also knows that District 3 residents see a benefit of having City Hall at the Knox Road site because it should be in a downtown part of the City, prominent, accessible, close to Route 1, not tucked back in a neighborhood. There is the potential for City Hall and downtown and business revitalization to support each other. The impact of City employees and visitors to City Hall can be a helpful and powerful force. The Stone Industrial site is not a good site for City Hall – it is not near transit. She is concerned about what will happen to the Calvert Road site and thinks it would make a great City Hall, but there are benefits to having City Hall remain on Knox Road and the potential collaboration with the University to make it the kind of downtown that people want to come to.

Councilmember Brennan said at the retreat last spring we decided we would speak with one voice to determine what works best for the City as a whole. We have been having this discussion for 20 years. He is upset to hear that the Knox Road decision somehow favors one neighborhood over another. City Hall will serve all residents equally no matter where it is. Around the country, City Halls are not located in industrial sites, they are located downtown. We have a real need for space. As our City grows we cannot accommodate that growth by adding the staff we need to provide services to our constituents. We can't wait any longer. We have decisions to make on other issues and we can't proceed with those discussions until this decision is made. As we proceed with this discussion we will have to consider public comments about needs for other meeting space and regarding Calvert Road.

Mayor Fellows supports the motion for Knox Road. The University has shifted away from the old East Campus development plan and is now interested in a partnership to revitalize the downtown. This is a remarkable opportunity.

Councilmember Hew is struggling with this decision because of the comments he has heard from our residents and staff. We have lost negotiation leverage with the University by not tabling this and getting some commitments from them.

Councilmember Stullich said our downtown has been less than what everyone would like it to be and with the University we have the potential to turn that around. We could not do that by ourselves. It doesn't make sense to walk away from downtown and put City Hall somewhere else. She thought Calvert Road was close enough to downtown that it would work. We want good meeting spaces throughout the City – we have Davis Hall but it is inadequate and we need to make improving that space a priority. It is time to make this decision – this is not a hasty decision – it has been under discussion as long as she has been on Council. She doesn't think the Stone Industrial site is the cheapest option. We need to develop a viable use for the Calvert Road site.

Councilmember Kabir said at the retreat he floated the idea of having City Hall in other locations such as at Branchville if we could move the fire department up north, which they want to do. It was a mistake to lock us down to two sites at the retreat. We should have opened up the discussion and taken it to the residents. We haven't seen any commitment from the University yet. We have widened the gap between the residents and the Council; residents are not happy.

Councilmember Wojahn said he has spoken to the leadership of Branchville and the County Fire Department and the soonest Branchville could become available is 10 years from now.

Councilmember Mitchell called the question.

Roll Call Vote:

Aye: Wojahn, Brennan, Dennis, Stulich, Day

Nay: Kabir, Hew, Mitchell

Motion passed 5 – 3- 0.

14-G-125 Approval of City participation in the “One Warm Coat” winter clothing drive

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to approve a City-wide winter coat drive, in collaboration with One Warm Coat, from Wednesday November 26, 2014 to Sunday December 14, 2014; to authorize City staff to place collection boxes at various City locations and send the donated items to one or more local non-profit agencies serving residents in need; and to authorize payment of an administrative fee of \$100.00 to One Warm Coat.

There were no comments from the audience or the Council

The motion passed 8 – 0 – 0.

14-G-126 Appointments to Boards and Committees

A motion was made by Councilmember Dennis and seconded by Councilmember Day to appoint Councilmembers Wojahn, Brennan and Kabir to the Aging-In-Place Task Force. The motion carried 8 – 0 – 0.

14-G-127 Approval of a letter to DHCD regarding Branchville Crossing

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to approve a letter to the Department of Housing and Community Development with comments on the Cruz development, Branchville Crossing.

Ms. Schum said there was concern that lack of City comments might be construed as support for the project, so this letter was drafted. She has since learned that is not the case, but still we can go forward to get the letter on record. The project will have to go through the Detailed Site Plan process at which point the City would do a complete review and take a position. Amendments to the letter were discussed.

There were no comments from the audience or the Council.

The motion passed 8 – 0 – 0.

14-G-128 Approval of City membership in the Purple Line Corridor Coalition (PLCC)

Ms. Schum said it is an oversight that the City had not already become a member of the PLCC. There are no dues; we just need this letter to confirm our membership.

A motion was made by Councilmember Stulich and seconded by Councilmember Day to authorize the Mayor to sign this letter.

Councilmember Stulich said we have long supported the Purple Line and this is another way to express that support and bring it to reality.

The motion passed 8 – 0 – 0.

DISCUSSION ITEM:

Status of the City's position on the Preliminary Plan and Detailed Site Plan for The Hotel at the University of Maryland

Ms. Schum reviewed the revised Staff recommendation and pointed out where the applicant agrees and disagrees. Ms. Ferguson discussed the possibility of putting some of the conditions into a Declaration of Covenants that would not be recorded.

Jack Robson, Chair of the College Park Airport Authority, made a presentation about the height of The Hotel. Their position is that the building height must be reduced by 35 feet to satisfy the zoning regulations.

Arthur Horne, Shipley & Horne, attorney for the applicant, joined by David Hillman, developer, Bob Greenberg, architect, and a transportation expert and civil engineer. They have come closer in their negotiations since the last Worksession. He responded to the items in the Staff recommendation. While a lot of the recommendations are good, the applicant can't accept conditions on property they do not own. The height of the building is what it is, and they believe it will not be considered a hazard.

Councilmembers then questioned the applicant, City staff and Mr. Robson for further clarification on a number of points.

Council will take action on this item at the December 6 meeting.

COUNCIL COMMENTS:

Councilmember Hew said he was at the NLC Conference in Austin last week and commented on the valuable information he learned.

Councilmember Brennan commented on the Ferguson (MO.) decision and said we are fortunate to have a diverse and socially conscious City.

Councilmember Wojahn also appreciated the opportunity to attend the NLC Conference and will be happy to share all that he learned.

Councilmember Kabir discussed the City's winter coat drive: collection boxes will be located at City Hall, Davis Hall and Youth and Family Services.

COMMENTS FROM THE AUDIENCE:

Kurt Schneckenburger, a pilot, Beltsville: He flies out of the College Park airport. He said The Hotel applicant should file with the FAA. University View was built in 2002 and he has to go south of University View when he takes off. If he has to go south of University View and north of The Hotel that will make it very interesting.

Jack Robson, 4710 Harvard Road: He spoke with the architect, Mr. Greenberg, in August to make sure they were aware of the high limitation. He was told they did file with the FAA. Mr. Robson informed him that they also need to file with MAA. How could their lawyer miss the zoning regulations regarding the Airport Policy Area? Mr. Robson then explained the FAA process. He wants the City not to approve The Hotel project until the FAA appeal process has been completed.

Mr. Klaypak, 4705 Harvard Road: The University didn't do their homework about the height. Why would this Council annoy the citizens and bow to the University? We are the ones who pay the taxes here. Why do you need a new City Council building? You haven't even paid off the parking garage. You don't have the right to spend all of this money without any idea how to recoup it. The helicopters fly over the houses now, which is annoying. You need to start listening to the citizens and stop spending money you don't have.

ADJOURN: A motion was made by Councilmember Dennis and seconded by Councilmember Day to adjourn the meeting. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 11:24 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved