

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, March 12, 2013**  
**7:30 p.m. – 8:54 p.m.**

**PRESENT:** Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Catlin, Stullich, Day, Afzali and Mitchell.

**ABSENT:** Councilmember Dennis.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Miriam Bader, Senior Planner. Josh Rather, Student Liaison.

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

**Minutes:** A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adopt the minutes of the February 19, 2013 Special Session; February 26, 2013 Public Hearing on 13-O-01; February 26, 2013 Regular Meeting, and the Confidential Minutes of closed sessions held on September 4, September 25, October 3, October 16 and December 4, 2012 and January 8, 2013. The motion passed 7 – 0 – 0.

**Announcements:**

Councilmember Kabir announced that the North College Park Civic Association would hold their monthly meeting on Thursday at 7:30 p.m. at Davis Hall.

Councilmember Wojahn said one item on the NCPCA's agenda is the Council's FY 2014 Action Plan.

Councilmember Catlin said the Lakeland Civic Association would hold their monthly meeting on Thursday, March 14 at the College Park Community Center, and the Berwyn District Civic Association would meet on Thursday, March 21 at the Fishnet Restaurant.

Councilmember Afzali announced MTA is hosting a Purple Line meeting from 7 - 9 p.m. on Thursday at City Hall to review current plans for the College Park Metro and M-Square stations.

**Amendments to the Agenda:** Remove item 13-G-35; Add item 13-G-40.

**City Manager's Report:** Mr. Nagro said the motion for 13-G-37 (Litton) is in the red folders, but an amendment to the motion from the applicant was just presented. The budget will be distributed March 28.

**Student Liaison's Report:** Mr. Ratner discussed the work they are doing to move tailgates onto campus. They will test the ideas at upcoming April lacrosse games. Councilmember Afzali asked if tailgaters on campus would be allowed to drink. Mr. Ratner said the police said that unless you are creating a problem, it will be fine. Kegs are not allowed, and responsible behavior is an expectation.

**Acknowledgements:** Mayor Fellows acknowledged Samantha Zwerling, President of the SGA, and Kevin Young, President of the Berwyn District Civic Association.

**Comments from the Audience on Non-Agenda Items:**

**Kevin Young, President, Berwyn District Civic Association, 8800 49<sup>th</sup> Avenue:** He corrected the time of the BDCA meeting this month – it will begin at 7:30 p.m.

**Ryan Heisinger, SGA VP of Academic Affairs, 4210A Guilford Avenue:** He spoke in support of funding for the College Park Academy Charter School in the governor's budget. He started a petition to tell the Maryland General Assembly to save the funding, and every time someone signs the petition, each member of the MGA gets an e-mail about it. UMD Students will be deeply involved in the school and this is an opportunity to build bridges.

Councilmember Day said he and his son are pleased that his son is enrolled in the inaugural year of the College Park Academy, and that using this academic model, a high school student can graduate with enough credits for an Associate's degree.

Councilmember Catlin, who is a member of the founding board of the College Park Academy, said CPA leadership is looking at various funding sources, and the funding from Annapolis is greatly anticipated.

Councilmember Mitchell, also a member of the founding board, and Mayor Fellows thanked the University and the SGA for their work on behalf of the Academy.

**Charles Sarahan, Box E, College Park:** He works in the ESOL (English for Speakers of Other Languages) program on campus, and they need volunteers; it is a great program, please get involved. He also said laughter is good for your health, and helped bring a smile to the audience.

**Jesse Kranz, 5129 Cumberland Hall, member of Phi Kappa Psi fraternity:** They have started Phi Psi Friends, a free program to help out with yard work, pet care, errands, for people in the community who need help.

**Consent Agenda:** A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell to adopt the consent agenda, which consisted of one item:

**13-G-33      Approval of a recommendation letter for Al-Huda School**

**The motion passed 6 – 0 – 0 (Councilmember Stulich was not at the dais).**

**Action Items:**

**13-G-36      Award of FY 2014 Contracts for Dental Insurance (MetLife and DentaQuest for \$43,000), Workers Compensation (IWIF for \$173,488) and Liability Insurances (LGIT and affiliates for \$145,040)**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the Mayor and Council award the following contracts for dental insurance, workers compensation, and liability insurance for FY 2014: Contracts with MetLife and**

**DentaQuest for dental insurance at a budgeted cost of \$ 43,000; Contract with Injured Workers Insurance Fund (IWIF) for workers compensation insurance at a budgeted cost of \$173,488; Contract with Local Government Insurance Trust (LGIT) for general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, and uninsured motorists protection insurances at a budgeted cost not to exceed \$145,030; for a total budgeted cost of \$361,518. The contracts submitted for approval and award were negotiated using authorized informal purchasing procedures including brokers, agents and staff research, and therefore require an extra-majority vote of the Mayor and Council.**

Councilmember Mitchell commented that the City is electing to stay with our current carriers of MetLife and DentaQuest for dental insurance. Premiums will not increase for either plan next year. Based on our current enrollment levels, the total cost to the City (which does not include the employees' portion of the premium) for FY 2014 will be approximately \$43,000. The Injured Workers Insurance Fund (IWIF) carries the City's workers compensation insurance. Our claims experience this past year has been excellent and our experience modification factor decreased again this year. The City's liability insurance is carried by the Local Government Insurance Trust (LGIT) of which the City is a charter member. This insurance covers City-wide general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, parking garage, and uninsured motorist's coverage. The City also purchases coverage from other insurance companies affiliated with LGIT for our pollution legal liability, a crime bond, Metro underpass, and fuel storage tanks. The plan year for LGIT coverage is July 1 – June 30 and final premium rates are not available until May. However, LGIT has advised us to budget \$145,030 for FY '14, which is a decrease of over \$10,000 from last year. This overall budget number is \$17,419 less than last year.

There were no comments from the audience. There were no comments from the Council.

**The motion passed 7 – 0 – 0.**

**13-G-37 Approval, With Conditions, Of Preliminary Plan of Subdivision 4-12014 for Litton Technology Center**

**A motion was made by Councilmember Stullich and seconded by Councilmember Day that the Council recommend approval, with conditions, of Preliminary Plan of Subdivision 4-12014 for Litton Technology Center. Councilmember Stullich read the conditions written by City Planning Staff.**

**Tom Haller, Attorney representing M Square Associates:** The applicant concurs with staff on recommendations #1 – #6. The concerns listed in item #7 will be considered at the time of Detailed Site Plan, and he would prefer that they not be communicated at this time to the Planning Board as conditions, but rather as concerns to be addressed at the DSP.

Councilmember Stullich noted that a revised draft of the conditions was just distributed by the applicant. Mr. Haller indicated that the changes in conditions #1-6 were minor edits proposed by the applicant. He stated that until they have the tenant(s) identified, they can't speak to the

recommendations included in #7. He agrees that those concerns should be communicated to the Planning Board, but prefers that they be communicated as concerns, and not as conditions.

Planning Director Terry Schum agreed that the changes offered by the applicant in conditions #1-6 are non-substantive, and are acceptable to staff. However, she wants to keep the issues raised in condition #7 as a condition of the motion.

**The motion was amended by Councilmember Stulich and seconded by Councilmember Day to include the non-substantive revisions provided by the applicant for conditions #2, 3, 4 and 6. Conditions #1, 5 and 7 are unchanged.**

**The amended motion is: That the City Council recommend approval, with conditions, of Preliminary Plan 4-12014, as follows:**

- 1. Support conditions 1-28 in the County Technical Staff Report (See Attachment 1).**
- 2. At such time the existing improvements on Lot 1 are proposed for redevelopment, consideration should be given to extending 52<sup>nd</sup> Avenue to the south through the lot and extending the proposed northernmost road to the west to intersect with 51<sup>st</sup> Avenue.**
- 3. At the time of Detailed Site Plan (DSP), if a new floodplain study and TCP II for the subject site are approved which reduce the impact of the floodplain along the northern boundary of proposed lots 2-4, the Applicant should consider relocating the proposed hiker/biker trail between 52<sup>nd</sup> Avenue and the existing trail (located on the eastern side of the site), further north, closer to the stream buffer.**
- 4. At the time of DSP, if a new floodplain study and TCP II are approved which reduce the impact of the floodplain along the northern boundary of proposed lots 2-4, the Applicant should consider shifting the proposed road that extends east from 52<sup>nd</sup> Avenue further to the north and to the east to facilitate a possible road connection through the Ellen Linson Pool parking lot to Paint Branch Parkway.**
- 5. At the time of the first DSP for proposed Lots 2-6, a DSP for infrastructure for all these lots shall be included to show the location of all proposed streets (public and private).**
- 6. At the time of DSP, if the secure campus plan has been abandoned by the Applicant, the DSP for infrastructure shall reflect dedicated public rights-of-way.**
- 7. At the time of DSP, consideration should be given to the following items:**
  - a. Buildings should have frontage along streets, whether they are public or private rather than parking lots.**
  - b. Connections between buildings should be provided via sidewalks.**
  - c. Provision of amenities such as green spaces and gathering places should be provided.**
  - d. Surface parking should be minimized to the minimum level necessary in favor of structured parking.**

**The amended motion passed 7 – 0 – 0.**

### **13-G-34 and 13-G-39**

Discussion of 13-G-34 (CB-6 – Transit-Oriented Priority Development) and 13-G-39 (CB-12 – Transit-Oriented Jobs Act of 2013 - Expedited Transit-Oriented Development) was combined.

Ms. Schum updated the Council on these competing County bills, and said that Staff could support CB-6 with some modifications, but would recommend opposition to CB-12. She requests authorization for staff to present comments at the County's PZED hearing on these two bills, which is tomorrow. There will be another opportunity to comment on these bills while this is still in committee. These comments will be in lieu of a formal letter.

**A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to oppose CB-12 (13-G-39) and to express support of CB-6 with proposed modifications (13-G-34), and to authorize staff to present the City's comments at tomorrow's PZED hearing.**

**The motion passed 6 – 0 – 1 (Mitchell abstained).**

### **13-CR-01 Introduction of Charter Amendment Resolution 13-CR-01, A Charter Amendment Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article XI, § C11-6 "Special Taxing Districts" To Authorize A Special Taxing District To Finance The Capital And Operating Costs To Enhance Police, Fire Protection And Rescue Services.**

**A motion for the introduction of Charter Amendment Resolution 13-CR-01 was made by Councilmember Day and seconded by Councilmember Kabir. The Public Hearing will be Tuesday, April 9, at 7:15 p.m. in the Council Chambers.**

### **13-G-38 Appointment of Board of Election Supervisors**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn for the biennial appointment of the Board of Election Supervisors, as follows: Jack Robson, Terry Wertz, Maxine Gross and Charles Smolka; Jack Robson shall be designated as the Chief of Elections. The compensation for the Chief of Elections shall be \$480 for each of the next two years, and the compensation for the Supervisors of Elections shall be \$360 in an election year.**

**The motion passed 7 – 0 – 0.**

### **13-G-40 Appointments to Boards and Committees**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to appoint Tricia Homer to the Cable Television Commission. The motion passed 7 - 0 – 0.**

**Council Comments:**

Councilmember Wojahn discussed the National League of Cities conference in Washington DC that he and Councilmember Day attended. He got some ideas specific to college towns that he will share with the Neighborhood Stabilization and Quality of Life Workgroup.

Councilmember Stullich requested a waiver of the two-hour rule for staff to respond to a request she is making for two data files of municipal citations so she can analyze patterns in noise complaints. Based on her meeting with staff last week, she developed a request for two types of files, one more detailed than the other. Staff advised the project would take more than two hours. There was no objection from Council.

Councilmember Mitchell announced the opportunity for residents to meet the final three candidates for the Superintendent of Public Schools position.

Mr. Nagro pointed out that there is a draft letter in the red folders for a motion that was approved in special session last week to support the Governor's Transportation bill. We found out later that the bill results in a significant loss of Highway User Revenue. This letter supports the Governor's bill and also addresses the concerns about the loss of HURs. The Council agreed with the letter as drafted.

**Adjourn:** A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adjourn from the regular meeting and enter into a Closed Session to: 1) consult with counsel on a legal matter, 2) consider the acquisition or sale of real property for a public purpose, 3) discuss matters that relate to collective bargaining negotiations. The Council will not return to public session. The motion passed 7 – 0 – 0, and the regular meeting adjourned at 8:54 p.m.

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Janeen S. Miller, CMC	Date
City Clerk	Approved

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Pursuant to §C6-3 of the College Park City Charter, at 8:54 p.m. on Tuesday, March 12, 2013, in the Council Chambers of City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to enter into a Closed Session for the following reasons:

- C: Consider the acquisition of sale of real property for a public purpose
- G: To Consult with Counsel on a legal matter
- I: Discuss matters relating to collective bargaining negotiation.

The motion passed 7 – 0 – 0.

**Present:** Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Stullich, Day, Afzali and Mitchell.

**Absent:** Councilmember Dennis.

**Also Present:** **Items #1 and 2:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Josh Ratner, Student Liaison; Terry Schum, Director of Planning; Miriam Bader, Senior Planner.

**Item #3:** Joe Nagro, City Manager.

**Topics Discussed:** #1: Discussion of possible transfer of City property  
#2: Potential new development to be located in City - impact on development of the City Hall site  
#3: Collective Bargaining update

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Day to adjourn the Closed Session, and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the Closed Session at 9:40 p.m.