

**MINUTES**  
**Special Session of the College Park City Council**  
**Tuesday, May 2, 2006**  
**11:29 P.M.**

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

**ABSENT:** None

**ALSO PRESENT:** Joe Nagro, City Manager; Sara Imhulse, Assistant to the City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Terry Schum, Director of Planning; Elisa Vitale, Planning Department Staff.

During the regularly scheduled Worksession of the College Park City Council on May 2, 2006, a motion was made by Councilmember Peña-Melnyk and seconded by Councilmember Hampton to enter Special Session. The motion passed 8-0-0.

**Action Items:**

**06-G-74 Approval of Detailed Site Plan DSP 04049 For Mazza Property With Conditions.**

City Attorney Ferguson summarized the following items that were agreed upon during the earlier discussion with Charles Bay, Senior Managing Director, Trammel Crow Residential, and Tom Haller, attorney for the Applicant, regarding revisions to the Mazza Agreement:

Paragraph #23: add the word “sworn” before “law enforcement officer” and add “With jurisdiction within the City of College Park, and in particular, on the property and adjacent areas.”

Paragraph #25: the only change is that the City will rebate the interest.

Paragraph #10 (of the original Agreement) will be amended to note that any money paid toward Greenbelt Road improvements do not reduce the \$500,000 promised in Paragraph #25.

Paragraph #26 will be stricken in its entirety.

In the Proposed Covenants, add a provision that indicates that the Developer will enter into Covenants concerning the areas already proposed in the Declaration of Covenants, and will be applicable to the ground lease that they will have, and if there should come such a time that they acquire the property, that the Covenants will apply to that interest.

They will ask the property owner to also sign on to these Covenants.

These modifications will be resolved prior to the end of the Planning Board's appeal period. If it is not resolved, the City will be entitled to go before the District Council and indicate that we have unsuccessfully tried to accomplish this Declaration of Covenants and want their support in having that resolved.

Councilmember Peña-Melnyk made a motion to authorize the City Attorney to develop an Agreement with language substantially similar to the statements summarized above, and for the City Manager to execute such an Agreement, with the understanding that this needs to be resolved and signed prior to the Planning Board meeting on Thursday May 4. Councilmember Hampton seconded the motion.

Councilmember Fellows asked if this motion includes approval of the DSP. Mayor Brayman clarified that the City has already taken a position supporting the DSP. This motion would be to finalize the agreement that sustains the City's support of the DSP.

There were no comments from the audience on this item.

The motion carried 8-0-0.

### **Adjournment:**

A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adjourn from Special Session. The motion carried 8-0-0, and the Special Session was adjourned at 11:35 p.m.

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Janeen S. Miller, City Clerk