

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, April 13, 2010**  
**8:00 P.M.**

**PRESENT:** Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Stullich, Cook, Afzali and Mitchell.

**ABSENT:** Councilmember Perry.

**ALSO PRESENT:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Bob Ryan, Director of Public Services; Student Liaison Jonathan Sachs; Deputy Student Liaison Becca Lurie.

Mayor Fellows opened the meeting at 8:00 p.m. and Councilmember Afzali led the Pledge of Allegiance.

**Minutes:** The minutes of the March 23 Public Hearing on Ordinance 10-O-01 and the March 23 Regular Meeting were presented for approval. A motion was made by Councilmember Stullich and seconded by Councilmember Cook to approve the minutes. The motion passed 7-0-0.

**Announcements:**

Councilmember Afzali announced that the Committee for a Better Environment would sponsor a vegetable garden workshop Saturday at 10:00 a.m. at the Old Parish House.

Councilmember Cook provided a reminder about Census 2010.

Councilmember Stullich said that the College Park Arts Exchange is screening an independent documentary called "The Garden" Friday at 7:30 p.m. at the Old Parish House.

Councilmember Catlin announced the Berwyn District Civic Association would have their annual meeting Thursday at 8:00 p.m. at Fealy Hall.

Councilmember Wojahn announced the Boys and Girls Club Parade would be held on Sunday April 25 followed by a Family Fun Fair at Duvall Field.

**Proclamations:** Mayor Fellows read the Arbor Day 2010 Proclamation. The City will celebrate Arbor Day on Saturday, May 1.

**Amendments to the Agenda:** None.

**City Manager's Report:** Mr. Nagro announced the University of Maryland would hold a Presidential Search Listening Session at City Hall on April 14 at 7:00 p.m. The second budget Worksession will be held on Saturday, April 17 at 8:00 a.m. The Public Works yard is open Saturdays in April.

**Student Liaison Comments:** Mr. Sachs said SGA elections would be held April 20 and 21; results will be announced April 22. His last day as Student Liaison is April 27. The SGA is considering legislation to support the campus drive alignment of the Purple Line.

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

**Larry Bleau, 4901 Niagara Road, President, North College Park Citizens Association:** He reported on the last NCPCA meeting and on the upcoming NCPCA community picnic to be held May 9 at Davis Hall.

**Dave Dorsch, 4607 Calvert Road:** Commented on construction-related lane closures on U.S. 1 and the resulting traffic disruptions.

**Presentations:** Holly DeArmond, UMD Associate Director of Marketing, gave a presentation on Maryland Day, which is April 24.

Peggy Higgins discussed the Lakeland STARS program which is a 12 year partnership between Paint Branch Elementary School and the University of Maryland College Park Scholars program. 50 tutors tutor 50 students twice a week during the school year. She then introduced Tabettha Mwita, Coordinator of the Lakeland STARS program. Ms. Mwita introduced the tutors and the students who were at the meeting and presented certificates to all.

At 8:35 p.m., the Council took a short recess for ice cream with the Lakeland STARS. The Council meeting resumed at 8:52 p.m.

**Consent Agenda:**

**A motion was made by Councilmember Nagle and seconded by Councilmember Mitchell to adopt the Consent Agenda, which consisted of the following:**

- 10-G-42 Approval Of Request from College Park Boys & Girls Club for Annual Parade and use of Duvall Field for Family Fun Day on Sunday, April 25**

**The motion passed 7 – 0 – 0.**

**Action Items:**

- 10-G-43 Approval Of Letters To The Board Of Public Works and the Maryland General Assembly Supporting The Release of \$5M In State Funds For Relocation Of East Campus Facilities**

**A motion was made by Councilmember Nagle and second by Councilmember Afzali to approve the attached letters to the Board of Public Works and the Maryland General Assembly expressing the City's support for the release of \$5 Million in State funds for design and construction of facilities to relocate University of Maryland operations from the East Campus site, and that the Mayor be authorized to sign both of the letters.**

Councilmember Nagle stated that the 2010 state budget included a Five Million Dollar grant for design and construction of facilities to relocate University of Maryland at College Park operations from the East Campus site. This grant is contingent on the University of Maryland entering into a memorandum of understanding with the City of College Park, or a letter from the City to the General Assembly and the Board of Public Works that certifies the City is satisfied with the intended use of the funds. The Council received a letter dated March 2 from University President Dan Mote outlining the University's plans to use the recently acquired Post Plant site for the relocation of many of the existing East Campus facilities and indicating that the Five Million Dollars would be used for this purpose. Further information, including estimated trip counts, was provided to the Council at last week's Worksession by Dr. Ann Wylie and others from University administration. At this time the City is prepared to provide the necessary letters to the General Assembly and the Board of Public Works for the release of the state funds to move the East Campus project forward.

**Dr. Ann Wylie, UMD Vice President, Administrative Affairs:** Dr. Wylie thanked the City for their cooperation in helping to make East Campus a reality, and said this was an important first step. They are looking for a development partner and plan to move quickly.

**A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to amend both letters to make them consistent with the letter to Dr. Mote. Instead of saying "supported the acquisition", say "expressed no opposition." Where it says, "we believe a traffic impact study is critical" add "with input from the state highway administration, as appropriate."**

There were no comments from the audience on the amendment.

**The motion to amend passed 5-1-1 (Cook opposed, Stullich abstained).**

On the main motion as amended:

Councilmember Stullich stated she was planning to support these letters until she learned that the University had unilaterally decided to move forward with a cost benefit study of the impact that the University and the City have on each other. She remains dubious that the study can provide useful information because so many costs and benefits are impossible to quantify accurately. She is not happy about her position on this motion and would like to support this letter as a gesture of good faith, but good faith needs to be a two way street and at this time she is not seeing that.

**The motion carried 5 – 2 – 0 (Stullich and Cook opposed).**

**10-G-44                      Approval Of A Letter To UMD President Dr. Dan Mote Regarding The Release of \$5M In State Funds For Relocation Of East Campus Facilities**

**A motion was made by Councilmember Afzali and seconded by Councilmember Catlin to approve the attached letter and Memorandum of Understanding to Dr. Dan Mote and that the Mayor be authorized to sign both the letter and the MOU.**

Councilmember Afzali commented that the attached letter responds to a letter from Dr. Mote requesting the City's support to release Five Million Dollars included in the state budget for design and construction of facilities to relocate University of Maryland operations from the East Campus site. The attached letter also acknowledges the expansion of the work group established to improve City-University cooperation, and requests a traffic impact study of the University's proposed use of the recently acquired Post Plant for the relocated operations. We have included a Memorandum of Understanding using the same language as in HB 348, which requires that the University of Maryland consult and inform local communities when they do construction projects. The House bill was approved by the City council and supported by the University, but it failed in the state legislature.

Councilmember Afzali talked about the economic study and said he hopes it is not used in the future to limit funds coming to the City of College Park.

Ms. Ferguson remarked that because of the way the MOU came up tonight, the University of Maryland has only had a chance to look at it, and it would be appropriate for Dr. Wylie or someone from their team to indicate that the MOU is acceptable.

Dr. Wylie said the MOU is consistent with the language that was in the bill, which they supported, and that they are willing to comply; but the President has to sign it, and he doesn't even know about it. She pledged to urge him to sign the MOU.

Mayor Fellows said he had the opportunity to testify in Annapolis with a member of the University System of Maryland in support of HB 348, which didn't pass, through no fault in the substance of the bill, and he is pleased to have this language in this MOU. He spoke about improved relationships between the City and the University.

Councilmember Wojahn said this is the continuation of a long process of dialog and collaboration on the East Campus project and that the City will continue to be able to comment on the East Campus project in the future.

**The motion passed 5 – 2 – 0 (Stullich and Cook opposed).**

**10-G-45 Motion To Voice No Objection To An Application For A Class B (BLX), Beer, Wine And Liquor License For The Use Of Ledo Restaurant, Inc., T/A Ledo Restaurant, 4509 Knox Road, College Park, 20740, And Approval Of A Property Use Agreement For Ledo Restaurant**

**A motion was made by Councilmember Stullich and seconded by Councilmember Afzali to Approve A Property Use Agreement between the City of College Park and Ledo Restaurant, Inc., And To Authorize The City Manager To Sign The Property Use Agreement In Substantially The Form Of The Attached Draft; And To Authorize Staff To Testify To The Board Of License Commissioners That The Council Does Not Oppose The**

**Issuance Of A Class B (BLX) Beer, Wine, And Liquor License For Use Of Ledo Restaurant, Inc. T/A Ledo Restaurant, 4509 Knox Road, College Park, Md. 20740**

Councilmember Stullich commented that Ledo Restaurant, which is moving to the retail space in the City-owned parking garage at 4509 Knox Road, has applied for a Class B (BLX), Beer, Wine, and Liquor License. Mr. Thomas Marcos, Mr. James Marcos, and their legal counsel Ms. Linda Carter met with the Council last week to request approval of a Property Use Agreement. The Ledo PUA is comparable to other agreements between the City and similar businesses with liquor licenses. In the Ledo PUA, the sale of beer in pitchers is restricted to parties of 18 or more people to facilitate the serving of large groups. The Marcoses reported that they have had no violations of Board of License Commissioners regulations since opening their family restaurant in Adelphi 55 years ago.

**Ms. Linda Carter, representing Ledo Restaurant:** Thanked the Council for their consideration and believes Ledo will be a great addition to the City. They hope to be open in mid-July.

**Morgan Gale, 7010 Wake Forest Drive:** Asked what the food to alcohol ratio is? The response was 50/50.

Mayor Fellows expressed his delight that in his first year as Mayor the Ledo Restaurant will open in downtown College Park.

**The motion passed 7 – 0 – 0.**

**10-G-46 Approval Of An Amendment To The Agreement Between The City of College Park and PPC/CHP Limited Partnership (Mazza Grandmarc Apartments) Regarding Site Access**

**A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell that a Third Amendment to the Agreement between PPC/CHP Maryland Limited Partnership and the City of College Park in substantially the form as attached be approved, and that the City Manager be authorized to sign it. This Third Amendment repeals Paragraph 3 of Amended Agreement in its entirety and replaces it with the following language: Access to Route 1 from Parcel 3 shall be limited to right-in/right-out movements only until a traffic signal has been installed and is functional at Route 1 and Hollywood Road. In the event use and occupancy permits are issued prior to the traffic light being installed and functional, Mazza shall install temporary channelization at the entrance to the Property allowing only right-in and right-out movements, as per Exhibit “A” attached to this Third Amendment, until the traffic signal is installed and functional. Upon installation of a functioning traffic signal at Route 1 and Hollywood Road, access to Route 1 shall be limited to right-in/left-in/right-out movements only and Mazza shall retain the channelization marked with cross-hatching on Exhibit “A” for this purpose. If the segment of Hollywood Road is extended on the west side of Route 1 and connected to Autoville Drive as per paragraph 25 of this Agreement, Mazza shall close the left-in**

**movement option from Route 1 to Parcel 3, as per State Highway Administration letter dated March 10, 2010 a copy of which is attached to this Third Amendment as Exhibit “B”.**

Councilmember Afzali commented that an agreement between Mazza Grandmarc Apartments and the City prohibits left turns into and out of the property because these turning movements are unsafe with the high volume of traffic on Route 1. The developer of Mazza Grandmarc Apartments proposes to install a traffic signal at Route 1 and Hollywood Road that will create gaps in the traffic flow to allow northbound traffic on Route 1 to more safely make left turns into the property, especially the UM Shuttle buses proposed to service the project. Left turn out of the property will continue to be prohibited. The State Highway Administration has reviewed the proposed site access changes and approved them subject to City of College Park approval.

**Thomas Haller, representing Mazza Grandmarc Apartments:** The traffic light will be a huge improvement for Route 1 in terms of allowing access for vehicles getting in and out of this property and to the post office on Hollywood Road. He submitted final language for the amendment to the City Attorney tonight.

Councilmember Stullich asked if this work will result in lane closures of Route 1 during the day. Bruce Terwilliger responded that a “maintenance of traffic” plan has been submitted to State Highway but he doesn’t know whether it involves lane closures. He said they would find out and reply to staff. The estimated duration of the work is 30 days. The timing was discussed: it will probably be done in the summer when school is out.

**The motion passed 7 – 0 – 0.**

**10-R-05          Adoption of Resolution 10-R-05, A Resolution In Support Of The  
Metropolitan Washington Council of Government’s “Greater Washington  
2050 Compact”**

**A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn to adopt the Metropolitan Washington Council of Government’s Greater Washington 2050 Compact.**

Councilmember Catlin read the Resolution. He said this is a voluntary commitment to a regional action plan that officials can point to when making decisions. The jurisdiction pledges to use its best efforts to advance the regional goals of the Compact, but is not a legally binding agreement. This is the first ever COG-adopted comprehensive framework for regional planning in metropolitan Washington and addresses a number of different issues such as land use, housing, and transportation. He has been a member of the metropolitan development policy committee which has reviewed much of this work.

**The motion passed 7 – 0 – 0.**

**10-G-47      Appointments To Boards And Committees**

Mayor Fellows nominated Sean O'Donnell to the Ethics Commission. A motion was made by Councilmember Mitchell and seconded by Councilmember Stullich to approve this nomination. The motion carried 7 – 0 – 0.

**Council Comments:**

Councilmember Catlin asked about the request for withdrawal of permit parking near the Seventh Day Adventist Church in Lakeland. Mr. Nagro replied that staff has met with the Church and the Civic Association and they have reached agreement consistent with the accommodations made for the other churches in Lakeland. It will not require Council action.

Councilmember Wojahn commented on the Region Forward 2050 Compact. He said many of the goals in the Compact should be kept in mind as we move forward today.

Councilmember Nagle said she hopes we will accomplish many of the goals before the year 2050.

Councilmember Stullich discussed the problem of construction-related lane closures on Route 1. Staff will contact SHA requesting that they review permitting lane closures during the school year and during rush hour. This will be discussed further at a future Worksession.

Councilmember Afzali requested a future Worksession with police, student leaders and University administration to discuss student behavior after games and response by police officers.

Councilmember Mitchell congratulated the College Park Woods Swim Club for a wonderful brunch last Sunday.

**Comments from the Audience:**

**Jerry Anzulovic, 4900 Ruatan Street:** Said he could never be a Councilmember and attend a Saturday budget Worksession.

**Larry Bleau, NCPCA:** Thanked the Public Works Director for attending the NCPCA meeting last week.

**Adjournment:** Mayor Fellows announced that the Council would adjourn into Executive Session to discuss a personnel matter, consult with counsel on a legal matter, and consult with staff regarding potential litigation, and that Council would not return to public session tonight. A motion was made by Councilmember Cook and seconded by Councilmember Wojahn to enter into Executive Session. The motion passed 7-0-0, and the regular meeting adjourned at 9:40 p.m.

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Janeen S. Miller, CMC  
City Clerk

Date Approved

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Pursuant to §C6-3 of the College Park City Charter, at 7:33 p.m. on April 7, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Wojahn to enter into an Executive Session, citing the following authority:

D) Consider matters that relate to collective bargaining negotiations.

The motion passed 6-0-0. (Councilmember Nagle absent; Councilmember Cook arrived at 7:46 p.m.)

**Present:** Mayor Fellows, Councilmembers Wojahn, Catlin, Perry and Stullich, Cook, Afzali and Mitchell.

**Absent:** Councilmember Nagle.

**Also Present:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Becca Lurie, Deputy Student Liaison; Steve Groh, Director of Finance.

**Topic Discussed:** The City Manager informed the Council about the status of collective bargaining negotiations.

**Actions Taken:** None.

A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 7:47 p.m. with a vote of 7-0-0.

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Pursuant to §C6-3 of the College Park City Charter, at 9:40 p.m. on April 13, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Cook and seconded by Councilmember Wojahn to enter into an Executive Session, citing the following authority:

A) Discuss compensation of appointees.

G) Consult with Counsel on a legal matter.

H) Consult with staff, consultants or other individuals about pending or potential litigation

The motion passed 7-0-0.

The Counsel took a brief recess before beginning the Executive Session at 9:46 p.m.

**Present:** Mayor Fellows, Councilmembers Nagle, Wojahn, Catlin, Stullich, Cook, Afzali and Mitchell.

**Absent:** Councilmember Perry.

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Jonathan Sachs, Student Liaison; Becca Lurie, Deputy Student Liaison.

Topic Discussed:

- 1) The City Attorney updated the Council on current litigation.
- 2) Council and City Attorney discussed the University's request for an economic interdependence study and its impact on the A & A tax issue/potential litigation;

Ms. Ferguson, Mr. Sachs and Ms. Lurie left the meeting prior to topic #3.

- 3) Council reviewed the student liaison position to determine the distribution of the stipend to the two individuals.

A motion was made by Councilmember Wojahn and seconded by Councilmember Cook to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:43 p.m. with a vote of 7-0-0.

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