

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, October 12, 2010**  
**8:00 p.m. – 9:08 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Nagle, Wojahn (arrived at 8:11 p.m.), Catlin, Perry, Cook, Afzali, and Mitchell.

**ABSENT:** Councilmember Stullich.

**ALSO PRESENT:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Becca Lurie, Student Liaison; Aaron Zaccaria, Deputy Student Liaison; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Robert Stumpff, Director of Public Works.

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

**Minutes:** A motion was made by Councilmember Perry and seconded by Councilmember Mitchell to adopt the minutes of the September 28, 2010 Regular Meeting. The motion carried 6 – 0 – 0.

**Announcements:**

Councilmember Afzali said he just came from an event in College Park Woods where they got an update from police. He also stated that the North College Park Civic Association would meet on Thursday, October 14 and the police would make a presentation there as well, so anyone interested in public safety is welcome to attend.

Councilmember Cook announced that early voting begins at 10:00 a.m. on Friday, October 22. The College Park Community Center is one of the early voting locations.

Councilmember Catlin said the Lakeland Civic Association would hold their monthly meeting on Thursday, October 14 at 7:30 p.m. at the College Park Community Center.

Councilmember Nagle said Thursday, October 21 is Conflict Resolution Day. The Association for Conflict Resolution is sponsoring a poetry contest using the theme “peace in my community.” Submissions will be accepted through November 1. To apply, go to [www.acrnet.org/crday](http://www.acrnet.org/crday). She also announced that on Saturday, October 16 from 8 a.m. to noon there would be a clean-up in north College Park sponsored by the Committee for a Better Environment; meet in the parking lot in front of MOMs market.

**Acknowledgement of Newly Appointed Board and Committee Members:** Mayor Fellows recognized Richard Biffel who was reappointed to the Rent Stabilization Committee and Doris

Ellis who was appointed to the Education Advisory Committee, and thanked them for their service.

**City Manager's Report:** Mr. Nagro introduced Major Jagoe, Commander of Operations from the University of Maryland Police Department and Lt. Dooley, Commander, PGPD District 1 Investigative Section, to discuss the cutting that occurred at Route 1 and Knox Road at 1:30 this morning. Lt. Dooley stated that four individuals received lacerations outside of the Cornerstone after they were ejected from the Thirsty Turtle due to a scuffle. He distributed a Crime Solvers flier. Lt. Dooley confirmed that some of the victims who were ejected from the Thirsty Turtle were under the legal drinking age of 21. Major Jagoe discussed the press conference that UMPD Chief David Mitchell held earlier this afternoon and distributed a letter that Chief Mitchell sent to the Board of License Commissioners requesting an expedited hearing to reexamine the license for the Thirsty Turtle. He outlined problems the UMPD had documented since the beginning of the school year relating to that establishment: a significant number of the 26 hospital transports for severe intoxication/alcohol poisoning indicated they had been at the Thirsty Turtle; one underage intoxicated patron nearly committed suicide; in a UMPD 'integrity test' at the Thirsty Turtle, underage patrons were served alcohol and patrons were not provided food service as required by their license. The police want the business to properly check the identification of students who enter, and not to over-serve their patrons.

(Councilmember Wojahn arrived during the presentation by the police.)

Mr. Nagro announced that tonight is the first live streaming of Council meetings using Granicus, Inc. software. Meetings can be accessed from the City's web site at [www.collegeparkmd.gov](http://www.collegeparkmd.gov); click on Council Meeting Video. For now this is only for the Regular meetings; Worksessions are expected to begin early next year after upgrades are made to the Audio/Visual equipment in the Council Chambers.

Mr. Nagro discussed the Saturday opening of the Public Works Yard on October 16 and 23 from 7:30 a.m. to 11:30 a.m. The number of Saturdays and the amount of time were reduced in this year's budget.

The Street Sweeper and sweeper operations were discussed. Sweepers are not designed to pick up leaves. On-street parking hampers sweeper operations. This is a regenerative air sweeper, not a mechanical sweeper or a vacuum sweeper. The current sweeper is smaller so it can get around cars better but does not pick up as effectively as the old sweeper. Possible replacement of the sweeper will be on an upcoming Four Cities Agenda.

**Amendments to the Agenda:** After the presentation by the police during the City Manager's report, Councilmember Afzali asked to add "A letter to the BOLC in support of Chief Mitchell's letter to the BOLC requesting an expedited hearing" to the agenda tonight. There was discussion about doing so. The Mayor polled the Council on whether to add this item to the end of the agenda. The Council voted 4 – 3 – 0 (Catlin, Perry and Mitchell opposed) in favor. This will be item 10-G-88.

**Student Liaison Comments:** Ms. Lurie thanked everyone who helped plan and who attended College Park Day. SGA ran the annual on-campus safety walk this week; the off-campus safety walk will be in November. The crabfest is coming up and is sold out already. The SGA conducted a voter registration drive; they reached their goal of registering 1,500 voters today. The Israeli ambassador will be on campus on Thursday at 4:00.

Councilmember Perry wanted to know how much College Park Day cost. Councilmember Wojahn said it was well within the budgeted amount of \$5,000, with thanks to the contributions that were received. He estimates the City spent between \$2,500 - \$3,000. He wants to discuss the establishment of a 501(c)(3) corporation to run this event in the future.

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

**Mark Shroder, 4909 Muskogee Street:** Former Councilmember Shroder discussed the idea of at-large positions for City Council. He thinks that would have a very negative impact on political competition in the City. Running City-wide would force candidates to raise money; it would give an advantage to incumbents and a disadvantage to challengers in terms of name recognition. This combination would seriously discourage participation in certain neighborhoods. It is not a coincidence that no mayor has ever come from north College Park. He thinks the current system should be changed; the representation by two individuals from four large districts is not equitable. The core problem is lack of participation by on-campus students; there are very few student voters. The City should change the current system but not in the direction of at-large Council seats.

**Action Items:**

**10-G-84 Approval of a Letter to MDOT Secretary Swaim-Staley conveying the City's comments on the FY 2011-FY 2016 Draft Consolidated Transportation Program (CTP)**

**A motion was made by Councilmember Perry and seconded by Councilmember Cook that the City Council send a letter to Maryland Secretary of Transportation Beverly Swaim-Staley providing comments on the FY 2011-2016 Draft Consolidated Transportation Program (CTP).**

Councilmember Perry believes it is a dream letter we are sending to get them to spend transportation money in College Park. The CTP is Maryland's six-year budget for capital transportation projects. MDOT continues to have needs that outpace available funding and have established bridge reconstruction and Base Realignment and Closure (BRAC) related construction projects as priorities. The City's top priority, the reconstruction of US 1, is not slated for funding even though project planning was completed in 2007. Prince George's County has a draft Priority Projects List that shows US 1 reconstruction as their fourth priority. The City also supports continued funding of the Purple Line and designation of the College Park-University of Maryland Metro Station area as a Transit Oriented Development Project.

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

**The motion passed 7 – 0 – 0.**

**10-G-85 Approval of a Letter to County Council Chair Dernoga in support of County Bill CB-80-2010, Water Quality Resources and Grading Code**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Perry to send a letter to County Council Chair Tom Dernoga in support of CB-80-2010, Water Quality Resources and Grading Code.**

Councilmember Wojahn stated this County bill stems in part from the stormwater management legislation that the state passed earlier this year. In order to clean up the Chesapeake Bay and protect our most valuable natural resources, the County must pass CB-80-2010 and work together with neighboring jurisdictions to stop stormwater pollution. This bill represents strong stormwater management standards that will address non-point source pollution and help clean up the Anacostia Watershed as well as prevent stream bank erosion, pollution, flooding, trash and muddy sediments in our streams and in the Anacostia River. Although the development community has expressed concerns about the economic impacts, we do not believe these are a sufficient concern to warrant defeat of this bill. Montgomery County has had similar requirements in place for years without any detrimental impact on development there. Studies have shown the ESD (Environmental Site Design) is feasible and affordable for builders even when used in dense development projects.

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

**The motion passed 7 - 0- 0.**

**10-G-86 Approval Of A Letter To President Obama Requesting Full Funding In His FY 2012 Budget Request To Congress For The Energy Efficiency And Conservation Block Grant Program**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to approve the attached letter to President Barack Obama requesting full funding in his FY 2012 Budget Request to Congress for the Energy Efficiency and Conservation Block Grant Program.**

The “Energy Block Grants Work!” campaign is gathering support from government leaders to urge full funding for the federal Energy Efficiency and Conservation Block Grant Program. This program helped the City of College Park last year by enabling Davis Hall to become more energy efficient and by installing energy efficient appliances at Attick Towers.

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

**The motion passed 6 – 1 – 0 (Perry opposed).**

### **10-G-87 Appointments To Boards And Committees**

**A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to reappoint Chris Dulling to the Airport Authority for a three-year term. The motion carried 7 – 0 – 0.**

**10-G-88 Authorization for City staff to write a letter to the Prince George’s County Board of License Commissioners in support of the letter sent by the UMPD that requested an expedited hearing for the Thirsty Turtle, and authorization for the Mayor to sign the letter.**

**A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to authorize staff to write a letter to the BOLC in support of the University of Maryland Police Department letter for an expedited hearing on the Thirsty Turtle, and to authorize the Mayor to sign the letter.**

There were no comments from the audience.

Councilmember Catlin has some concerns and wants to know more about the evidence and the information before going forward. He talked about how difficult and involved it was to bring a case against an establishment several years ago.

Councilmember Afzali reviewed the information presented by the University of Maryland about the Thirsty Turtle.

Councilmember Nagle said it does sound like an investigation has been underway and that this is the last straw. This letter is just asking for an expedited hearing, not taking our own position on the matter.

Councilmember Wojahn said if what happened last night was the only incident he might take a more measured approach, but the evidence presented in the UMPD letter is compelling and the City needs to make sure it is addressed promptly.

Ms. Ferguson said this hearing request is different from when the City testifies during the annual license renewal process. In those cases, if the City is going to challenge a renewal it must hold a public hearing first. In this case, it would be the BOLC that would decide whether to hold a hearing; it would not be at the request of the City. It would not be a bad idea that before the City took a position on the license itself to have a public hearing on the substance of the license.

Councilmember Perry said there are a lot of suppositions in the letter from Chief Mitchell. We didn’t create this problem. Some of the problems should be addressed internally within the Board of License Commissioners. We are blessed with some very successful businesses in College Park that deal with adult beverages and someone has to address that. Is there a magic circle around the Thirsty Turtle that says if you are in the magic circle they are responsible for

you? If so, the circle keeps getting wider: Knox Road and U.S. 1 is not in front of the Thirsty Turtle. This is a business in the City and if they are not operating correctly there are procedures to deal with that. The UMPD wants to drag us into this and he is not too keen about being there. Let Chief Mitchell go down this path on his own.

**The motion carried 4 – 3 – 0 (Mitchell, Perry, and Catlin opposed).**

**Council Comments:**

Councilmember Nagle announced that the North College Park Citizens Association would meet on Thursday at 7:30 p.m. at Davis Hall. She commented that she has been seeing a lot of trash and litter and encouraged residents to help by picking up litter when they are walking around, and not to throw litter either.

Councilmember Wojahn thanked everyone who was involved in College Park Day. He said that 800 drink tickets were distributed.

Councilmember Catlin said that the annual Berwyn Oktoberfest Bonfire would be held on Saturday, October 23.

Councilmember Perry said that Holy Redeemer would hold their semi-annual pancake breakfast on Sunday beginning at 8:30 a.m. The “fabulous fixins” bar is not duplicated anywhere else in the City. His Dad used to say “if you live on a dirty street, you don’t have anyone to blame but yourself.”

Councilmember Mitchell commented on the Prince George’s Elected Municipal Women’s luncheon that was held in College Park last Saturday. She asked about an upcoming Worksession on Emergency Preparedness. Mr. Nagro said it would be held right after the first of the year.

Mayor Fellows also commented on College Park Day.

**Comments from the Audience:** None.

**Adjournment:** A motion was made by Councilmember Perry and seconded by Councilmember Cook to adjourn into Executive Session to Consult with Counsel on a Legal Matter. The motion carried 7 – 0. Mayor Fellows said the Council would not return to Public Session tonight, and adjourned the Regular Meeting at 9:08 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 10:28 p.m. on October 5, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Wojahn and seconded by Councilmember Cook to enter into an Executive Session, citing the following authority:

**A. To Discuss A Personnel Matter that affects a specific individual.**

The motion passed 6-0-0 (Councilmembers Stullich and Mitchell absent) and the Executive Session convened at 10:30 p.m.

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

**Absent:** Councilmembers Stullich and Mitchell

**Also Present:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney.

**Topic Discussed:** Attribution of photograph to particular employee, timing of distribution of City information.

**Actions Taken:** Council directed staff to deliver the time-sensitive College Park Day card as soon as possible, and to set the delivery of the resident information packet after November 3. The postcard publicizing the Resident Survey will be included in the November 3 delivery.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:55 p.m. with a vote of 6-0-0.

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Pursuant to §C6-3 of the College Park City Charter, at 9:08 p.m. on October 12, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Cook to enter into an Executive Session, citing the following authority:

**G. To Consult with counsel on a legal matter.**

The motion passed 7 – 0 – 0 and the Executive Session convened at 9:15 p.m.

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

**ABSENT:** Councilmember Stullich.

**ALSO PRESENT:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Becca Lurie,

Student Liaison; Aaron Zaccaria, Deputy Student Liaison; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner.

**Topic Discussed:** The City Attorney briefed the Council about a recent ruling by the Zoning Hearing Examiner and discussed the implications of the decision. The City Attorney informed the Council of her strategy for the case.

**Actions Taken:** None.

A motion was made by Councilmember Wojahn and seconded by Councilmember Cook to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 9:30 p.m. with a vote of 7 – 0 - 0.