

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, February 14, 2012**  
**8:00 p.m. – 8:51 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn (arrived at 8:13 p.m.), Catlin, Dennis, Stullich, Day, Afzali and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Bob Stumpff, Acting City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Elisa Vitale, Senior Planner.

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

**Minutes:** A motion was made by Councilmember Stullich and seconded by Councilmember Afzali to adopt the minutes of the January 24, 2012 Regular Meeting. The motion passed 7 – 0 – 0.

**Announcements:**

Councilmember Dennis announced that the March meeting of the Lakeland Civic Association would be held on Thursday, March 1. On Saturday, February 18, the Lakeland Community Heritage Project in conjunction with the M-NCPPC will dedicate the Heritage Room at the Community Center.

Councilmember Catlin announced that the Berwyn District Civic Association would hold their monthly meeting on Thursday, February 16 at Fealy Hall.

Councilmember Kabir reminded everyone that on Thursday, February 16 at 6:30 p.m. County Council Member Mary Lehman would hold a town hall meeting at Hollywood Elementary School. He also said that a group of north College Park residents is opening a community library in a church on Rhode Island Avenue and they are looking for volunteers.

**Amendments to the Agenda:** Move items 12-G-23, 12-G-27 and 12-G-29 to the Consent Agenda.

**City Manager's Report:** Bob Stumpff is filling in for Mr. Nagro. He reminded everyone that Monday is a holiday and trash and recycling collection is delayed one day. He called attention to the items in the red folders on 12-G-23, 12-G-24 and 12-G-26. There will be an Executive Session next week at 7:00 p.m.

**Student Liaison's Report:** New student liaison John Natalizio reported that he will be confirmed by the SGA tomorrow. The SGA wants an update on the University District Vision 2020.

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

**John Robson, 4710 Harvard Road:** He heard that the 94<sup>th</sup> Aerosquadron Restaurant is being considered as a possible location for the proposed College Park Academy and said that would be a problem because that location is located in the Airport Policy Area 5 which says you can build nothing there, and presents safety concerns.

(Councilmember Wojahn arrived.)

**Presentations:** Mayor Fellows congratulated the winners of the College Park Day poster contest; special certificates will be mailed later.

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

- 12-R-04 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Authorize A Joint Negotiation, Together With Prince George's County And Other Municipalities, For The Renewal Of The Comcast Franchise.**
  
- 12-G-22 Approval Of FY 2012 Public School Education Grants: Two Non-Competitive Grants Of \$5,000 Each To Hollywood Elementary School (For Collaborative Planning For Teachers) And To Paint Branch Elementary School (For Extended Learning Opportunities); And Four Competitive Grants To University Park Elementary School (For Arts Enrichment Program) For \$2,500; To Berwyn Heights Elementary School (For Family Literacy Program) For \$2,500; To Buck Lodge Middle School (For Student Incentives / Principal's Book Of The Month) For \$1,500; And To High Point High School (For Parent Support Program) For \$2,000, For A Grand Total Of \$18,500.**
  
- 12-G-23 Expression Of Support For The Principles Of The College Park City-University Partnership "University District Vision 2020."**
  
- 12-G-27 Extension Of The Waiver Of The Conflict Of Interest For Fred Sussman To Represent The Town Of Riverdale Park On The Cafritz Property Rezoning Application A-10018 Through The District Council Level.**

**12-G-29 Support for CB-2-2012, An Act concerning Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors for the purpose of requiring the Planning Board to make a finding of adequacy of public Pedestrian and Bikeway Facilities for development proposals within County Centers and Corridors, to include standards for ensuring the adequacy of non-motorized multimodal transportation facilities including sidewalks, bikeways, and pathways, clarifying requirements for adequate access roads available to serve traffic that would be generated by development projects within proposed subdivisions, and implementing “complete streets” principles and policies in the 2009 Approved Countywide Master Plan of Transportation.**

**The motion carried 8 – 0 – 0.**

**Action Items:**

**12-G-24 Motion In Support Of The Application By The College Park City-University Partnership To The Prince George’s County Board Of Education For The College Park Academy Charter School**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the City Council approve in principle an application by the College Park City-University Partnership to the Prince George’s County Board of Education for the College Park Academy Public Charter School.**

Councilmember Mitchell said The College Park Academy is being proposed by the College Park City-University Partnership as a Prince George’s County public charter school to provide students in grades 7 – 12 with a high quality, highly rigorous college preparatory education. The vision for this school has grown out of years of discussion in the College Park community about the need for high-rigor middle and high school options, particularly ones that could draw upon the expertise and culture of academic excellence at the University of Maryland. Over the past 18 months, the College Park City-University Partnership has crystallized these stakeholder discussions into a charter school application that soon will be filed with the County. The proposed opening date for the school is the fall of 2013. By supporting this application, the City Council is showing our commitment to the children and families of this community, and we applaud the efforts of the City-University Partnership to bring this forward.

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

**The motion carried 8 – 0 – 0.**

**12-G-25 Motion To Voice No Objection To The Application By Mohammad R. Afshar Khalaj, President, Albert L. Arrington, Secretary, Yasmine Afshar, Treasurer For A Class B, Beer, Wine And Liquor License For The Use Of Daphie Inc., T/A Terrapins Turf, 4408/4410 Knox Road, College Park, 20740, Subject To The Applicant Entering Into A Property Use Agreement With The City Of College Park In Substantially The Form As Attached; Authorization For The City Manager To Sign The PUA; And Authorization For Staff To Testify To The City's Position At The BOLC Hearing.**

**A motion was made by Councilmember Day and seconded by Councilmember Afzali that the City voice no objection to the application for a new Class B, Beer, Wine and Liquor License for Mohammad R. Afshar Khalaj, President, Albert L. Arrington, Secretary, and Yasmine Afshar, Treasurer of Daphe Inc., t/a Terrapins Turf, 4408 Knox Road, College Park, MD 20740 Subject To The Applicant Entering Into A Property Use Agreement With The City Of College Park In Substantially The Form As Attached, And To Authorize The City Manager To Sign The PUA, And For Staff To Testify The City's Position At The BOLC Hearing.**

Councilmember Day stated that an application for a new Class B, Beer, Wine and Liquor License has been submitted to the Prince George's County Board of License Commissioners (BOLC) by Mohammad R. Afshar Khalaj, President, Albert L. Arrington, Secretary, and Yasmine Afshar, Treasurer of Daphe Inc., t/a Terrapins Turf, 4408 Knox Road, College Park. A draft Property Use Agreement (PUA) was prepared for Council consideration. The BOLC hearing is scheduled for February 28, 2012.

The City Attorney met with the applicants and their attorney during the week of January 30 and the draft PUA was discussed by the Council at its February 7, 2012 Worksession. During discussion, an alcohol to food ratio of 50/50% was determined to be acceptable to the applicant. The applicant agreed to provide a state of the art ID system. This PUA includes outdoor seating. An entertainment license and a security plan will be required, as the applicant will be providing live music. As this property does not have a current Prince George's County Use and Occupancy Permit, it must be brought up to current code standards including a fire suppression sprinkler system.

There were no comments from the audience.

Councilmember Catlin asked when the business might open. Ms. Ferguson said the applicant has a lot of work to do at the site. Councilmember Stullich said the applicant told her their goal is to open sometime in the summer, if not sooner. Councilmember Catlin expressed surprise that the applicant is going for a competitive license instead of a BLX.

Councilmember Stullich commented that this is the former Santa Fe location, which did not have a sprinkler system. This applicant is planning to abide by the fire safety requirements and install fire sprinklers.

Councilmember Kabir asked for clarification on the ID system. Ms. Ferguson said they have agreed to an ID scanner and wristband system, but it does not have the capacity to take and store photographs of the person who presents the ID. She said the Council has the ability to go back and discuss this with the applicant if things are not working out.

Councilmember Afzali said he thinks it is great that the applicant is willing to put the money into the place because it is a disaster, and they have a discount on the sprinkler system. They had no violations at the other location.

Councilmember Stullich said it is important to have bars that are responsibly managed that provide entertainment and a place to socialize. If we had no bars to serve that function we might have an even bigger problem with private house parties than we do currently. It is best to try to work with the owners to make sure the bars are well run to avoid problems. This establishment has been vacant for some time and is run down. It seems they have a responsible plan and she is comfortable approving it.

Councilmember Wojahn was pleased with the additional entertainment option this establishment provides. He wants to be diligent about fake IDs and asked about recent spot checks to catch underage drinking.

**The motion passed 7 – 0 – 1 (Councilmember Kabir abstained).**

**12-G-26          Approval, with conditions, of Detailed Site Plan 09028 for M Square,  
University of Maryland Research Park**

**A motion was made by Councilmember Day and seconded by Councilmember Stullich that the City Council recommend approval of Detailed Site Plan 09028 for M Square subject to the following conditions:**

- 1) Amendments to the following standards:**
  - a) S-3, S-14, and S-231 to allow the Applicant to exceed the 30-foot maximum setback;**
  - b) S-24 to allow the Applicant to transition the streetscape to meet adjoining properties (special treatment sidewalk treatment shall be provided on site and coordinated with adjoining properties);**
  - c) S-29 to allow the Applicant to provide an 8-foot rather than a 10-foot trail;**
  - d) S-59 to allow the Applicant to not connect to the parking lots at FDA and USDA (future connections should not be precluded);**
  - e) S-60, S-166, S-178, S-179, and S-185 to allow the Applicant to not provide on-street parking on River Road;**
  - f) S-15 and S-16 to allow the Applicant to exceed the parking ratio during Phase I and Phase II of build-out;**
  - g) S-188 to allow the Applicant to provide standard parking spaces at 9 by 18 feet and compact spaces at 8 by 16 feet;**
  - h) S-33 to allow the Applicant to provide three access points from River Road;**

- i) **S-240 to allow the Applicant to not provide an internal roadway through Parcel 10 (connecting Haig Court to River Road);**
  - j) **S-66, S-135, S-137, S-138, S-140, S-142, S-147, S-149, S-233, S-234, and S-28 to allow the Applicant to impact the floodplain buffer in order to construct the outfall and trail connection; and**
  - k) **S-142 and S-234 to allow the Applicant to pay a fee-in-lieu for tree conservation.**
- 2) Prior to certification of the DSP:**
- a) **Revise the site plan in accordance with the January 27, 2012 plan as follows:**
    - i) **Shift the proposed building at 4400 River Road approximately 21 feet to the north and the proposed building at 4600 River Road approximately 34 feet to the south to provide additional area for a landscaped forecourt and pedestrian plazas;**
    - ii) **Shift the entrance located north of 4400 River Road approximately 35 feet to the north and the entrance south of 4600 River Road approximately 60 feet to the south;**
    - iii) **Remove all parking spaces within 40 feet of River Road and replace with green area/landscaping, with the exception of the driveway aisles and sidewalks;**
    - iv) **Relocate the pedestrian plazas from the triangular islands along the north and south sides of 4500 River Road to the expanded forecourt and the proposed buildings at 4400 and 4600 River Road;**
    - v) **Modify the parking lot layout and islands as necessary to accommodate the above changes;**
    - vi) **Show the details and location for all trail signage;**
    - vii) **Provide secure bicycle parking in the parking garage;**
    - viii) **Provide bicycle parking spaces on concrete pads close to the front entrances of the buildings with sidewalk access and provide details, including location, for signage; and**
    - ix) **Provide showers and changing facilities at each building with 25 or more employees and place a note on the plan that shows the location of these facilities.**
  - b) **Revise the Site Phasing Plan in accordance with the January 27, 2012 phasing plan to reflect the modifications shown on the January 27, 2012 plan;**
  - c) **Provide a Landscape Phasing Plan in accordance with the January 27, 2012 phased landscape plan, consistent with the modifications shown on the January 27, 2012 plan;**
  - d) **Revise the landscape plan as follows:**
    - i) **Provide details, including plant type and quantity for the forecourt and parking lot islands;**
    - ii) **Provide location, number, and specifications for amenities such as benches, trash cans, and lighting, for the forecourt and parking lot islands; and**
    - iii) **Provide evergreen plantings of various heights along River Road and in front of the Phase III building to fully screen the surface parking.**
  - e) **Provide a comprehensive sign plan, including any proposed building mounted signage;**

- f) **Provide Stormwater Management Concept Approval plans for each lot that address bioretention and other innovative water quantity and quality control methods to the maximum extent practicable;**
  - g) **Provide assurance that proposed parking does not exceed the total allowable number of parking spaces for Phase II of the TDOZ (3,850);**
  - h) **Provide assurance that the trip cap for Phase II of the TDOZ (1,980) is not exceeded;**
  - i) **Documentation that all required road improvements are constructed or fully bonded for construction;**
  - j) **Document the square feet of space occupied in the Riverside Subdivision and, if 500,000 square feet of space is occupied, establish a Transportation Demand Management (TDM) plan to reduce the number of peak hour single-occupant vehicle trips generated by the subdivision; and**
  - k) **Submit a master plan to the City and M-NCPPC for full build-out of all University-owned properties in the M Square Research Park, which describes existing, approved, and proposed development with specific square footage proposals for each development site and a proposed timeline for development.**
- 3) **Prior to approval of a building permit which would result in gross floor (GFA) greater than 150,000 square feet (Phase I) the Applicant shall:**
- a) **File a final plat for TDOZ Parcel 9 (VJ 162@28, Lots 1-4, Block B), pursuant to Section 24-108(a) of the Subdivision Regulations for which no preliminary plan is required, to reallocate the 235,000 GFA assigned to TDOZ Parcel 9 (Plat Note 6) to the M Square property (Lots 15-17, Block C); or**
  - b) **Obtain approval of a new Preliminary Plan of Subdivision (Subtitle 24) that shall include the Litton Property Parcel A (NLP 117@13) and Lots 15-17, Block C (REP 213@69), to redistribute the existing transportation capacities associated with the Litton (Parcel A) property to M-Square as approved under DSP-09028.**
- 4) **Prior to certification of the DSP, the Applicant will revise the site plan to show the location of a medium bikeshare station (8 bikes, 15 docks) within the portion of the subject property located within the municipal boundaries of the City of College Park. The Applicant shall notify the City when it files the first building permit application. Prior to the issuance of the first building permit, the Applicant shall pay to the City of College Park a dedicated fee in the amount of \$49,500.00 for the bikeshare program established and operated by the City of College Park, provided that the bikeshare program is funded in the City's CIP. Prior to issuance of the permit, the Applicant shall either provide proof to the Permit Review Division of payment to the City of College Park or shall provide a copy of the current City CIP demonstrating that the bikeshare program is no longer funded in the City's CIP, in which case the fee is no longer required. If paid, the fee shall be used to fund the purchase and installation by the City of a medium bikeshare station (8 bikes, 15 docks) at a mutually agreeable location within the TDOZ in the City. If located on the subject property, it will be located as shown on the DSP. In the event that within twelve (12) months of the date of the issuance of a Use and Occupancy permit for the first building, the bikeshare station**

**to be funded by the fee is not installed at the agreed upon location, or there are not a minimum of four (4) other operating bikeshare stations in the College Park bikeshare program, the bikeshare fee paid by the Applicant shall be promptly returned by the City to the Applicant.**

**Should the Planning Board not adopt condition 4 above, the City is authorized to enter into an agreement with the Developer in substantially the form as attached, to be signed by the City Manager, and staff is authorized to proffer the following finding and substitute condition 4 to the Planning Board.**

- 4) Prior to certification of the DSP, the Applicant will revise the detailed site plan to show the location of a medium bikeshare station (8 bikes, 15 docks) within the portion of the subject property located within the municipal boundaries of the City of College Park. The bikeshare station will be installed as part of a bikeshare program operated by the City of College Park and shall be installed no later than the second phase of development. If however, prior to the issuance of the first building permit, the City of College Park notifies the Planning Board or its designee that the Applicant has no further obligation to construct the bikeshare station, then this condition will be deemed to have been satisfied.**

**Finding: The City of College Park is currently working to establish a bikeshare program to operate in the City of College Park similar to the Capital Bikeshare program. The City and the University of Maryland have submitted a joint application for funding with the Maryland Department of Transportation to assist in funding the program. The Applicant has agreed to work with the City to include M Square as a participant in the bikeshare program including, but not limited to, possibly locating a bikeshare station on the subject property. If the program is successfully established, a bikeshare station is proposed to be located to serve the M Square development. Ongoing operating expenses associated with the bikeshare station will be paid by the City. A condition agreed to between the City of College Park and the Applicant has been included to address the bikeshare program.**

Ms. Ferguson noted that there have been some revisions since last week's Worksession. There was a question last week as to whether or not the condition concerning the bike share station and a payment to the City to install a bike share station would be accepted by the Planning Board as a condition. The City has learned that the Planning Board might not accept this condition. As a result, staff has provided a substitute condition that would be acceptable to the Planning Board, along with a side agreement with the developer that they would pay the funds for the bike share station. The motion contains a reference to the preferred condition, #4, and a substitute condition. The agreement would only be necessary if the preferred condition #4 is not accepted by the Planning Board on the day of the hearing.

Councilmember Day stated that this is an application by M Square Associates, LLC for a Detailed Site Plan (DSP) 09028 for 450,000 square feet of office space in 3 buildings and a 4 story parking garage, to be built in 3 phases, at the M Square Research Park. The Research Park is part of the Riverside Subdivision and is located in the College Park-Riverdale Transit District

Overlay Zone (TDOZ). The State of Maryland-owned property is subject to the requirements of the 1997 *Approved College Park-Riverdale Transit District Development Plan (TDDP)*. The 13.43 acre property is comprised of Lots 15, 16, and 17. The proposed development is located primarily in the City of College Park (Lot 17, majority of Lot 16, and a portion of Lot 15) and partially in the Town of Riverdale Park (majority of Lot 15 and a portion of Lot 16). The property is zoned Planned Industrial/Employment Park (I-3). The Town of Riverdale Park voted to recommend approval of the DSP with conditions on February 6, 2012. The Prince George's County Planning Board will hear the case on Thursday, March 8.

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

**The motion passed 8 – 0 – 0.**

**12-G-28 Approval Of Free Parking In The Downtown Parking Garage On Summer Saturdays From June 2 To August 11, 2012 And Authorization For Staff To Take The Necessary Steps To Implement The Program**

**A motion was made by Councilmember Afzali and seconded by Councilmember Catlin that the City of College Park provide free parking in the downtown parking garage on 11 Saturdays during summer 2012. The dates will be June 2 through August 11, 2012 from 8:00 am to 10:00 pm. This trial free parking program only applies to the parking garage, not to other parking lots and on-street spaces enforced by the City. By this motion, we authorize the City Manager and staff to implement this free parking program.**

Councilmember Afzali said the reason behind this motion is that a lot of downtown businesses struggle in the summer, and we are trying to encourage people to come downtown, especially when the students are gone. Providing free parking on weekends might help. He hopes to see the program expand but this seems like a good first step. The Downtown College Park Management Authority (DCPMA) is in favor of this proposal.

There were no comments from the audience.

There was discussion about various methods that will be used to advertise the program, and the date that students return for classes in August.

Councilmember Stulich said this is a creative strategy to help support our local businesses during a time they often struggle. This can't be all the time because parking is not free, there is debt on the garage, and we need to turn over parking spaces so that people don't park all day long.

Councilmember Catlin said this is an interesting experiment and he hopes it is successful. The more technology and data you have helps you fine tune your parking.

**The motion carried 8 – 0 – 0.**

**12-O-01 Introduction of an Ordinance for the Fiscal Year 2012 Budget Amendment.**

**A motion was made by Councilmember Afzali and seconded by Councilmember Catlin to Introduce Ordinance 12–O–01 to amend the Fiscal Year 2012 Operating and Capital Budget of the City of College Park, Maryland.**

Councilmember Afzali stated that the Public Hearing will be held at 7:45 p.m. on March 13, 2012.

**12-G-30 Appointments to Boards and Committees**

A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to reappoint Carolyn Bernache to the Education Advisory Committee, appoint Peggy Wilson to the Education Advisory Committee as the representative of the University of Maryland, reappoint Wade Price to the Recreation Board, and to appoint Aaron Springer to the Neighborhood Watch Steering Committee. The motion carried 8 – 0 – 0.

**Council Comments:**

Councilmember Wojahn said the CBE will show the movie “Bag It” on Saturday, February 25 at City Hall.

Councilmember Dennis commented on the grand opening he attended of the new Sakura Seafood Buffet on US 1 which has ample free parking.

Councilmember Mitchell announced that the PGCMA meeting would be held on Thursday at Colmar Manner.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 8:51 p.m. with a vote of 8 – 0 – 0.

---

Janeen S. Miller, CMC  
City Clerk

Date  
Approved

---

Pursuant to §C6-3 of the College Park City Charter, at 7:00 p.m. on February 7, 2012 in the Council Chambers at City Hall, a motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to enter into an Executive Session for the following reasons:

D. Consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County, and

G: To Consult with Counsel on a Legal Matter

The motion passed 5 – 0 – 0 and the Executive Session convened at 7:00 p.m.

**Present:** Mayor Fellows; Councilmembers Kabir, Dennis, Day, Afzali and Mitchell. Councilmember Wojahn and Stullich arrived at 7:02 p.m.

**Absent:** Councilmember Catlin.

**Also Present :** Joe Nagro, City Manager; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Bob Manzi, attorney for the City in the Cafritz re-zoning application.

**Topics Discussed:** 1) Legal representation and legal strategies in a zoning matter. 2) The request for an amendment to a lease.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 8:05 p.m. with a vote of 7 – 0 - 0.

---