

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, August 12, 2014**  
**7:56 p.m. – 9:53 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich, Day, Hew and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Miriam Bader, Senior Planner; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 7:56 p.m. following the earlier Oral Argument. Councilmember Brennan led the pledge of allegiance.

**Minutes:** A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to approve the minutes of the July 8, 2014 Special Session, July 15, 2014 Public Hearing on 14-O-04, July 15, 2014 Public Hearing on 14-O-05, July 15, 2014 Regular Meeting, and the confidential minutes of the two closed sessions held on June 17, 2014. The motion passed 8 – 0 – 0.

**Announcements:**

Councilmember Wojahn announced that the College Park Community Foundation is taking applications for their second round of grants. More information is available at [www.collegeparkfoundation.org](http://www.collegeparkfoundation.org).

Councilmember Brennan discussed the College Park Academy “Plus” program that offers extra-curricular activities to all middle school students.

Councilmember Mitchell said the College Park Woods Swim Club would hold a crab feast on Saturday, September 6.

**Amendments to the Agenda:** None.

**City Manager’s Report:** Mr. Nagro said this is the last meeting in August. Council will next meet in Worksession on September 2.

**Student Liaison’s Report:** Mr. Holocker said that classes begin September 2 and an agreement has been reached between the DOTS and The Enclave for Shuttle UM service. Early move-in begins August 25; regular move-in is August 28 – 30.

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

**Catherine McGrath, former student liaison, 7505 Hopkins:** Ms. McGrath discussed the situation with the Knox Box apartments, which will soon be sold to a new owner for development. The SGA would appreciate having the City work with them to provide the option for renters to remain in their apartments until the end of the semester, or to be released from their leases without penalty.

**CONSENT AGENDA:**

**A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell for the adoption of the Consent Agenda, which consists of the following:**

- 14-G-39** Approval of a license agreement between the City of College Park and University Gardens for revocable use of city controlled right of way along Rhode Island Avenue for parking.
- 14-R-25** Resolution of the Advisory Planning Commission of the City of College Park, Maryland, Regarding Variance Number CPV-2014-03, 9728 51<sup>st</sup> Place, College Park, Maryland, Recommending Approval of a Variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to construct a driveway that will encroach 3 feet in the front yard and Recommending Approval of Variances from Section 27-442 (c) to Validate the Minimum Total Side Yard Setback and Minimum North and South Side Yard Setbacks.
- 14-R-26** Resolution of the Advisory Planning Commission of the City of College Park, Maryland, Regarding Variance Number CPV-2014-04, 5025 Iroquois Street, College Park, Maryland, Recommending Denial of a Variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard by adding an additional 9 feet in width and 18 feet in length and Recommending Approval of a Variance to Validate an Existing Side Yard Setback.
- 14-G-85** Approval of DCPMA request for free parking in the downtown parking garage after 5:00 pm Monday, August 18 through Friday, August 22 for College Park Restaurant Week.
- 14-G-86** Award of a one-year contract extension (Option Year 2) to NZI Construction Corporation of Beltsville, MD for FY '15 "Miscellaneous Concrete Maintenance and Asphalt Resurfacing" in an amount not to exceed \$896,000 (Contract CP-13-01 funded from Fund 301 Unrestricted C.I.P. Reserve).

**The motion passed 8 – 0 – 0.**

## **ACTION ITEMS**

**14-CR-01 Adoption of 14-CR-01, Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article V “Charter Amendments”, §C5-1, “Procedure For Petition” To Require Certain Information To Be Included On Referendum Petitions**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to adopt Charter Resolution 14-CR-01 Amending Article V “Charter Amendments”, §C5-1, “Procedure For Petition” To Require Certain Information To Be Included On Referendum Petitions**

Councilmember Wojahn said this Charter Amendment will allow the City to establish a form for petitions that propose to bring an item to referendum in a City election. If the form is completely and correctly filled out, and has sufficient signatures, it will be a valid form.

Due to the earlier public hearing, no comments from the audience were taken.

There were no comments from Council.

**The motion passed 8 – 0 – 0.**

**14-R-29 Resolution of the Mayor and Council of the City of College Park, Maryland to adopt the forms that are acceptable to the City to petition a council-generated charter amendment to referendum or for a referendum petition initiated by qualified voters**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to adopt 14-R-29 to approve the two referendum petition forms.**

Councilmember Wojahn said this adopts the forms that were authorized by the previous Charter Amendment.

There were no comments from the Council.

**The motion passed 8 – 0 – 0.**

**14-G-87 Motion to release Starr Insurance Holdings, Inc. (the Mazza Development) from their \$500,000 escrow obligation to develop and finance an extension of Hollywood Road west of Route 1.**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Kabir to release Starr Insurance Holdings, Inc. from their obligation under Paragraph 25 of the Agreement between PPC/CHP Maryland Limited Partnership and the City of College Park, as amended, to place the sum of \$500,000.00 with an escrow agent acceptable to the**

**City for a period of at least ten years, and that the City Manager be authorized to sign those documents and take those acts necessary to give effect to the release of this obligation and the intent of this motion.**

Councilmember Mitchell commented that PPC/CHP Maryland Limited Partnership (“Mazza”) reached an Agreement with the City in 2004, which was later amended, during development of the Mazza property, which Mazza held under a long term lease. Paragraph 25 of the Agreement, as amended, obligated Mazza to work with the City and adjacent property owners to develop and finance Hollywood Road extended on the west side of Route 1 to connect to a new Autoville Drive relocated and constructed on the Mazza property, and to place the sum of \$500,000 with an escrow agent for a period of at least 10 years to be used for the planning, design, land acquisition or construction associated with the extension. Starr Insurance Holdings, Inc. (“Starr”) is a subsequent owner of the leasehold on the Mazza Property. The City received a letter from Starr dated February 13, 2014 indicating their willingness to move forward with an alignment study and concept design of the Hollywood Road extension, after which the viability of the project would be assessed. If the project is determined not viable or unlikely to be completed, it is Starr’s desire to have the \$500,000 escrow requirement released. Under the terms of the amended Agreement, the 10-year escrow period would end August 1, 2020, unless extended by agreement of the parties, if substantial progress towards the design and/or construction of the road has been made. Significant opposition to proceeding with this project has been expressed in a petition received on August 6, 2014. The petition is signed by over 400 residents, businesses and visitors concerned that construction of the road would cause detrimental impacts to local businesses in the area and that it could be a gateway to a connection with Autoville Drive to the north. As a result, the Council has determined to not proceed with the planning for the extension of Hollywood Road at this time, and to release Starr Insurance Holdings, Inc., from the \$500,000.00 escrow requirement.

**Comments from the audience:**

**Chris Nagle, 9506 52<sup>nd</sup> Avenue:** She supports this motion. The agreement that was passed was flawed. The residential has been fully developed without any commercial. A feasibility study and construction of an extension of Hollywood Road would have a detrimental impact.

**Plato Chen, 9618 Autoville Drive, Pastor, Chinese Bible Church:** Church has 400+ congregants. He supports this motion. Two concerns: justice for our neighbors that would be adversely impacted by extension of the road, quality of life and future viability of the church.

**Lance Grieshamer, 9610 Autoville Drive:** 30+ year business owner. Even doing a feasibility study would hurt them. Can’t afford to lose any of the space they have.

**Keri Sargent, 9600 Baltimore Avenue:** Her family depends on the income from those businesses. Imagine it being your family, your building, that you worked hard to grow, and then someone comes along and takes it because it isn’t pretty or good enough.

**Jim Woodhouse, 9608 Autoville Drive:** He supports this motion. Questioned the Sector Plan because Autoville Drive is residential.

**Sue Johnson, 9610 Autoville Drive:** Supports motion. Concerned about feasibility study, heard it would take 60 feet of the parking lot and connect the road north to Autoville. She uses those businesses. They have a nice neighborhood and someone is always coming in to destroy it.

**Stasia Hutchison, 4710 Kiernan Road:** There are 7 thriving independently owned businesses there; why would we redevelop this area? We need blue collar workers to make a healthy community. Why do the feasibility study if there is no commercial development?

**Michael Steven, 9600 Baltimore Avenue:** The businesses are an asset to this community and are a landmark that bring people to the City. The tint shop wrote 7,000 receipts last year. They are high end businesses with good Yelp reviews.

**Sam Shin, 4 Drake Court, Rockville MD, Property owner at 9600 Baltimore Avenue:** To clarify, there was a negotiation in the past for his property but the broker walked away because he couldn't line up investors. The first location they had was behind the College Park Airport and was taken by eminent domain when Metro came in. This property represents his retirement, and it would be impacted by the extension of the road. He supports the motion.

**Mary C. Cook, 4705 Kiernan Road:** Think about all of the people you will impact when you vote tonight: business owners, residents, Chinese Bible Church, and all their families. You have received 400 signatures. What kind of message will you send with this vote? This is not about buildings, it is about people.

**Tim Miller, 5019 Niagara Place:** This sounds like #1 Liquors. It ain't right. The market won't support retail/commercial development at that location for another 7 – 10 years. The yellow building is a College Park landmark and putting a road through there would damage them. Give the money back.

**Christopher Pyle, 7515 Sweetbriar Drive:** He is a retired wounded warrior. He wanted to be a small business owner. They took him in and trained him. The yellow building in College Park is a landmark. Putting a road through would damage them.

**Diane Yep, owner representative of Mazza Grand Marc, 9530 Baltimore Avenue:** She wrote the letter that started this. Sorry it opened a Pandora's Box. Their concern is safety; doing the feasibility study would help residents turn north on Baltimore Avenue. She would like to either start the study or be released from the requirement.

Mayor Fellows said he was on the Council when they negotiated with Mazza Grand Marc to put the \$500,000 into escrow for the Hollywood Road extension. He appreciates all the remarks and concerns expressed tonight. At the time they felt this could potentially improve the Route 1 frontage which is our main street. The feasibility study would look at how this could be done while still preserving existing businesses and the quality of life for the residents there. This would come back to the Council before moving forward, and the Council may not approve it.

Councilmember Dennis said he has seen things happen in his Lakeland community that still resonate, some good and some bad. He hears the skepticism about what a decision on these issues will do to the community and what the by-product could be down the road.

Councilmember Hew lives there and knows what they are trying to protect. If he truly felt that this feasibility study would be a direct threat to their neighborhood he would fight against it. This is about Route 1. He has faith in the process. This is a major challenge and he has a lot of faith in his colleagues to follow through to work for the best interest of all parties. It would not be responsible to take a step backwards by releasing Mazza from their obligation at this time.

Councilmember Day said this is not just about Route 1; it's about the businesses that serve College Park. We need to support our local businesses and owners. Businesses look at this when they consider whether to move here – it reflects on College Park.

Councilmember Kabir said we represent our residents. We may have our personal opinions but we should be guided by what the residents think when we vote. We need to support our residents when they need us. If we ignore them tonight it would be a bad example in Council history.

Councilmember Brennan said people who are opposed to an issue are often more vocal, and noted that the residents of the Mazza property are not represented here – they may be silent majority. He views this as a safety issue for Mazza residents. He relies on professional information to make his decisions and believes a feasibility study will offer him the information he needs to make a sound decision. He doesn't believe there is an impact from a feasibility study. Without a feasibility study in place, this issue will continue to come up.

Councilmember Wojahn said there are a lot of important issues at stake: safety of Mazza residents, protecting our small businesses, preserving our neighborhoods, and redeveloping blighted and vacant areas. A lot of residents aren't happy with the state of the Route 1 corridor and want to see redevelopment. One of the problems identified up north is that the corridor is narrow. He needs the information that a feasibility study would provide to help him understand how best to move forward.

Councilmember Stullich said a feasibility study is a way to get more information; it is not a decision on whether to extend this road. This is a complicated issue and she doesn't understand it well enough now. She shares the concerns she has heard about protecting our neighborhoods and supporting small businesses. She also hears that we need to revitalize our Route 1 corridor, and is not sure what that means for this part of north College Park.

**Roll Call Vote on 14-G-87:**

**Yes: Kabir, Dennis, Day, Mitchell**

**No: Wojahn, Brennan, Stullich, Hew**

**Tie Breaker: Mayor votes no.**

**Motion fails.**

**Amendment to the Agenda to add 14-G-89:**

The City Attorney advised Council to move to amend their agenda at this time, since at the beginning of the meeting when “Amendments to the Agenda” are usually made, no one mentioned this motion.

**A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to amend the agenda to add item 14-G-89. The motion to amend the agenda passed 5 – 3 – 0 (Kabir, Day and Mitchell opposed).**

**14-G-89 Motion to develop a scope of work for an alignment study and conceptual design alternatives for extension of Hollywood Road west**

**A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn that the City Council authorize staff to work with Starr Insurance Holding, Inc. (“Starr”) to develop a scope of work for an alignment study and conceptual design alternatives for extension of Hollywood Road from US Route 1 to Autoville Drive on the property now owned by Starr (otherwise known as Mazza). The consultant will be chosen by Starr with the approval of City staff. The consultant will be paid from the \$500,000 now held in escrow by Starr under an agreement with the City. The resulting scope of work shall be presented to the Council in a public session and must be adopted by the Council in order to proceed.**

Councilmember Brennan said having more information is beneficial to our processes and developing this scope of work will help us get there. He wants to keep the community involved in this process to help shape the direction of the study.

**Mary C. Cook, 4705 Kiernan Road:** This is a slippery slope. It’s not about a feasibility study; it’s about what happens after the feasibility study. She hopes that this doesn’t happen in your neighborhood.

**Sam Shin, 4 Drake Court, Rockville MD, Property owner at 9600 Baltimore Avenue:** He knows Council believes this study would be a tool, but his father views this as one event in a chain of events, and although you say he has a voice, he does not.

Councilmember Kabir is disappointed by what happened tonight. So many people came to express their feelings tonight and they were completely ignored. The residents understand there is no way to build that road without negatively impacting those businesses.

Councilmember Day said fear is a strong emotion and they fear their livelihood is going to be taken from them. It colors how they perceive what is going to be done. We didn’t do a good job of explaining that to them. Businesses that are considering moving to College Park will look at this. We have to listen to the people we represent. We should think of our community, not just about how a business looks.

Councilmember Stulich said this is a hard decision and people feel strongly on more than one side. She is troubled by the sense that we are disregarding people if we have a different opinion. We all want what's good for the community and that's not always easy to figure out. Having more information is beneficial and prudent and she hopes people don't see this as a vote against the community.

Councilmember Dennis said his struggle is how we take the community input and define the strategy and processes in a transparent mode that is more palatable. We haven't clearly identified what it means to "revitalize the Route 1 corridor" – it could mean different things to each person.

Councilmember Wojahn said we have been fortunate to see continued development throughout College Park in recent years, but the only part that has not seen development is the area around Hollywood Road, where we still have a lot of vacant and blighted properties. To turn back on a strategy that was developed 10 years ago to address this area would not provide any clarity. Moving forward with this study is necessary to look at this part of the corridor.

Councilmember Kabir is in favor of sensible and responsible redevelopment but this is not vacant or blighted property. There are seven viable businesses there. The only way to build a road would impact them negatively. We complain about low turnout in City elections and he thinks it is because when residents come here to address the Council they are not listened to.

Councilmember Hew said when the time comes to improve this section of Route 1 we need to keep Mr. Shin and others involved in the decisions that we make.

Councilmember Day said Starr Holdings said either move forward with the feasibility study or give them their money back. Are we moving ahead with a feasibility study and responding to their request, or are we making our own motion that is going to hold them up?

Mayor Fellows said this motion does not authorize the feasibility study to move forward, it authorizes a process to develop a scope of work that would come back before the Council for approval. With this motion Council is expressing that they are listening to the comments expressed tonight.

**Roll Call Vote on 14-G-89:**

**Yes: Wojahn, Brennan, Stulich, Hew**

**No: Kabir, Dennis, Day, Mitchell**

**Tie Breaker: Mayor votes yes.**

**Motion passes.**

**14-O-08 Introduction of Ordinance 14-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184, “Vehicles And Traffic”, By Repealing And Reenacting §184-9, “Permit Parking In Restricted Residential Zones” To Better Define Where Visitor Parking Permits May Be Used And To Provide An Enforcement Mechanism**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to introduce Ordinance 14-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184, “Vehicles And Traffic”, By Repealing And Reenacting §184-9, “Permit Parking In Restricted Residential Zones” To Better Define Where Visitor Parking Permits May Be Used And To Provide An Enforcement Mechanism.**

Mayor Fellows said the Public Hearing on this ordinance will be September 9 at 7:15 p.m. in the Council Chambers.

**14-O-09 Introduction of 14-O-09, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 38, “Code Of Ethics”, By Repealing And Reenacting Article I, “General Provisions”, Section 38-4, “Definitions”, Article II, “Ethics Commission”, Section 38-8, “Procedures For Adjudicating Alleged Violations”, And Article IV, “Required Disclosures”, Section 38-15, “Financial Disclosure Of City Elected Officials And Candidates To Be City Elected Officials”, Section 38-16, “Financial Disclosure Of Employees And Appointed Officials” And Section 38-17 “Additional Conflict Of Interest Statements And Correction Of Inaccurate Or Incomplete Filings Required”, To Amend The Ethics Code To Clarify The Definition Of Interest That Must Be Reported, Including A Procedure For Dismissal Of A Complaint, Clarifying The Requirements For Elected Officials, Candidate, Appointed Official And Employee Disclosure And Providing A Remedy For Failure Of A Candidate To File The Required Disclosures**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Kabir to introduce Ordinance 14-O-09, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 38, “Code Of Ethics”, By Repealing And Reenacting Article I, “General Provisions”, Section 38-4, “Definitions”, Article II, “Ethics Commission”, Section 38-8, “Procedures For Adjudicating Alleged Violations”, And Article IV, “Required Disclosures”, Section 38-15, “Financial Disclosure Of City Elected Officials And Candidates To Be City Elected Officials”, Section 38-16, “Financial Disclosure Of Employees And Appointed Officials” And Section 38-17 “Additional Conflict Of Interest Statements And Correction Of Inaccurate Or Incomplete Filings Required”, To Amend The Ethics Code To Clarify The Definition Of Interest That Must Be Reported, Including A Procedure For Dismissal Of A Complaint, Clarifying The Requirements For Elected Officials, Candidate, Appointed Official And Employee**

**Disclosure And Providing A Remedy For Failure Of A Candidate To File The Required Disclosures.**

Councilmember Mitchell said the Public Hearing on this ordinance will be September 9 at 7:15 p.m. in the Council Chambers.

**14-G-88 Appointments to Boards and Committees**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to appoint David Keer to the Aging in Place Task Force, Eric Grims to the Recreation Board, and Maria Mackie to the Board of Election Supervisors. The motion passed 7 – 0 – 0 (Councilmember Hew absent for the vote).**

**ADJOURN: A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to adjourn the Council meeting, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 9:53 p.m.**

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Janeen S. Miller, CMC  
City Clerk

Date  
Approved