

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, March 23, 2010**  
**8:00 P.M.**

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

**ABSENT:** None.

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

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

**Minutes:** The minutes of the Special Session on March 2, 2010, the March 2 Public Hearing on the Draft Strategic Plan 2010-2015, the Regular Meeting on March 9, 2010, and the Confidential Minutes of the February 23, 2010 Executive Session were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Mitchell to adopt the minutes. The motion carried 8-0-0.

**Announcements:**

Councilmember Wojahn announced the Committee for a Better Environment would hold a storm drain marking activity on Sunday from 9 – 2. Meet at Woods Florists.

Councilmember Cook reminded residents to complete their Census forms.

Councilmember Afzali announced a meeting between Autoville Drive residents and the developers of the former College Perk property on Saturday at 10:00 a.m. at the property.

Councilmember Mitchell announced there would be a meet and greet at the College Park Woods Swim Club with Major Dan Dusseau of the Prince George’s County Police. She also noted that the Swim Club is now accepting memberships for the coming summer.

**Acknowledgements of Dignitaries:** Mayor Fellows recognized Monroe Dennis, President of the Lakeland Civic Association, Larry Bleau, President of the North College Park Citizens Association, Morgan Gale, President of the Calvert Hills Citizens Association, and Kevin Young, President of the Berwyn District Civic Association. Councilmember Eric Olson, Prince George’s County Council, arrived later and greeted the Council.

**Acknowledgement of Newly Appointed Committee Members:** Mayor Fellows recognized Marcia Booth, Animal Welfare Committee, and Fazlul Kabir, Committee for a Better Environment, and thanked them for their service.

**Amendments to the Agenda:** Councilmember Catlin withdrew item 10-G-23, the Petition Request for the Withdrawal of Permit Parking in the 8100 Block of 54<sup>th</sup> Avenue, from the agenda since there has not been a resolution yet.

**City Manager's Report:** Mr. Nagro announced that the City will provide free transportation to the public hearing on the US 1 Sector Plan on Tuesday, April 6. The University of Maryland Presidential Search Committee will hold a listening session at College Park City Hall on April 14 at 7:00 p.m. A tour for City Council of the Washington Post plant has been scheduled for Saturday at 1:00 p.m. Mr. Nagro has learned that the County has been certified by FEMA to have met the snow depth required for FEMA snow money, so we are one step closer to obtaining funds. Mr. Nagro learned from MML that the Budget and Taxation committee will recommend that the current 90% cut in State Highway User Revenue be made a permanent cut. This would represent a \$660,000+ cut in revenue to the City that we use for pavement management. There is no Council meeting next Tuesday because it is the fifth Tuesday of the month. The following week, the Worksession will be held on Wednesday, April 7 to allow Council to attend the US 1 Sector Plan Public Hearing on Tuesday, April 6.

**Student Liaison Comments:** Mr. Sachs had no report.

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

**Larry Bleau, 4901 Niagara Road, President, NCPA:** Mr. Bleau updated the Council on last month's meeting and provided a preliminary agenda for the next meeting.

**Jim Hartsock, 4719 Mangum Road, Chairman, Board of Directors, College Park Meals on Wheels:** Thanked the City on behalf of the College Park Meals on Wheels Program for their recent grant. They feed 60 people three meals a day, five days a week, for the nominal fee of \$25. They rely on these contributions and on volunteers to keep going.

**Consent Agenda:**

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

- 10-G-38 Approval of a Sunday Field Use Request for Duvall Field for the College Park Boys and Girls Club for April 11, 2010**
- 10-G-39 Approval of a Sunday Field Use Request for Calvert Road field for the Maryland Stingers Women's Rugby for April 11, 2010**

**The motion passed 8 – 0 – 0.**

**Action Items:**

**10-O-01 An Ordinance of the Mayor and Council of the City of College Park, Maryland, Amending Chapter 184, “Vehicles and Traffic”, By Adding Article VIII, “Speed Monitoring Systems”, Section 184-45 “Speed Monitoring System In School Zones”**

**A motion was made by Councilmember Perry and seconded by Councilmember Catlin to adopt Ordinance 10-O-01.**

Councilmember Perry commented that no one spoke at the earlier public hearing. He stated that SB 277 enacted §21-809 of the Transportation Article, Annotated Code of Maryland, which allows use of speed cameras for enforcement of the speed limit within a ½ mile radius of a school, Monday through Friday, 6:00 a.m. through 8:00 p.m. Implementing legislation consistent with §21-809 must be adopted before a local government may place a speed camera. There are sites in the City that are within ½ mile of a school where speeding occurs and this law will allow the Council to provide another tool to reduce speed for public safety if it is warranted.

There was clarification by the City Attorney about any fines received from speeding tickets: fines first go to cover the City’s costs of the program, then the City is allowed to retain 10% of fines for pedestrian and vehicular purposes, and the remainder goes to the state of Maryland. The citations are not considered moving violations that add points to a license.

Councilmember Perry said this is not about the money, it is about safety.

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

**A motion was made by Councilmember Afzali and seconded by Councilmember Cook to amend Section D of the ordinance to add “at least 14 of these 30 days must occur during the UMD fall or spring semesters.”**

Councilmember Afzali said this would make sure the students had proper notice. He said the student liaison said it would be unfair to the student population if the notice period happened in the summer when they were away.

City Attorney Ferguson said the existing language comes directly from the state law, but since this is more restrictive than the state’s language, she thinks it would be acceptable.

**Comments from the audience on the amendment:**

**Marcia Booth, 5208 Huron Street:** Asked how the amendment would be enforced.

Councilmember Stulich asked staff how this amendment would impact the timing of possible installation of speed cameras. Mr. Nagro replied that we need to adopt the school zones and select a vendor before cameras are installed. He is unsure about the lead time needed by the vendor to install the equipment, but surmised that cameras could be installed in July. The first day of UMD classes is August 30, so if the amendment were adopted, the warning period could begin August 16.

Councilmember Afzali remarked this amendment would have minimal impact on the timing and would make a show to the student body that we are taking their interests and well being in mind.

Councilmember Perry thinks this amendment would specifically identify University of Maryland students as culprits. He said the law is the law and it applies to you whether you were here to be warned, or not.

Councilmember Nagle believes the amendment is reasonable and pointed out that the ordinance says the warning period must be at least 30 days, so could be longer.

Councilmember Stullich likes the idea of a longer warning period and remarked that there will be new students every year that won't be familiar with local laws. This program should be added to our public information material. Speed monitoring is likely to be a benefit to students who are pedestrians.

Student Liaison Jonathan Sachs supports the amendment. He thinks it is only fair to the 14,000 commuter students and 11,000 students who live on campus to be given the opportunity to adjust. It doesn't look great for the City to implement this when the students aren't here. He would prefer to see the full 30-day warning period occur when students are here. He is personally opposed to speed cameras.

Councilmember Cook asked how long it takes from when the violation occurs to when the ticket is sent out; the answer was 5 days.

Councilmember Catlin does not believe the amendment is necessary and says it should be enacted as soon as possible to start protecting people especially on the hiker-biker trail across Paint Branch Parkway and Greenbelt Road.

Councilmember Wojahn will reluctantly support the amendment. People using the hiker-biker trail and Duvall Field use them more over the summer, and he prefers to implement this sooner rather than later. But given that it's only a one-month delay, he can live with it.

**The amendment passed 6 – 2 – 0 (Perry and Catlin opposed).**

Councilmember Stullich recited Prince George's County traffic statistics that illustrated the impact that speeding had on traffic accidents, and discussed recent local accidents.

**The Ordinance as amended passed 8 – 0 – 0.**

**10-G-40 Approval of a letter to the District Council with comments on Resolution CR-18-2010 on the Central U.S. 1 Corridor Sector Plan and Sectional Map Amendment**

Since the draft letter was made available to Council just prior to the meeting, it was discussed before the motion was made. Ms. Schum reviewed the comments in the letter and updated the Council on developments since last week's Worksession. The discussion resulted in revisions to the draft letter.

**A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to approve a letter addressed to the Clerk of the County Council with comments on proposed amendments to the Adopted US 1 Corridor Sector Plan and Sectional Map Amendment based on the draft presented and revisions discussed tonight.**

Councilmember Wojahn commented that the Prince George's County Council has proposed 26 amendments to the Sector Plan and Sectional Map Amendment adopted by the Planning Board on December 10, 2009. A second County Council and Planning Board Joint Public Hearing will be held on Tuesday, April 6 at 7:00 p.m. in Upper Marlboro. The written record will be held open until April 9. The City Council has previously submitted comments on the Preliminary Sector Plan and SMA and the Adopted Sector Plan and SMA. Many of the City's concerns have been addressed or are contained in the proposed amendments, however, the City opposes some of the amendments currently proposed. Final approval of the Sector Plan and SMA is required by June 3, 2010.

**Comments From The Audience:**

**Miry Livnat, resident of Montgomery County, owner of 7301 Baltimore Avenue:** Comment regarding Amendment 21 that rezones many properties from MUI to R55, specifically property owned by Chang family on Calvert Road between ZIPS and old Friends School. This rezoning would make it harder to develop the property and dis-incentivizes owners from making improvements.

**Ilya Zusin, 9909 Baltimore Avenue:** Regarding Amendment 21: Has 7207 Baltimore Avenue under contract. Rezoning the properties behind it to R-55 will greatly limit the development of the properties that front Route 1 because of the required height setbacks in the sector plan and the depth of the lots that front Route 1. Even though the height of the properties fronting Route 1 is not affected, the depth of the lots makes it very difficult to accomplish a sensible development that steps back to the residential height. Regarding Amendment 22: He has been marketing 9909 Baltimore Avenue, currently zoned CO, for two years without much luck. CR-18 recommends keeping the CO zone, but he feels CO zoning greatly limits development potential on that corner. He prefers the MUI zone at that location.

**Mary Cook, 9806 47<sup>th</sup> Avenue:** Believes the Cherry Hill area will be most impacted by this Sector Plan. Thankful Mr. Dernoga has insisted that there are no drive-throughs on Cherry Hill and Autoville Drive. Does not think it matters if the drawings are there or not. She is opposed to the connection of Hollywood Road with North Autoville because she believes it will become a by-pass road and have a strong impact on her neighborhood. They will meet with the Michaels Company in the near future about their plans.

**Morgan Gale, 7010 Wake Forest Drive:** Asked about the appeal process for zoning in the Sector Plan. Ms. Schum explained that an appeal can be done through the Detailed Site Plan process, but it becomes more difficult.

**Daniel Guetzkow, representing 4700 Erie Street, the Compassion Center:** They submitted what they consider to be a technical correction to the Sectional Map Amendment. If they want to add a shed it would trigger a review by Park and Planning and they would have to submit a

Detailed Site Plan, and would impact the parking on their property. The language in the letter stating that they could add parking spaces as long as the impervious area is not increased does address his concern and he thanked the Council.

**Cheng Chang, 4509 Calvert Road:** Regarding Amendment 21: House belongs to his family, it is an old house, they are trying to fix the property but are having some problems. Hopes the amendment would not cause additional problems for them.

**A motion was made by Councilmember Nagle and seconded by Councilmember Wojahn to amend the letter: Regarding Amendment #22, change the City's position from one of support to one of opposition. This would allow those properties to remain MUI.**

There were no comments from the audience on the amendment.

**The amendment passed 8 – 0 – 0.**

**The main motion as amended passed 8 – 0 – 0.**

**10-R-04. Amended Approval Of 10-R-04.Amended, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Mayor And Council Resolution 10-R-04, Dated January 26, 2010, Which Adopted The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2009-11, 5027 Muskogee Street, College Park, Maryland, To Approve A Variance Of The Parking Area Requirement To Construct A 10-Foot By 20-Foot Driveway Partially In The Front Yard, And A Variance Of 2 Feet From The Required 25-Foot Front Yard Setback To Validate The Existing Covered Entryway And A Variance Of 3.2 Feet From The Required 8-Foot Side Yard Setback To Validate The Existing Awning Structure To Correct An Omission.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to adopt amended resolution 10-R-04.**

There was no comment from the audience.

**The motion passed 8 – 0 – 0.**

**10-O-02 Introduction of An Ordinance To Amend The Rent Stabilization Ordinance To Revise The Factors Used To Establish The Rents In Conjunction With The Reassessment Of Property Values**

**A motion was made by Councilmember Catlin and seconded by Councilmember Nagle to Introduce Ordinance 10-O-02, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code, Sections 127-4, “Establishment Of Rent Ceiling” And 127-6, “Calculation Of Rent Ceiling After Initial Registration Year”, To Alter Prospectively The Calculation For The Rent Ceiling And The Annual Increase Therein For Single Family Dwellings, Except In Prince George’s County Tax Assessment District 01.**

The Public Hearing Will Be Held on April 13, 2010 at 7:30 p.m.

**10-G-41      Appointments To Boards And Committees**

Councilmember Perry nominated Mary Cook to the Veterans Memorial Improvement Committee and Lisa Ealley as a District 2 appointment to the Recreation Board. Councilmember Wojahn nominated Dave Turley to both the Animal Welfare Committee and the Animal Control Board. Councilmember Afzali nominated Barbara Pianowski to the Recreation Board. A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to accept these nominations. The motion passed 8-0-0.

**Council Comments:**

Councilmember Perry discussed the Berwyn District Civic Association meeting. A gift was presented to Russell Robinette in appreciation of his efforts to pick up trash in Berwyn and the surrounding communities over the last several years.

Councilmember Catlin asked the status of the Shuttle-UM bill. Mr. Nagro said the bill ran into problems and didn’t get out of Committee.

Councilmember Wojahn requested an analysis and future discussion of SB 558. Police requested our support but our delegates voted against it.

Councilmember Nagle urged residents to attend the US 1 Sector Plan Public Hearing on April 6.

**Comments from the Audience:** None.

**Adjournment: A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adjourn the meeting. Mayor Fellows adjourned the meeting at 10:10 p.m. by a vote of 8-0-0.**

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Janeen S. Miller, CMC  
City Clerk

Date Approved