

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, November 9, 2010**  
**8:00 p.m. – 9:21 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; Chantal Cotton, Assistant to the City Manager; Becca Lurie, Student Liaison; Aaron Zaccaria, Deputy Student Liaison; Bob Ryan, Director of Public Services; Jeannie Ripley, Code Enforcement Manager; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner.

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

**Minutes:** A motion was made by Councilmember Perry and seconded by Councilmember Cook to approve the minutes of the October 26 Regular Meeting and the October 26 Public Hearing on 10-CR-02. The motion carried 8 – 0 – 0.

**Announcements:**

Councilmember Wojahn announced that he has been elected the Chair of the Access For All Subcommittee of the Transportation Planning Board.

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

Councilmember Perry announced the Veterans Day program at the Veterans Memorial to be held at 11:00 a.m. on Thursday, November 11.

Councilmember Afzali announced that the Experience and Enjoy College Park Tour would hold their next event at Ledo Restaurant on Thursday, November 11 at 7 p.m. UMD President Dr. Wallace Loh will be the speaker.

Councilmember Nagle announced the North College Park Civic Association would have their monthly meeting Thursday night at Davis Hall.

**Amendments to the Agenda:** None.

**City Manager's Report:** Mr. Nagro reminded everyone that City offices are closed on Thursday in observance of Veterans Day. He discussed the number of items on next week's Worksession agenda and suggested a 7:30 p.m. start time; the City Council agreed.

**Student Liaison Comments:** Ms. Lurie announced this is Veterans Week on campus and welcomed Dr. Loh who has now taken office.

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

**Dave Dorsch, 4607 Calvert Road:** He requested that the Council establish a temporary committee to review code enforcement procedures to assess how the code enforcement program is working and make recommendations to Council within six months of its creation.

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

- 10-R-28** Resolution of the Advisory Planning Commission of the City of College Park, Maryland, Regarding Variance Number CPV-2010-10, 5114 Hollywood Road, College Park, Maryland, Recommending Approval of a Variance of an Additional 2% for a Total Variance of 18% from the Maximum Allowable Lot Coverage, a Variance of 6 Feet from the 25-Foot Required Front Yard Setback, and a Variance of 6.5 Feet from the 8-Foot Side Yard Setback and 17-Foot Combined Minimum Side Yard Setback to allow Construction of a Roof Over an Exterior Stair.
- 10-R-29** Resolution of the Advisory Planning Commission of the City of College Park, Maryland Regarding Appeal Number CEO-2010-04, 9703 48<sup>th</sup> Place, College Park, Maryland, Denying a Variance from the Requirements of City Code, §87-23.B and C to Permit the Construction of a Fence in the Front Yard and Within the 25-foot Side Yard Setback, Where the Side Lot Line is a Continuation of the Front Yard Line of the Adjacent Lot.

The motion carried 8 – 0 – 0.

**Action Items:**

- 10-R-30** Approval of a Letter and a Resolution to the Board of License Commissioners expressing the City's Position on the Liquor License for the Thirsty Turtle

A motion was made by Councilmember Stullich and seconded by Councilmember Afzali to adopt Resolution 10-R-30, A Resolution to Support the Revocation of the Liquor License Issued to Thirsty Turtle/Albar, LLC, and to Send a Letter to the Board of License Commissioners for Prince George's County

Ms. Stullich commented that the Mayor and Council have recently become aware of consistent violations of the law with respect to sale of alcoholic beverages by Thirsty Turtle/Albar, LLC.

Currently, Thirsty Turtle is before the Board of License Commissioners for Prince George's County ("BOLC") for two separate incidents, one involving the sale of alcohol to minors and one, also involving such a sale that also led to physical violence and stabbings. Council has received information from a number of investigative sources, such as the University of Maryland Police and the Prince George's County Police, as well as from neighboring educational institutions such as the University of Maryland and Catholic University, with respect to the history of Thirsty Turtle and the sale of alcohol to minors. The information on file at the BOLC reflects several prior violations of the liquor laws, at least one of which was a sale of alcohol to minors. After careful review of the information, Council has determined that the activities of Thirsty Turtle do constitute a danger to the peace and good order, and a threat to City residents and visitors, and as a result, believe the alcoholic beverage liquor license issued to Thirsty Turtle should be revoked.

There were no comments from the audience.

An amendment was proposed by Councilmember Wojahn to add a sentence to the end of the second to last paragraph of the letter, reading, "As a result we feel that the continued operation of the Thirsty Turtle is a threat to the public health and safety of the residents of College Park." Councilmember Stullich wanted to change the word "feel" to "believe." Mayor Fellows wanted to change the word "operation" in the amendment to "continued sale of alcohol." Councilmember Nagle wanted to remove the words "severe bodily injury" in both the resolution and the letter. Councilmember Cook thinks the word "minor" should read "under the legal drinking age."

Councilmember Perry does not believe the restaurant is responsible for what happened outside of the restaurant.

**The motion carried 7 – 1 – 0 (Perry opposed).**

**10-G-92 Award Of Contract To Urban Design Associates In An Amount Not To Exceed \$50,000 For The Preparation Of A Single Family Residential Pattern Book**

**A motion was made by Councilmember Stullich and seconded by Councilmember Catlin that the City Council award a contract to Urban Design Associations, in an amount not to exceed \$50,000 for the preparation of a single family residential pattern book, subject to legal approval of the contract and that the City Manager be authorized to sign the contract on behalf of the City.**

Councilmember Stullich stated that the City's Capital Improvement Program contains \$50,000 for consulting services for the preparation of a single family residential pattern book. The City issued a Request for Qualifications for a consultant and received 13 responses. The five most qualified firms were asked to provide additional information, including a refined approach, line item budget, plan for public participation, and timeline. Urban Design Associates, a nationally recognized expert in the development of pattern books, was selected by staff as the top firm. All

references contacted for UDA were positive. Pattern books are used to provide guidance to homeowners, builders, developers, and architects to help ensure that additions, renovations, and infill development relate to existing neighborhood character and styles. Pattern books can help address issues such as mansionization, when large homes that are out of scale with the surrounding neighborhood are built. In addition to addressing neighborhood character and architectural patterns, this book will also contain a chapter on landscape patterns and will include advice for homeowners about planting, fencing, and green design elements. The Old Town neighborhood has something similar – design guidelines for the historic district – which she believes has had a beneficial impact for the neighborhood.

**Comments from the audience:**

**Heidi Jones-Huffman, Member, Advisory Planning Commission, 4802 Tecumseh Street:**

Pattern books are a wonderful tool for homeowners, developers and design professionals to use as a guideline. Pattern books will allow homeowners to understand more about renovations, new construction and landscaping for their neighborhoods.

**Harry Pitt, 8200 Potomac Avenue, General Contractor:** Thinks this is an excellent tool and he looks forward to using it in his business. The challenge will be to get it into people's hands at the beginning of the process, not the end. He recommended an education campaign to get the word out.

Ms. Schum said this is the beginning of the process of working with the consultant to prepare the pattern book. One of the first steps will be to create a steering committee and reach out to all the city's neighborhoods. Public input is very important to the consultant.

**Dave Dorsch, 4607 Calvert Road:** There are so many things that govern us now. He doesn't want this to become another hoop that someone has to jump through; people can look around and see what the neighborhood looks like. He doesn't think this is how taxpayer money should be spent.

Councilmember Catlin was skeptical at first but learned that these are widely used now and are very acceptable. In this case, a picture is worth a million words.

Councilmember Wojahn had some mixed feelings at first but thinks it can provide a benefit to residents. His fear is that it will sit on the shelf once completed, and asked about the marketing plan.

**The motion carried 7 – 1 – 0 (Nagle opposed).**

**10-R-31 Approval Of A Resolution To Establish A City Redistricting Commission To Review And Recommend The Appropriate Reapportionment Of The City Council Districts And To Formulate The Charge To The Redistricting Commission**

**A motion was made by Councilmember Stulich and seconded by Councilmember Catlin to adopt 10-R-31, a Resolution to Establish a City Redistricting Commission to Review and Recommend the Appropriate Reapportionment of the City Council Districts and to Formulate a Charge to the Redistricting Commission.**

Councilmember Stulich said the City Charter requires that once every ten years, after the decennial federal census numbers become available, the City must review the four council districts to determine whether a reapportionment is needed. The most recent decennial federal census numbers will soon be available. In order to maximize citizen participation in the reapportionment review process, it would be helpful to appoint a redistricting commission made up of City residents to make recommendations about whether reapportionment is needed, and if so, to provide at least three alternatives for the redistricting. This resolution establishes the Commission, and charges the Commission with these tasks.

There were no comments from the audience.

Councilmember Catlin said there is not a lot of time to do the redistricting between when we get the census information in the spring and when people start to run for office in the summer. We shouldn't do anything too ambitious right now. We should see what the redistricting commission comes up with and then maybe the next Council could tackle something more significant.

**The motion carried 7 – 1 – 0 (Perry opposed).**

**10-G-93 Approval Of Fee Increases For The Rental Of The Old Parish House And Davis Hall**

**A motion was made by Councilmember Nagle and seconded by Councilmember Wojahn To Approve The Following Fees For Private Use Of The Old Parish House And Davis Hall: Old Parish House: Resident \$225, Non-Resident \$275. Davis Hall: Resident \$100, Non-Resident \$150.**

Councilmember Nagle said this is the first increase in rental fees for private use of City facilities since 2005. This proposal is for a two-tiered system with City residents paying a lower fee than non-residents to reflect the fact that residents are supporting City facilities through their tax dollars. Fees are for a six-hour session. The \$25 cleaning fee will not change. These fees will become effective immediately, but people who already hold reservations for December and January will be grandfathered under the old fees.

There were no comments from the audience.

**An amendment was proposed by Councilmember Stulich and seconded by Councilmember Cook to keep the resident fee for the Old Parish House at \$200 – the**

**current fee. She said a very small number of residents have rented that facility so it would likely have little impact on the bottom line.**

**The amendment passed 7 – 1 – 0 (Perry opposed).**

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

**10-G-68 Traffic Calming Recommendation In The 9200 Block Of St. Andrews Place  
(this item is returning from 8/10/10)**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to accept the staff recommendation to place two traffic calming devices – raised crosswalks -- on St. Andrews Place, one at Wofford Lane and one at Dewberry Lane, in College Park Woods.**

Councilmember Mitchell said this would help with traffic safety and pedestrian safety in College Park Woods.

There were no comments from the audience.

Councilmember Afzali thanked the residents who were actively involved in developing this proposal.

**The motion carried 7 – 1 – 0 (Perry opposed).**

**10-G-94 Approval Of A Letter To UMD President Wallace Loh And Scope Of Work  
For A Proposed City-UMD Economic Interdependence Study**

**A motion was made by Councilmember Stullich and seconded by Councilmember Afzali to approve a letter to UMD President Wallace Loh and the Scope of Work for a proposed City-University Economic Interdependence Study.**

Councilmember Stullich said the Council looks forward to working with the new University of Maryland President, Dr. Wallace Loh, who has expressed an interest in developing a more collaborative relationship with the City. In that context, it would be useful to speak with him about a study that was proposed by the University to examine the benefits and costs that the University brings to the City and that the City brings to the University, and the ways in which the economic and institutional wellbeing of each is affected and supported by the other. We have worked to develop a Statement of Work that would guide this study. At the same time, some members of Council have misgivings about conducting this study, particularly because it was raised in the context of a suggestion that the University might challenge the City's ability to collect Admissions and Amusement Tax for events on campus.

Councilmember Catlin said this type of analysis has never been done in a college town before and some members of the International Town Gown Association have expressed interest in doing a similar study so he hopes we go forward with this.

**Councilmember Perry proposed an amendment to delete the last paragraph of the letter to Dr. Loh. The amendment was seconded by Councilmember Nagle. There was discussion about deleting the entire last paragraph or just the first sentence of that paragraph. Councilmember Perry clarified that he objects to the deferral of the study. The amendment failed 1 – 7 – 0 (Nagle, Wojahn, Catlin, Stullich, Cook, Mitchell and Afzali opposed).**

**The main motion passed 8 – 0 – 0.**

#### **10-G-95 Appointments To Boards And Committees**

**A motion was made by Councilmember Stullich and seconded by Councilmember Cook to reappoint Clay Gump to the Cable Television Commission, and to reappoint Alan Bradford, Grace Gardiner and Peter King to the Ethics Commission. The motion passed 8 – 0 – 0.**

#### **Council Comments:**

Councilmember Nagle asked for a status of the blue light phone on Lackawanna Street. She also requested two future Worksession items: 1) Boards and Committees -- how members are chosen and the role of the city liaison; 2) An update from the Ethics Commission on the project to bring the City's Ethics Code into synch with the State Ethics Code.

Councilmember Wojahn asked when the pedestrian lights on Lackawanna Street would be switched on. Mr. Nagro said they are waiting for electrical work and hopes it will be done by next week.

Councilmember Perry commented on the repaving in the Calvert Hills area and asked if staff can find out about the SWAT team incident in the 4900 block of Osage street yesterday.

Councilmember Stullich praised City Engineer Steve Halpern for his response to specific resident concerns and for his ability to get WSSC to address those concerns.

Councilmember Mitchell asked who does research for the contracts we have with cable companies. City Attorney Ferguson responded that the franchise agreement renewal for Comcast will come up in two years and that there is a 31 month window in which to negotiate the renewal, so it will start to be discussed soon.

Mr. Nagro reminded the Council that the Board of License Commissioners hearing tomorrow night at 7:00 p.m. is a public meeting if any councilmembers want to attend and show support.

**Comments from the Audience:** None.

**Adjournment:** A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adjourn the meeting. Mayor Fellows adjourned the meeting at 9:21 by a vote of 8 – 0 – 0.

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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 11:06 p.m. on November 3, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Mitchell to enter into an Executive Session, citing the following authority:

**G: Consult with Counsel on a legal matter.**

The motion passed 6-1-0 (Perry opposed, Cook absent) and the Executive Session convened at 11:06 p.m.

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

**Absent:** Councilmember Cook.

**Also Present:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Aaron Zaccaria, Deputy Student Liaison; Major Jagoe (UMPD), Lt. Duelley (PGPD), John McGroarty (BOLC).

**Topic Discussed:** The City Attorney discussed options available to the City Council with respect to a business holding a liquor license in the City. The Council received confidential information about an ongoing police investigation as part of its consideration as to how to proceed in the case.

**Adjourn:** A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 11:24 p.m. with a vote of 7 – 0 - 0.

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