

MINUTES
Regular Meeting of the College Park City Council
Tuesday, April 10, 2007
9:02 P.M.

- PRESENT:** Mayor Brayman, Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stullich, Cook and Hampton.
- ABSENT:** Student Liaison Jesse Blitzstein.
- ALSO PRESENT:** Joe Nagro, City Manager; Yvette Allen, Assistant City Clerk; Bob Levan, City Attorney; Karen Ruff, City Attorney; Terry Schum, Director of Planning; and Robert Stumpff, Director of Public Works.

The meeting opened with the Pledge of Allegiance led by Councilmember Hampton.

Minutes: The minutes from the March 20, 2007 Regular Meeting, March 27, 2007 Public Hearing, and March 27, 2007 Regular Meeting were presented for approval. A motion was made by Councilmember Hampton and seconded by Councilmember Perry to adopt the minutes as presented. The motion passed 8-0-0.

Announcements: Councilmember Hampton announced that the West College Park Citizens Association meeting would be held on April 22 at 7:00 p.m. at the College Park Woods Swim Club and the Municipal Bowl on Monday April 23 at 6:00 p.m. in the Council Chambers of City Hall.

Councilmember Stullich announced that the Old Town College Park Civic Association selected new officers and Nigel Key is the new President.

Councilmember Catlin announced that the Lakeland Civic Association will meet Thursday, April 12 at 7:30 p.m. at the College Park Community Center.

Councilmember Krouse announced that the North College Park Citizens Association will meet at 7:30 p.m. on Thursday, April 12 at Davis Hall.

Amendments To The Agenda:

Councilmember Fellows added item 07-G-46 to the Consent Agenda: Authorize The City Manager To Proceed With The Installation Of Lights On The Trolley Trail Between Pierce Avenue and Paint Branch Parkway In An Amount Not To Exceed \$30,000

Councilmember Fellows requested 07-G-48 Historic Work Area Permit For Demolition of 4600 Norwich Road to be postponed.

Joe Nagro, City Manager, stated that the City had received a letter from Howard Berger, Architectural Historian for the Maryland-National Capital Park and Planning Commission, stating that the property owner had agreed to a postponement of the Historic Preservation Commission's (HPC) review. This would allow for a site visit on April 12 which would allow HPC's consultants to provide a written report that would become part of the record and allow the City to

receive additional information to make an informed decision. The Historic Preservation Commission will now review the permit application on May 15.

City Manager's Report:

Joe Nagro announced that April is Spring Clean-up month and the Public Works yard will be open every Saturday in April from 7:30 a.m. until 3:30 p.m.; invited all to an Earth Day clean-up project along the Paint Branch on Saturday, April 21; and invited all to attend our Arbor Day Celebration on Monday, April 30 for a tree planting ceremony at Paint Branch Elementary School. Mr. Nagro also announced that the permits for the NOAA building were issued today.

Comments From The Audience On Non-Agenda Items:

Charles Sarahan, 4815 Calvert Road, College Park: Mr. Sarahan spoke about the article in today's Diamondback regarding the housing issue. Suggested that the University of Maryland talk to someone regarding the real estate issue.

Consent Agenda:

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

07-G-46 Authorize The City Manager To Proceed With The Installation Of Lights On The Trolley Trail Between Pierce Avenue and Paint Branch Parkway In An Amount Not To Exceed \$30,000

The Consent Agenda was adopted by a vote of 8-0-0.

Action Items:

07-R-08 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission And Granting Variance Application Number CPV-2007-03, 9632 51st Place, College Park, Maryland For A Variance Of Twelve Feet (12') From The Sixty Foot (60') Minimum Required Setback From The Front Street Line For Accessory Structures To Validate The Location Of A Detached Garage

A motion was made by Councilmember Milligan and seconded by Councilmember Krouse to approve 07-R-08. Councilmember Milligan read the title into the record and requested that the entire resolution be part of the motion (signed resolution attached to minutes).

Councilmember Perry requested confirmation regarding the vote; does this item need a unanimous vote to pass?

Mr. Levan, City Attorney stated that in order for it to be adopted that it must have a majority vote.

The motion carried 7-1-0, Councilmember Perry opposed.

07-G-15 Approval Of A Letter To Comcast Regarding Potential Fines For Continued Non-Compliance With Call Answer Time Requirements (Item tabled from 2-13-07)

The motion above is tabled indefinitely and Councilmember Perry announced a substitute motion:

Move That the College Park City Council Accept The College Park Cable Commission's Recommendations Outlined In Their Letter To The Mayor And Council Of March 30, 2007 And Authorize The City Manager To Send A Letter To Comcast Stating This Position

Seconded by Councilmember Catlin.

Councilmember Perry stated that Comcast sent a letter in response to our request concerning telephone call answering times. The College Park Cable Commission met with Comcast to clarify the data received. The College Park Cable Commission sent a letter to Council stating their satisfaction in Comcast's continued efforts to improve its performance and will continue to monitor Comcast's service levels and report back to the Mayor and Council. Councilmember Perry conveyed to the residents that we have a Cable Television Commission and if they have a problem with their cable television, they should let the Commission know.

Councilmember Catlin stated that the data we have received from Comcast shows that they do a much better job answering the telephones during normal business hours and suggested that we notify the residents if they are going to call Comcast to call during normal business hours.

Motion carried 8-0-0.

Mayor Brayman stated that he will send a reply letter to the College Park Cable Commission.

07-G-44 Approval Of A Letter To County Council Chair Camille Exum Providing Comments On The Proposed FY '08 Park and Planning Budget

A motion was made by Councilmember Hampton and seconded by Councilmember Fellows to authorize the Mayor to sign a letter to the Prince George's County Council to provide comments on the proposed Maryland-National Capital Park and Planning Commission (M-NCPPC) FY 2008 budget.

Councilmember Hampton stated that on September 26, 2006, City Council sent a letter to the Prince George's County Planning Board listing the City budget request for the M-NCPPC FY 2008 budget. Some of these requests have been addressed in the FY 2007 operating budget. Several others were not addressed at all.

The Prince George's County Council will hold a hearing for the M-NCPPC FY 2008 budget on April 17th. This proposed letter will serve as written testimony for our requests from September that have not been addressed. The projects include a Design for the Extension of the Paint Branch Trail to College Park Woods, a Lake Artemesia Tot Lot, a Comprehensive Stormwater Management Plan for Hollywood Neighborhood Park Picnic Pavilion, Inclusion of a Skate Spot at Sunnyside Park in the CIP and a Feasibility Study for Board of Education Property on 51st Avenue.

Councilmember Hampton also wanted to change the wording of the letter in item number five to read: “The City is interested in acquiring ownership of long-term access to the Board of Education property next to Davis Hall on 51st Avenue for the purpose of creating new soccer fields. We would like M-NCPPC staff to analyze the site to determine the feasibility of developing soccer fields”.

Motion carried 8-0-0.

07-G-45 Adoption Of A Vegetation Management Plan

A motion was made by Councilmember Krouse and seconded by Councilmember Perry to approve the College Park Vegetation Management Plan for City-maintained areas.

Councilmember Krouse stated that the Department of Public Works developed a Vegetation Management Plan for City maintained areas. Public Works staff outlined landscape and tree maintenance practices and integrated input for the Tree and Landscape Board regarding future direction into the final document. The Tree and Landscape Board approved the Vegetation Management Plan.

The Plan provided information regarding routine landscape and tree maintenance practices on various types of vegetation throughout the City. It should not be considered a static document, but rather an evolving plan that may be updated to accommodate future changes.

Councilmember Krouse also added that this may be a trial period and may have to come back to Council for updates and additional reviews.

Councilmember Cook applauded Public Works for their work on this plan.

Councilmember Catlin stated that in the middle of page 9 of the report where it states “Caution” should be reworded to read correctly.

Councilmember Perry stated that the Pesticide selection regarding “Caution, Warning, or Danger” should have the same meaning as the Environmental Protection agency.

The motion passed 8-0-0.

07-CR-03 Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article IV, “Voting And Elections”, §C4-2A “Registration Of Voters” To Clarify The Minimum Age Of Persons Qualified To Vote And §C4-6 “Runoff Elections” Providing For The Scheduling Of Runoff Elections

A motion to Introduce 07-CR-03 was made by Councilmember Perry and seconded by Councilmember Milligan. The Public Hearing is scheduled for May 22 at 7:15 p.m.

07-CR-04 Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III, “Mayor And Council”, § C3-1 “Elected Officers Of The City” To Add A Requirement For Holding Elective Office; § C3-3 “Oath Of Office” Prescribing The Administration Of Oaths;

§ C3-5 “Election” Deleting An Extraneous Phrase; § C3-6 B(1)(A) Changing The Time Requirements For Holding A Special Election To Fill A Vacancy In The Office Of The Mayor Or A Council Member; § C3-6 B(3)(A) Changing The Time Requirements For The Withdrawal Of An Election Application; § C3-7 “Assumption Of Duties” Reducing The Time Between Regular And Special Elections After Which Officers Assume The Duties Of Office.

A motion to Introduce 07-CR-04 was made by Councilmember Milligan and seconded by Councilmember Perry. The Public Hearing is scheduled for May 22, 2007 at 7:30 p.m.

07-G-47 Appointments To Boards And Committees

Councilmember Catlin nominated Marcus Afzali to the Committee for a Better Environment. A motion was made by Councilmember Stulich and seconded by Councilmember Fellows to accept the nomination. The motion carried 8-0-0.

Council Comments

Councilmember Milligan commented on the closing of the Prince George’s County Hospital.

Councilmember Krouse commented that a litter pick-up crew should be sent out prior to the grass cutting crew; reminded the Code Enforcement Department that if it is time for the City to mow grass, that it is also time for the residents to mow their grass; and lastly would like to request a worksession item regarding having a meeting with the Advisory Planning Commission to discuss their procedures.

Councilmember Catlin stated that the Charter Changes for the Elections are due to the fact that the students were away from the City during a Special Election and now we are going to hold the public hearing when the students are away.

Councilmember Perry spoke about the Prince George’s County Police Open House scheduled for Saturday, April 21 from noon to 4:00 p.m. in Hyattsville; recent police chase here in College Park and the lack of an Open House for Wal-Mart since they failed to obtain permits from the County.

Councilmember Fellows stated that the Committee for a Better Environment will in the near future create a sub-committee to look at code enforcement issues in the city. The sub-committee will be similar to the Veterans Memorial Improvement Committee. The committee will send out a memo to Mayor and Council soon. Mayor Brayman suggested that the Committee for a Better Environment should send their suggestions to Council and then Council would place this subject on Council worksession.

Councilmember Hampton announced that the Prince George’s County Council approved the County Executive’s recommendation to appoint Karen to the County Cable Commission which she will represent the Prince George’s County Municipal Association.

Councilmember Cook stated that she and Councilmember Hampton went to the University of Maryland to talk to the freshmen and sophomores in their district.

Adjournment: A motion to adjourn was made by Councilmember Perry and seconded by Councilmember Fellows. The meeting was adjourned at 10:06 p.m. by a vote of 8-0-0.

Yvette Allen, Assistant City Clerk

Pursuant to §C6-3 of the College Park City Charter, on April 10, 2007 at 10:15 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Fellows and seconded by Councilmember Milligan to enter into an Executive Session to consult with Counsel regarding legal representation. The motion passed unanimously 8-0-0.

Present: Mayor Brayman, Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stulich, Cook and Hampton.
Also in attendance were Joe Nagro, Yvette Allen, Robert Levan, Karen Ruff and Ernie Crowfoot.

Topics Discussed: Legal Representation

A motion was made by Councilmember Stulich and seconded by Councilmember Milligan to adjourn the Executive Session. The Executive Session was adjourned at 11:09 p.m. by a vote of 8-0-0.
