

MINUTES
Regular Meeting of the College Park City Council
Tuesday, April 24, 2007
8:00 P.M.
(Revised)

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stulich, and Cook; Student Liaison Jesse Blitzstein.

ABSENT: Councilmember Hampton

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant To The City Manager; Bob Levan, City Attorney; Steve Groh, Director of Finance, Bob Ryan, Director of Public Services; Carole Sheringham, Director of Personnel; Jim Miller, Parking Enforcement Manager; Scott Osborn, Parking Enforcement Field Operations Supervisor.

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

Minutes: The minutes from the Special Session on April 3, 2007 and the Regular Meeting on April 10, 2007 were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adopt the minutes as presented. The motion passed 7-0-0.

Announcements:

Councilmember Fellows announced that Friday May 18 is Bike To Work day, and City Hall will be one of the pit stops. Pre-registration closed on May 11.

Councilmember Perry announced that the Berwyn District Civic Association would hold a community clean-up this coming weekend. For information, check www.myberwyn.org.

Councilmember Catlin announced that the City would celebrate Arbor Day on Monday, April 30, with a tree planting at 1:30 p.m. at Paint Branch Elementary School.

Councilmember Milligan announced that the College Park Boys and Girls Club would hold their annual parade on Sunday, May 6. Line up begins at the REI at 12:30 pm.

Acknowledgement of Dignitaries: Mayor Brayman acknowledged SGA President-Elect Andrew Friedson.

Acknowledgement of Newly Appointed Board And Committee Members: None

Amendments To The Agenda: Move 07-R-10 to the top of the action agenda. Pull 07-G-53 off the agenda tonight; return to May 1 Worksession for action on May 8. Add 07-G-55 to Consent: Field Use Request by Berwyn Baptist School for Field Day at Duvall Field on May 4.

City Manager's Report: Mr. Nagro reviewed the Municipal Bowl that was held last night. Congratulations to the winning team from Hollywood Elementary School. The tape will be rebroadcast next week on Monday at 5:00 p.m., Tuesday at 5:00 p.m., and Thursday at 6:00 p.m.

Student Liaison Comments: Jesse Blitzstein announced the final Communiversy Clean-up would be held on Sunday at 11:00 a.m. He discussed the Knox Box fire that occurred early this morning – the apartment fire was visible from his apartment window. He commended the fire department and hopes this raises fire safety awareness throughout the community. The Student Liaison Selection Committee has selected Danielle Kogut as the new Student Liaison. Her appointment is expected to be confirmed by the SGA tomorrow night. She is currently abroad but will return to College Park in June. Jesse's last meeting will be May 8.

Comments From The Audience On Non-Agenda Items:

Holly DeArmond, Associate Director, University Marketing, University of Maryland: Made a presentation on Maryland Day, which will be held on Saturday, April 28, from 10 to 4. For more information, visit www.marylandday.com. This year's theme is a "Global Village." Mr. Ryan announced that the City will once again sponsor a tent on McKeldin Mall, which this year will feature the National Museum of Language.

Scott Weaver, General Manager and Steve Kemp, President, of the College Park Bombers Baseball Team: They wanted to tell College Park about the collegiate baseball team playing in the Cal Ripken Senior Division this summer at Shipley Field. All are encouraged to come out and watch baseball in College Park. The regular season is June and July; playoffs are in August. For more information, visit www.collegeparkbombers.org. Mr. Weaver invited Mayor Brayman to throw out the first pitch at the first home game of the season on Sunday, June 10, and presented free tickets to Peggy Higgins for members of the Lakeland STARS group.

Ty Dickerson, College Park Volunteer Fire Department: He discussed details of this morning's fire at 4221 Knox Road. It was a substantial apartment fire but the occupants were not home and there were no injuries. The cause is still under investigation. The apartment was not sprinklered. The Mayor and Council thanked the fire department for their response.

Arkady Gelman, President of the IFC, and Clare Cavaliero, President the Pan-Hellenic Association: Came to apologize to the Council and citizens for the problems on Sunday morning associated with the start of Greek Week. Acknowledged that it was completely unacceptable. They have made a listing of possible problem properties and

will see if they are related to the Greek community; want to meet with certain residents who have expressed concerns; want to hear what steps the Council feels are necessary to repair the damage caused by these events. Mayor Brayman recommended increased communication. Councilmember Stulich discussed the issue of satellite houses and stated that some are repeat offenders. Councilmember Fellows asked if there would be an investigation and a report that could be shared? Mr. Gelman said they are trying to figure that out now, but said there are no mechanisms in place to punish individuals. Councilmember Perry suggested they participate in the Communiiversity Clean-up.

Presentations – Lakeland STARS Program: Peggy Higgins said this is the 10th year of this tutoring/mentoring program where children from Paint Branch Elementary School (the Lakeland STARS) are matched one-on-one with a tutor from the College Park Scholars program. The children spend a lot of time on campus, which helps them think of themselves as future college students. Ms. Higgins introduced Graduate Student Tabetha Mwita, Coordinator for Community Involvement for the College Park Scholars Program. She discussed the program and introduced the tutors and the students. There are a total of 52 children and 52 tutors in the program this year. She invited the tutors and children to make comments. Ms. Maurice, Assistant Principal from Paint Branch Elementary School, also made remarks. Individual certificates were presented to the children. Ms. Higgins praised the administrative support provided by secretary Melanie Clark at Youth and Family Services. Mayor Brayman praised Peggy Higgins for her leadership. Following the presentation, there was a brief reception for the program participants.

Consent Agenda: The Consent Agenda consisted of the following items:

- 07-G-49 College Park Boys And Girls Club Field Use Application For Duvall Field And Calvert Hills Playground Field From March Through July 2007, And Use Of The Duvall Field Concession Stand From March Through December 2007**

- 07-G-50 The Maryland Stingers Women’s Rugby Field Use Application For Duvall Field From March Through May 2007**

- 07-G-51 Approval Of Field Use Request For Boys And Girls Club Opening Day And Parade On Sunday May 6**

- 07-G-55 Field Use Request by Berwyn Baptist School for Field Day at Duvall Field on May 4.**

A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adopt the Consent Agenda. The motion carried 7-0-0.

Action Items:

07-R-10 Resolution Supporting Access To University View

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to approve a Resolution supporting access to University View. The proposal would utilize an easement to provide shared access with the liquor store to the traffic light, which would enhance safety.

Otis Warren, 10 South Howard Street, Baltimore, Owner of University View:

Thanked the Council for supporting his efforts to improve safety at the entrance. His goal is to purchase the liquor store property, but in the meantime, using this easement to the traffic light will keep the students and the residents safe.

Nathan Adler, Law Firm of Neuberger, Quinn, 1 South Street, Baltimore, MD, 21202, Representing University View: The goal is to improve the safety of the tenants at University View by exercising their right to use the easement to gain access to and utilize the traffic light for ingress and egress.

Bob Levan stated that the easement is under legal attack by the owner of the liquor store, and this resolution shows the City's support of the access in defense of that case.

Councilmember Perry asked about this history of this easement. Mr. Adler replied that when Mr. Warren purchased the property in 2001, he was not aware of the easement. McDonald's, which was formerly located on part of the University View site, did use the easement. The easement was not picked up during a title search. In 2005, University View initiated a review of the McDonald's As-Built Plans from 1977, and found the easement. At the end of 2005, they first contacted the liquor store regarding building a road to use the easement. The liquor store owner has applied for an injunction to prevent Otis Warren from using the easement. The City's support is desired to help them in their defense against the injunction. They will also seek the State's support. Mr. Adler stated that the use of the easement would not impair the liquor store.

The motion passed 6-0-1 (Krouse abstained).

07-G-52 Request for Driveway Apron Variance at 4805 Nantucket Road

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to approve a variance to allow construction of a double-wide driveway apron at 4805 Nantucket Road.

Councilmember Krouse stated that staff had recommended this variance and the owner agrees to enter into a Declaration of Covenants for this property.

Councilmember Perry stated he would not support this request because of his concern that it would set a precedent.

The motion passed 6-1-0 (Perry opposed).

The Council took a brief recess to join the Lakeland STARS reception.

07-O-05 An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland To Amend The Fiscal Year 2007 Budget Of The City Of College Park, Maryland.

A motion was made by Councilmember Stullich and seconded by Councilmember Milligan to introduce 07-O-05.

Ms. Stullich stated that this budget amendment ordinance reclassifies certain budgeted operating expenditures to Capital Improvement Program (C.I.P.) projects. In addition, the ordinance properly accounts for the City's purchase of real property for the proposed public parking garage, funded through use of the undesignated reserve.

By reclassifying certain fiscal year 2007 Planning department expenditures, including Pattern Books for Neighborhoods and Form-Based Code, to new C.I.P. projects, the ordinance will allow staff sufficient time to implement these programs over a multi-year timetable. The summer 2006 purchases of real property on Yale Avenue for the proposed public parking garage were initially funded through an interfund loan from the General Fund to the Public Parking Garage project in the C.I.P. The ordinance would transfer undesignated reserve funds to the C.I.P. to close this loan.

The Public Hearing is scheduled for May 8 at 7:00 p.m.

07-R-09 A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Authorizing The City Manager To Execute An Equipment Master Lease-Purchase Agreement For \$1,500,000 To Finance FY '07 through FY '09 Purchases Of Vehicles And Equipment

A motion was made by Councilmember Perry and seconded by Councilmember Krouse to adopt Resolution 07-R-09, a Resolution of the Mayor and Council of the City of College Park, Maryland, authorizing the City Manager to execute an equipment Master Lease-Purchase Agreement with Suntrust Bank for the acquisition of vehicles and equipment.

Councilmember Perry read the comments into the record.

There were no comments from the audience on this agenda item.

Mayor Brayman noted that this is a prudent form of financing purchases and allows the City to smooth out the expense when high-priced pieces of equipment are purchased.

The motion passed 7-0-0.

07-CR-02 Adoption Of 07-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article IX, “Officers And Employees”, §C9-1 “Discrimination” To Clarify That Employees May Retain Their Positions While Running For Office Or Serving As Elected Or Appointed Officials Of Jurisdictions Other Than The City, Unless, Such Office Would Present A Real Or Potential Conflict Of Interest Or The Appearance Of A Conflict Of Interest

A motion was made by Councilmember Fellows and seconded by Councilmember Milligan to adopt 07-CR-02.

Councilmember Fellows stated that as currently written in the charter, an employee may not continue in his or her position after becoming a candidate for election or nomination to any public office. The original intention was to not allow employees to hold other appointed or elected positions within the City, not to deny them the opportunity to perform public service in other communities. This amendment would allow employees to serve in elected or appointed positions elsewhere provided there is not a real or potential conflict of interest.

A Public Hearing on this Charter Amendment was held earlier this evening so no further public comment will be heard tonight. It will become effective on June 13, 2007, barring a successful petition to referendum before June 3, 2007.

There were no comments from the Council.

The motion passed 7-0-0.

07-O-03 Introduction of FY 2008 Budget Ordinance

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to Introduce 07-O-03, and Ordinance of the Mayor and Council of the City of College Park Maryland to adopt the Fiscal Year 2008 Operating and Capital Budget of the City of College Park, Maryland. The Public Hearing is scheduled for May 8 at 7:35 p.m.

07-G-54 Appointments To Boards and Committees

Councilmember Fellows nominated Dr. Hoshing Wan Chang to the Education Advisory Committee, Councilmember Cook nominated Mr. Sam Snellings to the Committee For A Better Environment, and Councilmember Stullich nominated Mr. David Rogner to the Committee for a Better Environment.

A motion in favor of the appointments was made by Councilmember Perry and seconded by Councilmember Fellows.

The motion carried 7-0-0.

Council Comments:

Councilmember Perry stated that he has gotten complaints about trash being left behind and asked staff to look into it.

Councilmember Catlin commented on the District Council hearing on the Mazza project that he attended on Monday. He was troubled that the District Council took exception to the agreement the City reached with the developer for funds to help build a new road known as Hollywood West.

Councilmember Milligan raised the issue of pedestrian safety, and the use in other jurisdictions of pre-fabricated speed humps.

Councilmember Cook commented that she attended the subcommittee meeting for the JPI West development last night, and commended the residents on their participation in this process.

Comments From The Audience:

Andrew Friedson, SGA President-Elect, Stamp Student Union, PO Box 168, College Park, MD 20742: He takes office on May 6 and looks forward to working with the City Council to improve relationships with the Council and City residents.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Cook to adjourn the meeting. The regular meeting was adjourned at 10:06 p.m. by a vote of 7-0-0.

The Council will be meeting in Executive Session following the regular meeting, but will not return in public session tonight.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, on April 3 at 7:15 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Hampton and seconded by Councilmember Stullich to enter into an Executive Session to consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County. The motion passed 6-1-0 (Perry opposed).

Present: Mayor Brayman, Councilmembers Milligan, Catlin, Perry, Fellows, Stullich, Hampton and Cook. Also in attendance were Joe Nagro, Janeen Miller, Terry Schum, and Jesse Blitzstein.

Topics Discussed: 1) A proposed new development in the City, and 2) A specific condition relating to a new development locating in the City.

A motion was made by Councilmember Fellows and seconded by Councilmember Cook to adjourn the Executive Session. The Executive Session was adjourned at 8:02 p.m. by a vote of 7-0-0.

Pursuant to §C6-3 of the College Park City Charter, on April 11 at 7:05 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Fellows to enter into an Executive Session to consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County. The motion passed 7-1-0 (Perry opposed).

Present: Mayor Brayman, Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, Stullich, Hampton and Cook. Also in attendance were Joe Nagro, Janeen Miller, Terry Schum, Jim Rosapepe, Doug Duncan, Brian Foulger, Richard Perlmutter, Bob Levan, Frank Brewer, John Eisen and Jesse Blitzstein.

Topics Discussed: A proposed new development locating in the City.

A motion was made by Councilmember Milligan and seconded by Councilmember Cook to adjourn the Executive Session. The Executive Session was adjourned at 9:38 p.m. by a vote of 8-0-0.

Pursuant to §C6-3 of the College Park City Charter, on April 21 at 8:03 a.m., in the Council Chambers at City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Fellows to enter into an Executive Session to consult with counsel. The motion passed 7-0-0.

Present: Mayor Brayman, Councilmembers Milligan, Catlin, Perry, Fellows, Stullich, Hampton and Cook. Also in attendance were Joe Nagro and Suellen Ferguson.

Topics Discussed: Legal representation.

A motion was made by Councilmember Stullich and seconded by Councilmember Catlin to adjourn the Executive Session. The Executive Session was adjourned at 9:12 a.m.

Pursuant to §C6-3 of the College Park City Charter, on April 24 at 10:15 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Fellows to enter into an Executive Session to consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County and to consult with counsel. The motion passed 7-0-0.

Present: Mayor Brayman, Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, Stullich, and Cook. Also in attendance were Joe Nagro, Janeen Miller, Suellen Ferguson, Bob Levan, Sara Imhulse, and Jesse Blitzstein.

Topics Discussed: 1) Consult with counsel on a litigation matter, and 2) Update on a proposal for a development to locate in Prince George's County.

A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adjourn the Executive Session. The Executive Session was adjourned at 11:07 p.m.

Janeen S. Miller, City Clerk