

MINUTES
Regular Meeting of the College Park City Council
Wednesday, February 13, 2008
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, Mark Cook, Hampton and Mary Cook (arrived 8:12 p.m.); Student Liaison Danielle Kogut.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Robert Ryan, Director of Public Services; Steve Groh, Director of Finance; Elisa Vitale, Department of Planning; Bob Levan and Ernie Crofoot, Funk and Bolton (Development Project Attorneys); Mark Owens, Division One (Development Project Manager).

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

Minutes: A motion was made by Councilmember Molinatto and seconded by Councilmember Wojahn to approve the minutes of the Special Session on January 15, 2008, the Public Hearing on January 22, 2008, the Regular Meeting on January 22, 2008, and the Special Session on February 5, 2008. The motion passed 8-0-0.

Announcements:

Councilmember Molinatto announced the North College Park Citizen's Association meeting would be held on Thursday night at 7:30 p.m. at Davis Hall.

Councilmember Catlin announced the Lakeland Civic Association would meet on Thursday night at 7:30 p.m. at the College Park Community Center.

Councilmember Perry announced the Berwyn District Civic Association would meet on Thursday, February 21, at 8:00 p.m. at Fealy Hall.

Councilmember Mark Cook thanked the voters for participating in the primary election held yesterday.

Acknowledgement of Dignitaries: Former City Councilmember Andrew Fellows.

Proclamations: Mayor Brayman reported that Dr. Phyllis Johnson, who was scheduled to receive a Proclamation from the City, was called out of town on a family matter. Her presentation will be rescheduled.

Amendments To The Agenda: None

City Manager’s Report: Mr. Nagro reported that the new single-stream recycling toters would be delivered to certain neighborhoods this week and discussed the start up of this new program. He told the Council that a new section showing Permits has been added to the City’s web site.

Student Liaison Comments: Ms. Kogut stated the Communiversity Clean-up would start up on Sunday February 24 and continue for six weeks. She commented on the Maryland – Duke basketball game tonight.

Comments From The Audience On Non-Agenda Items:

Cliff Bedore, 7403 Radcliffe Drive: He thanked the anonymous Good Samaritans in north College Park who helped he and his wife escape their burning van on Hollywood Road.

Presentation: City Manager Joe Nagro reported to the Mayor and Council on the efforts made by he and his subcommittee to explore options for increasing police services in the City. Mr. Nagro’s report is attached. The Council asked follow-up questions. The item is scheduled for action by the Council at tonight’s meeting.

Consent Agenda:

The Consent Agenda consisted of the following items:

08-G-14 Approval of Spring and Summer Field Use Requests for Duvall Field and Calvert Hills Playground Field and Annual Concession Stand Request by the College Park Boys and Girls Club

08-R-02 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-2007-23, 9204 St. Andrews Place, College Park, Maryland, For A Variance Of Four Feet (4’) From The Twenty Foot (20’) Required Minimum Rear Yard Depth

08-R-04 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-2007-25, 7508 Wellesley Drive, College Park, Maryland, For A Variance Of Five Feet (5’) From The Twenty Foot (20’) Rear Yard Setback Requirement

08-G-15 Approval Of A Liquor License Transfer To Dustin E. Gilbert, Authorized Person, John J. Lunsman, Authorized Person, Aron Coleman, Authorized Person, For A Class B (BLX), Beer, Wine, And Liquor License For The Use Of Applebee's Restaurants Maryland, LLC T/A Applebee's Neighborhood Grill And Bar, 7242 Baltimore Avenue, College Park, 20740. This Is A Transfer From Applebee's Of Maryland, Inc., T/A Applebee's 7242 Baltimore Avenue, College Park, 20740, Dustin E. Gilbert, Assistant Secretary, John J. Lunsman, Assistant Secretary, Garland E. Wilkerson, Jr., Assistant Secretary.

08-G-19 Approval Of A Letter In Opposition To Senate Bill 113, "Homestead Property Tax Credit, Applications, Use Of Social Security Numbers" That Would Prohibit The State Department Of Assessments And Taxation From Requiring Homeowner Social Security Numbers On Applications For Qualification For The Homestead Property Tax Credit.

A motion was made by Councilmember Perry and seconded by Councilmember Molinatto to adopt the Consent Agenda. The motion carried 8-0-0.

Action Items:

08-G-23 Approval Of The Project Development Agreement Between The City And Capstone Development Corporation For The Construction Of A 300 Space City-Owned Garage At The Intersection Of Knox Road And Yale Avenue

A motion was made by Councilmember Catlin and seconded by Councilmember Mark Cook to approve the project development agreement between the City and Capstone Development Corporation. The agreement contains the terms and conditions for construction and financing of a 300 space City-owned garage at the intersection of Knox Road and Yale Avenue.

A motion was made by Councilmember Perry and seconded by Councilmember Catlin to amend the motion by adding "to authorize the City Manager to sign the Agreement." There was no discussion of the proposed amendment. The amendment passed 8-0-0.

On the main motion as amended: Councilmember Catlin read the comments into the record. He added that the project should be completed and open for business by the summer of 2009.

There were no comments from the audience.

Mayor Brayman recognized Bob Levan, Ernie Crofoot, and Mark Owens, members of the City's parking garage development team. He stated there was a Worksession prior to the regular meeting at which this agreement was presented and discussed.

Councilmember Perry asked about the annual debt service estimate.

Councilmember Stullich stated her support for the project.

Mayor Brayman reviewed the history of the project.

The amended motion carried 8-0-0.

08-G-16 Provide Direction to the City Manager on Increasing Police Services

A motion was made by Councilmember Molinatto and seconded by Councilmember Wojahn to authorize the City Manager to pursue negotiations with Prince George's County for a full-time contract police program, anticipated to begin with three full-time County officers, to provide supplemental police service in the City of College Park.

Councilmember Molinatto read the comments into the record.

There were no comments from the audience on this item.

Councilmember Stullich expressed her support for the motion.

Councilmember Wojahn expressed his support for the motion.

Councilmember Catlin expressed his support for the motion and discussed cost considerations.

Councilmember Perry will not support the motion because he is already paying the County for police; why should he pay extra?

The motion carried 7-1-0 (Councilmember Perry opposed).

08-G-17 Approval Of A Letter To Prince George's County Councilmember Ingrid M. Turner In Support Of Proposed Legislation To Implement Additional Municipal Land Use Authority As Requested By The City Of Bowie.

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to approve a letter to Prince George's County Councilmember Ingrid M. Turner in support

of proposed legislation to implement additional municipal land use authority as requested by the City of Bowie. Councilmember Catlin read the comments into the record.

There were no comments from the audience.

There were no comments from the Council.

The motion passed 8-0-0.

08-O-01 Introduction of an Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code Chapter 138 “Noise”, §138-5 “Prohibited Acts”, And Chapter 110 “Fees And Penalties”, §110-2, “Penalties” To Extend The Time Period For Which An Increased Penalty May Be Assessed For Repeat Violations Of The Noise Code From Six To Twelve Months.

A motion was made by Councilmember Stullich and seconded by Councilmember Perry to introduce Ordinance 08-O-01. Councilmember Stullich read the title into the record, and stated that the Public Hearing is scheduled for March 11 at 7:30 p.m.

08-G-20 Approval of a Letter in Opposition to Senate Bill 239, “Homestead Property Tax Credit” That Would Repeal State Code That Requires Homeowners To Register With The State Department of Assessments and Taxation (SDAT) In Order To Receive The Homestead Property Tax Credit.

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto to authorize the City to send a letter in opposition to Senate Bill 239, entitled Homestead Property Tax Credit. Councilmember Catlin discussed his involvement in this project from the beginning in 2004. This bill would overturn legislation that the City was instrumental in getting passed in Annapolis last year and would eliminate the state’s means of verifying homestead exemptions.

There were no comments from the audience on this matter.

Mayor Brayman commented on the goals of the original legislation.

Councilmember Stullich expressed support for this motion.

Councilmember Perry expressed support for the motion.

The motion passed 8-0-0.

08-G-21 Approval of a Letter in Opposition to House Bill 16, “Local Government Tort Claims Act – Notice” That Would Extend From 180 Days To One Year The Time Period During Which Notice Must Be Given In Order To Bring An Action For Unliquidated Damages Against A Local Government Or Its Employees Under The Local Government Torn Claims Act.

A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to authorize the Mayor to sign a letter of opposition to House Bill 16, entitled Local Government Tort Claims Act – Notice. Councilmember Perry read the comments into the record.

There were no comments from the audience.

Councilmember Wojahn stated his opposition to this motion because he supports the bill.

Councilmember Stullich expressed her support for the motion.

Councilmember Mark Cook stated his opposition to this motion because he supports the bill.

Mayor Brayman expressed support for the motion.

The motion passed 6-2-0 (Councilmembers Mark Cook and Wojahn opposed).

08-G-22 Approval of a Letter in Support of House Bill 1010 (formerly PG 409-08), “Prince George’s County, Roadside Advertising or Solicitation of Money or Donations, Prohibition” That Would Prohibit Roadside Advertising or Solicitation of Money or Donations On The Highways Of Prince George’s County.

A motion was made by Councilmember Perry and seconded by Councilmember Molinatto to authorize the Mayor to sign a letter in support of House Bill 1010 entitled Prince George’s County, Roadside Advertising or Solicitation of Money or Donations, Prohibition. Councilmember Perry read the comments into the record and expressed his support for the bill.

There were no comments from the audience on this item.

Councilmember Stullich expressed her support for the motion largely for public safety reasons.

Councilmember Mark Cook commented on the House amendment to the bill that allows him to now support the bill.

Councilmember Wojahn expressed caution about impinging on free speech rights of individuals, but will support the bill for public safety reasons.

The motion carried 8-0-0.

08-G-18 Appointments To Boards and Committees

Councilmember Perry nominated Mr. Winston Hazard to the Veteran's Memorial Improvement Committee, Mr. Alan Bradford to the Recreation Board, and Dr. John Leacock as the City Forester. Mayor Brayman nominated Clay Gump to the Cable Television Commission and Jay Gilchrist to the Recreation Board.

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto to approve the nominations. The motion carried 8-0-0.

Council Comments:

Councilmember Wojahn stated that the Metropolitan Washington Council of Governments Transportation Planning Board is seeking nominations for their upcoming Community Leadership Institute.

Councilmember Catlin provided additional information about the Information Report prepared by Suellen Ferguson that was in the packet on the Homeownership Grant Program. He looked at the settlement sheet and learned that the homeowners put in \$110,000 of their own money when they bought the property, which made him more comfortable.

Councilmember Perry commented on the contractor working at University House near the James Adams Park.

Councilmember Hampton asked about the Real Estate Roundtable.

Councilmember Cook announced that she and the Committee for a Better Environment are sponsoring the screening of a film entitled "Kilowatt Ours" at Davis Hall next Thursday, February 21 at 7:30 p.m.

Sara Imhulse provided the Council with an update on SB-9, the Keg Registration form bill.

Comments From The Audience: None

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Molinatto to adjourn the meeting. The meeting was adjourned at 10:08 p.m. by a vote of 8-0-0.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, on February 5, 2008, at 7:05 p.m. in the Council Chambers at City Hall, a motion was made by Councilmember Mark Cook and seconded by Councilmember Mary Cook to enter into an Executive Session to Consult with Counsel on the negotiation of a contract. The motion passed 5-1-0 (Perry opposed).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich (arrived 7:06 p.m.), Mark Cook, Hampton (arrived 7:10 p.m.) and Mary Cook. Also in attendance were Student Liaison Danielle Kogut, City Manager Joe Nagro, City Clerk Janeen Miller, Public Services Director Bob Ryan and City Attorney Suellen Ferguson.

Topics Discussed: Police Services.

A motion was made by Councilmember Molinatto and seconded by Councilmember Stullich to adjourn the Executive Session. The Executive Session was adjourned at 8:01 p.m. by a vote of 8-0-0.
