

MINUTES
Regular Meeting of the College Park City Council
Tuesday, December 14, 2010
8:00 p.m. – 9:13 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Perry, Stullich, Afzali and Mitchell.

ABSENT: Councilmember Cook.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance; Becca Lurie, Student Liaison.

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

Minutes: A motion was made by Councilmember Perry and seconded by Councilmember Mitchell to approve the minutes of the Regular Meeting of November 23, 2010 and the Confidential Minutes of the November 23 Executive Session. The motion passed 7 – 0 – 0.

Amendments to the Agenda: Add 10-G-104, Chinese Bible Church.

City Manager's Report: Mr. Nagro announced the next PGCMA meeting would be held on December 16 at Bladensburg City Hall. This is the last Council meeting of the year; the next meeting is the January 4, 2011 Worksession. Beginning in 2011, all meetings (Worksessions and Regular Meetings) will be streamed live over the internet using Granicus.

Student Liaison Comments: Ms. Lurie introduced Brian Burrell, a senior English major who is the new Student Liaison. She wished students good luck on finals.

Presentations:

A presentation was made by William Gunn of Liberty Mutual to the College Park Volunteer Fire Department for the 2010 "Be Fire Smart Safety Pledge" Program. He presented a \$10,000 check to the department. College Park was one of the top 10 fire departments nationwide to win the award. Chief William Corrigan from the CPVFD accepted the award.

Mayor Fellows presented outgoing Student Liaison Becca Lurie with a gift from the City to commemorate her service as the Student Liaison to the City Council. Ms. Lurie made remarks.

Comments from the Audience on Non-Agenda Items:

Lawrence McNabb, 5107 Iroquois Street: He discussed an incident that occurred last week when he was walking his small dog on a leash and she was attacked by two large dogs. His dog

was seriously injured but is expected to live. He was grateful for the response of the Animal Control officer and of some neighbors who helped.

Mr. Ryan provided additional information: the Animal Control officer impounded the two dogs and they will not be returned to the owner.

Consent Agenda: A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell to adopt the Consent Agenda, which consisted of the following:

10-G-99 Approval of 2011 Mayor and Council Meeting Schedule

The motion carried 7 – 0 – 0.

Action Items:

10-G-104 Chinese Bible Church

A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell that the City Council send a letter to the Prince George's County Planning Board in support of the request by the Chinese Bible Church to Waive the Rules of Procedure and reconsider a condition in Resolution No. 08-103 approving Preliminary Plan of Subdivision No. 4-07078.

Councilmember Afzali stated that in July 2008, the Planning Board approved a new preliminary plan for the church that consolidated their property known as Lot 1 and Parcel 17 into Parcel A. A number of conditions were placed on the property including a requirement to submit a Detailed Site Plan prior to final plat. The City Council supported the application with conditions. In March 2010, the church submitted a Detailed Site Plan for a building addition to M-NCPPC, as required, and on May 25, 2010, the City Council supported the application with conditions.

On June 1, 2010, the Central US 1 Corridor Sector Plan and Sectional Map Amendment was approved, which rezoned the church property from M-U-I to R-55 and removed it from the Route 1 Development District Overlay Zone. The church was advised by M-NCPPC that they no longer needed to submit a Detailed Site Plan for their proposed addition but would need to obtain a Departure from Parking and Loading Space (DPLS) requirements from the City of College Park. The church filed a DPLS application with the city and a public hearing was held before the Advisory Planning Commission on September 2, 2010. Michele LaRocca, representing adjacent property owners Kenneth Michael and Stella Kennedy, opposed the church's application. The public hearing was continued to allow the church additional time to meet with these owners. Subsequently, the M-NCPPC determined that a Detailed Site Plan was still required under a condition of Preliminary Plan 4-07078 so the church revised their site plan to address the current site plan requirements and filed it with M-NCPPC. Concurrently, however, the church was attempting to have this condition reconsidered and ultimately removed as a requirement. Their initial attempt failed, but now with the assistance of an attorney, Michael

S. Nagy, the waiver of the rules and reconsideration is scheduled to be heard again at the Prince George's County Planning Board on December 16, 2010. If the reconsideration request is granted, a Planning Board public hearing will be scheduled at a later date to review the merits of the request and make a determination. Staff will place this reconsideration on a City Council Worksession agenda so that the revised site plan can be reviewed and a position taken on the substantive case. If the reconsideration is not granted, the Detailed Site Plan case will proceed.

Comments from the Audience:

For the applicant, Mike Nagy, Attorney, Rifkin, Livingston: They will request reconsideration for a waiver of the rules and procedures. Then they would come back to Council with a revised Detailed Site Plan. It has been revised to eliminate the need for a departure. He thinks the City will be pleased with the new DSP. This is just a procedural matter and they request the City's support. The merits of the case will be decided at a future date.

Ms. Ferguson said that anything that the City is looking to guarantee as part of this project would be established in a separate agreement between the City and the Chinese Bible Church. Mr. Nagy said the Church is comfortable with that and will proffer to whatever conditions are mutually agreed to.

Councilmember Perry asked Mr. Nagy details about the revisions to the DSP.

Mary Cook, 4705 Kiernan Road: She acknowledged this is a confusing issue and asked the Council to approve this letter and support the waiver. The Chinese Bible Church has been a very good neighbor.

Stasia Hutchson, 4710 Kiernan Road: She requested that the City send a letter in support of the Chinese Bible Church. The neighborhood fully supports them and they have been a good neighbor concerned with preserving the quality of life in the neighborhood.

The motion carried 7 – 0 – 0.

10-O-09 An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184 "Vehicles And Traffic", Article III "Parking Regulations" By Repealing And Reenacting §184-6 "Definitions" And §184-8, "Permits Required For Certain Vehicles" To Clarify The Definitions Of Public Street and Prohibited Vehicles.

A motion was made by Councilmember Nagle and seconded by Councilmember Wojahn that Ordinance 10-O-09, an Ordinance of the Mayor and Council of the City of College Park, Maryland, Amending Chapter 184 "Vehicles And Traffic", Article III "Parking Regulations" by repealing and reenacting §184-6 "Definitions" and §184-8, "Permits Required For Certain Vehicles" to clarify the definition of public street and prohibited vehicles, be adopted.

Councilmember Nagle stated that Public Services staff requested some of the changes contained in this ordinance, in order to conform City law with respect to parking in the rights-of-way, with County law governing parking on private property. This Ordinance is also intended to exclude vehicles owned and operated for private use from the definition of vehicles prohibited from parking on City streets. The law retains provisions that allow for temporary parking of prohibited vehicles when appropriate.

Due to the earlier Public Hearing, no audience comments were allowed.

Councilmember Wojahn asked Mr. Ryan about the concern expressed at the Public Hearing that some people have dual-rear-wheel personal vehicles. Mr. Ryan said they are not seen that often. If they had a personal vehicle with dual-rear-wheels, they would need to ask for an exception.

Ms. Ferguson said one of the purposes of this law is to conform it to the County law, and this restriction is also seen in the County law.

The motion passed 7 – 0 – 0.

10-R-32 A Resolution Of The Mayor And Council Of City Of College Park (The “City”) Authorizing The Extension Of The Maturity Dates Of The Outstanding General Obligation Bond Anticipation Notes Issued By The City On April 23, 2008 In The Respective Aggregate Principal Amounts Of (I) Eight Million Six Hundred Fifty Thousand Dollars (\$8,650,000.00) And Designated City Of College Park Tax-Exempt Parking Garage Bond Anticipation Note Of 2008 And (II) Six Hundred Fifty Thousand Dollars (\$650,000.00) And Designated City Of College Park Taxable Parking Garage Bond Anticipation Note Of 2008, From October 31, 2010 To January 31, 2011; Authorizing Officials Of The City To Take Certain Actions In Connection With The Extension Of The Maturity Dates Of Such Notes, Including Authorizing The City Manager To Approve A Further Extension Of The Maturity Dates Of The Notes To February 28, 2011 And Modifications To The Interest Rate Provisions Of The Notes If Required By SunTrust Bank; Providing That The Provisions Of Resolution 08-R-08, As Supplemented By Resolution 10-R-07, Will Continue To Apply To Such Notes, As So Extended And, If Applicable, Modified, Except As Otherwise Expressly Provided Herein; And Generally Relating To The Extension Of The Maturity Dates Of Such Notes.

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to adopt Resolution 10-R-32.

Councilmember Catlin read the title of the resolution into the record. He further stated that the City issued 2 bond anticipation notes (1 tax-exempt, 1 taxable) on April 23, 2008 to provide interim financing for the construction of the public parking garage. The general obligation

BANs from SunTrust Bank were for a period of 2 years, expiring on May 1, 2010. In May 2010, we extended the maturity date of the BANs to October 31, 2010. The current extension to February 28, 2011 is expected to provide us sufficient time to solicit bids on permanent financing to replace the BANs, have the documents and tax opinion prepared, and obtain Mayor and Council approval of the transaction. During the extension period, the City will pay interest-only on the BANs at a LIBOR-based rate, just as we did during the 2½ year term of the BANs. The City's financial advisor will be soliciting for a private placement for permanent financing in January 2011 and we hope to settle on the permanent financing in February 2011.

There were no comments from the audience.

Councilmember Perry said this is the process the City has to go through to borrow some money and that it will be used to pay for the parking garage.

Councilmember Catlin said we have held off going for permanent financing because we have been advised to wait for the FY 2010 financial report, which will be completed later this month. It is expected to be a very positive financial report which will help with the financing.

The motion passed 7 – 0 – 0.

10-R-33 Resolution Of The Mayor And Council Of The City Of College Park To Amend 02-R-03, Which Established The Student-Liaison And Student-Liaison Alternate Positions, To Change The Title Of The Student-Liaison Alternate To Deputy Student-Liaison And To Clarify What Executive Sessions The Student-Liaison And Deputy Student-Liaison May Attend And The Term And Duties Of The Student Liaison And Deputy Student-Liaison

A motion was made by Councilmember Stullich and seconded by Councilmember Afzali to adopt 10-R-33, to amend Resolution 02-R-03, which established the Student-Liaison and Student-Liaison alternate positions, to change the title of the Student-Liaison Alternate to Deputy Student-Liaison and to clarify what executive sessions the Student-Liaison and Deputy Student-Liaison may attend and the term and duties of the Student Liaison and Deputy Student-Liaison.

Councilmember Stullich stated that the positions of Student-Liaison and Student-Liaison Alternate have evolved since they were established in 2002. The original resolution establishing these positions is amended in full by 10-R-33, to recognize that evolution, and to clarify the term and duties of the two positions. In particular, this resolution sets a term of June 1 to May 31 of each year, changes the title of Student-Liaison Alternate to Deputy Student-Liaison, states the circumstances under which the Student-Liaison and Student-Liaison Alternate may attend executive sessions, and specifically states the duties of those positions. The purpose of the Resolution is to bring it into line with current practice.

Ms. Lurie stated she circulated this language to the SGA. They are amenable to it with the understanding that there will be a Worksession between the SGA and the Council about the removal process for Student Liaison.

Councilmember Perry asked if the SGA pays a stipend to the Student Liaison. Ms. Lurie said that only the President of the SGA receives a stipend.

Councilmember Catlin said that when he attends Town Gown Association meetings he gets questions about how the Student Liaison program works. He says it helps to have an active Deputy Student Liaison who can step in to the Student Liaison role.

Councilmember Nagle is not convinced there is a need for this Resolution now; she thinks we should have the impeachment issue resolved first. She doesn't want to bind future Councils to allowing student liaisons in Executive Sessions.

The motion passed 5 – 1 – 1 (Perry opposed; Nagle abstained).

10-G-100 Authorization For The City Manager To Sign An Amendment To The Property Use Agreement Between The City Of College Park And Riccio, LLC, t/a Vito's Pizzeria, 7313 A Baltimore Avenue to Allow Full Use of the Class B, Beer, Wine and Liquor License as of December 14, 2010.

A motion was made by Councilmember Stullich and seconded by Councilmember Afzali that the City Manager be authorized to sign an amendment to the Property Use Agreement between the City and Richio, LLC, t/a Vito's Pizzeria, to allow full use of the Class B, Beer, Wine and Liquor License, to include liquor, effective December 14, 2010.

Councilmember Stullich stated that the City previously entered into a Property Use Agreement with Richio, LLC, t/a Vito's Pizzeria ("Vito's") on June 9, 2010. Under that Agreement, Vito's agreed to sell only beer and wine during the first six months after issuance of their Class B, Beer, Wine and Liquor License and to request permission of the City before making full use of the license to include liquor. The license was issued on August 10, 2010, so the six month period would be up in February 2011. Vito's has requested that the Council shorten the time frame during which liquor cannot be sold to December 14, 2010. Vito's has a good track record so far, they have been in compliance to date with the Property Use Agreement and the liquor laws, and the Council has determined that it is appropriate to agree to this request.

Comments from the Audience:

Vito Riccio, 5910 Chestnut Hill, College Park: Thanked the Council for taking this to agenda.

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

10-G-101 Approval Of A Letter To The Prince George’s County Planning Board In Support Of The City Of Greenbelt’s Position Opposing The Conceptual Site Plan And Rezoning To Mixed Use Infill Zone Submitted By Quantum Companies For Beltway Plaza.

A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to approve a letter to the Prince George’s County Planning Board in support of the position of the City of Greenbelt opposing the conceptual site plan and rezoning to mixed use infill submitted by Quantum Companies for the Greenbelt Place Development.

Councilmember Wojahn learned of the concerns about this development from Greenbelt Mayor J. Davis, who told him it would be helpful if College Park also submitted comments to the Planning Board on this development. Greenbelt had been working with the developer to create a vision for the entire area but this proposed development does not implement any of that vision, and would add a significant amount of density to the area. He believes the development would have a negative impact on traffic in north College Park and on Route 193.

There were no comments from the audience.

The motion carried 6 – 1 – 0 (Councilmember Perry opposed).

10-R-34 Adoption of 10-R-34, A Resolution In Support Of “Charting New Waters”, A Call To Action To Address U.S. Freshwater Challenges

A motion was made by Councilmember Nagle and seconded by Councilmember Perry to adopt Resolution 10-R-34, A Resolution Supporting Mayor Fellows’ Participation in “Charting New Waters”, A Call to Action to Address Freshwater Challenges in the United States.

Councilmember Nagle stated that Mayor Fellows was one of 28 leaders from across the country to participate in a freshwater summit in June. The group committed to advancing sustainable solutions to the challenges facing the freshwater supply in the nation. Mayor Fellows experience as an elected official combined with his day job at Cleanwater Action make him well suited to represent the interests of College Park and other municipalities.

There were no comments from the audience.

Councilmember Wojahn said this should not just be a document that we sign and set aside, but it should be used to assist us in the proper management of our freshwater resources in the future.

The motion carried 7 – 0 – 0.

10-G-102 Approval Of A Letter To The WMATA Board of Directors Requesting Certain Safety Enhancements At The West Entrance To The Greenbelt Metro Station.

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to send a letter to the Washington Metropolitan Area Transit Authority (WMATA) in support of additional safety measures including a closed circuit camera and additional lighting at the west entrance of the Greenbelt Metro.

There have been a number of public safety problems along the path at the west entrance to the Greenbelt Metro Station. The City has taken some steps to improve public safety near that entrance including street lights and a blue light emergency phone. This letter asks Metro to follow suit and also implement some safety measures there. After a recent sexual assault on the path, a number of residents initiated a petition effort and over 300 signatures have been gathered in support of this measure. Councilmember Wojahn requested some revisions to the letter.

There were no comments from the audience.

The motion carried 7 – 0 – 0.

10-G-103 Appointments To Boards And Committees

A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn for the following: Reappoint Robert Day to the Noise Control Board (Fellows), reappoint Robert White to the Noise Control Board (Mitchell), reappoint Jerry Anzulovic to the Veterans Memorial Improvement Committee (Perry), appoint Chris Dullnig to the Redistricting Commission (Perry) and appoint Harleigh Ealley to the Animal Welfare Committee (Nagle). The motion passed 7 – 0 – 0.

Council Comments:

Councilmember Afzali announced the next College Park Tour Event will be at 7:00 p.m. on December 20 at the Hanami Japanese Restaurant. Delegate Peña-Melnyk will be the speaker.

Councilmember Stullich said this is a good time of year to think about fire safety and road safety.

Councilmember Catlin commented on the Berwyn District Civic Association's annual holiday party which was held in lieu of a December meeting.

Councilmember Nagle mentioned that the date for applications for the Neighborhood Watch coordinator will be extended. The application is on the City's web site.

Comments from the Audience: None.

Adjournment: A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to adjourn the final Council meeting of 2010. The motion carried 7 – 0 – 0 and Mayor Fellows adjourned the meeting at 9:13 p.m.

Janeen S. Miller, CMC City Clerk	Date Approved
-------------------------------------	------------------

Pursuant to §C6-3 of the College Park City Charter, at 10:18 p.m. on December 7, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Wojahn to enter into an Executive Session, citing the following authority:

G. Consult with Counsel on a personnel matter.

The motion passed 8-0-0.

Present: Mayor Fellows, Councilmembers Nagle, Wojahn, Catlin, Perry, Stulich, Cook, Afzali and Mitchell.

Absent: None.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager.

Topic Discussed: Council discussed a letter received from the Ethics Commission regarding an appointee with the City Attorney.

Adjourn: A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:46 p.m. with a vote of 8 – 0 - 0.