

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 26, 2010
8:00 p.m. – 9:12 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; Jill Clements, Director of Human Resources; Bob Ryan, Director of Public Services.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Nagle 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 12 Regular Meeting and the Confidential Minutes of the Executive Sessions held on October 5 and October 12. The motion carried 8 – 0 – 0.

Announcements:

Councilmember Wojahn attended the Transportation Planning Board meeting last week and learned that the COG Tiger 2 grant to support a bike sharing program in the City was denied.

Councilmember Cook announced the early voting schedule and nearby voting location.

Councilmember Afzali announced that new University of Maryland President Wallace Loh would attend the next Experience and Enjoy College Park Tour to be held at Ledo's Restaurant on Thursday, November 11 at 7:00 p.m. All are welcome to attend.

Amendments to the Agenda: Councilmember Perry moved to remove Charter Resolution 10-CR-02 from the agenda. There was no second so the item remained on the agenda. Councilmember Perry then requested to flip the positions of items 10-CR-02 and 10-R-27 on the agenda. There was no second so this amendment did not go forward. Councilmember Nagle requested to remove item 10-G-91 (Appointments to Boards and Committees) from the agenda so it can be discussed at next week's Worksession. The motion was seconded by Councilmember Mitchell. The Council voted 8 – 0 – 0 to remove 10-G-91 from tonight's agenda.

Mayor Fellows announced that the Council would hold an Executive Session at the conclusion of tonight's meeting to "Consult with Counsel on a Legal Matter."

City Manager's Report: Mr. Nagro reminded the Council that there is a Four Cities Meeting tomorrow night at 7:30 p.m. hosted by the City of Greenbelt. He reviewed the items in the red folders, including the leaf plan. The leaf collection calendar will be updated on the web site. The Prince George's County Board of License Commissioners met today and decided to hold a show cause hearing for the Thirsty Turtle at 7:00 p.m. on Wednesday November 10 to discuss the October 12 incident. The date of the East Campus Public Forum meeting previously announced for November 17 will not be held that night; a new date has not been announced. The City received FEMA reimbursement in the amount of \$35,273 for last winter's snow emergency. This amount represents 75% of the City's cost for the worst 48 hours of snow.

Student Liaison Comments: Ms. Lurie said the SGA hosted their Crab Fest last week and it was sold out, and this is homecoming week and the parade will be held on Friday afternoon.

Comments from the Audience on Non-Agenda Items:

Mary Cook, 4705 Kiernan Road: The City will hold its Veteran's Day tribute on November 11 at 11:00 a.m. at the Veterans Memorial. Everyone is invited to come and honor our Veterans.

Jack Robson, 4710 Harvard Road: He asked about the BOLC's show cause hearing for the Thirsty Turtle and whether the City would take a position.

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

- 10-G-89** Approval of the Assignment and Assumption of the Parking Agreement for the property at 4500 College Avenue (the Maryland Book Exchange parking lot) from the Estate of Mary Charlotte Chaney and the Robert J. Chaney Testamentary By-Pass Trust to R&J Company LLC, with R&J Company LLC to undertake all of the covenants and obligations of the Parking Agreement, and grant of authority to the City Manager to sign the Assignment.

The motion carried 8 – 0 – 0.

Action Items:

- 10-CR-02** 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 Change The Minimum Age At The Time Of Taking Office After Election Or Appointment As The Mayor, Or As A Council Member, To Eighteen Years.

A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adopt 10-CR-02.

Mayor Fellows said that since a public hearing was held earlier this evening, there would be no further public comment tonight.

Councilmember Afzali discussed his reasons for proposing this charter amendment: to try to encourage more engagement, be more equitable, and give people the right to vote for or against who they want to. He thinks it would be the right thing to do and thinks it is unfortunate that it is not going to pass.

Councilmember Wojahn said there was a vibrant discussion on the north College Park list serve about this topic. That discussion was not as lopsided as the public hearing held earlier tonight. He wishes more people who supported this had come out to the hearing. He continues to support this because he has a problem when a public entity judges without knowing the characteristic of any individual whether that individual is qualified to serve in public office. He cannot say there would never be a case when an 18 year old would be qualified to hold this office. Residents can decide by their vote.

Councilmember Mitchell said the consensus tonight is that the residents are not in favor of this. We are a unique municipality in College Park. She urges the Council to vote no.

Councilmember Nagle does not feel anyone is being denied a right by voting against this. It's just asking someone to wait a little while. We do live in a unique community.

Councilmember Catlin moved to amend the Charter Amendment Resolution to state that the age of the Mayor should be 25 years (as it is currently) and that the age of a Councilmember should be raised also to 25 years. Councilmember Nagle seconded.

Councilmember Catlin said up until 1985 the age for Council was 25. He has not seen a student run for office who has been involved in the City; those who have run have appealed largely to student voters. He believes the age 21 requirement has been a failure and that it shouldn't be lowered to 18, it should be raised to 25. If we are going to change it we should change it in the right direction.

Comments from the audience on the proposed amendment:

Jack Robson, 4710 Harvard: Spoke against the proposed amendment.

Diana Claburn, 5001 Cheyenne Place: Spoke in support of the amendment.

Mary Cook, 4705 Kiernan Road: Spoke in support of the amendment.

Ruth Herbert, 5004 Cheyenne Place: Thinks it should stay age 21 for Councilmember and 25 for Mayor.

Marcia Booth, 5208 Huron Street: Spoke in support of the amendment.

Cindy Lollar, 4607 Fordham Road: Supports the proposed amendment.

Donna Weene, 9512 49th Place: Spoke in support of the amendment.

Larry Bleau, 4901 Niagara Road: Spoke in favor of the amendment.

Student Liaison Becca Lurie said the Council had a chance to take a step forward and this amendment is taking a step backward. Passing this amendment would completely disenfranchise students. If you are not in favor of lowering the age to 18, just leave the status quo.

Councilmember Afzali said he was 24 when he ran for City Council and received 73% of the vote and one of the people who supported him was Councilmember Bob Catlin.

Councilmember Wojahn noted that this is a significant change to our Charter that was not announced before this evening. He would encourage folks to consider it at a later date so that those with an opinion would have a chance to speak on it.

Vote on the amendment:

In favor: Mitchell, Cook, Catlin, Nagle

Opposed: Afzali, Stullich, Perry, Wojahn

Mayor Fellows broke the tie with a “No” vote and the amendment failed.

On the main motion:

Student Liaison Becca Lurie said if someone can convince our residents that they are qualified and want to serve, then why would this Council impose this artificial barrier to service.

Councilmember Stullich said it does take maturity and experience to be a good representative of the residents of the City. She does not think an age requirement is inequitable or discriminatory or disenfranchises anybody.

Councilmember Perry said this issue lit up his phone. He has been instructed not to vote in favor of this – we don’t need it in College Park.

The Charter Amendment failed 2 – 6 – 0 (Nagle, Catlin, Perry, Stullich, Cook and Mitchell opposed).

10-O-08 Adoption of 10-O-08, An Emergency Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184 “Vehicles And Traffic”, By Repealing And Reenacting Article VII “Speed Monitoring Systems”, Section 184-45 “Systems In School Zones” To Amend The Title Of The Section, Establish An Agency For Operation Of The Systems And Clarify The Hours Of Operation For School Zones And Within One-Half Mile Of An Institution Of Higher Education (Requires 6 votes)

A motion was made by Councilmember Stulich and seconded by Councilmember Perry to adopt Emergency Ordinance 10-O-08 to amend §184-45 to establish an Agency to operate speed monitoring systems within the City, and to conform the requirements of §184-45 to the State law.

Councilmember Stulich stated that based on the authority given in §21-809 of the Transportation Article of the State Code, as amended, the Mayor and Council adopted §184-45 to authorize use of a speed monitoring system in the City for increased public safety. In order to proceed with this type of enforcement, the City, which does not have a police department, must designate or establish an Agency to operate speed monitoring systems. Since 2004, the City has employed off-duty Prince George's County police officers to supply supplemental police services. The speed monitoring system will be operated by a City Agency, acting through those officers and administered in conjunction with the City's Public Services Department. Further, this law conforms the language in §184-45 to §21-809, as amended.

There were no comments from the audience. There were no comments from Council.

The motion passed 7 – 1 – 0 (Nagle opposed).

10-G-90 Adoption of Revisions to the Rules and Procedures for the Mayor and Council of the City of College Park

A motion was made by Councilmember Mitchell and seconded by Councilmember Nagle to approve and adopt the attached amended Rules and Procedures for the Mayor and City Council.

Councilmember Mitchell stated that this amendment to the Rules and Procedures includes procedures that have been traditionally followed by the Mayor and Council but have not been reflected in the Rules, such as requiring notice, publication and a public hearing prior to adoption of a charter amendment, much the same as the procedure that applies to ordinances; the "two hour rule", which requires approval by the Mayor and Council of a request by the Mayor or Council members for any use of staff time in excess of two hours; and allowing public comment on consent agenda items during non-agenda item comments.

Larry Bleau, 4901 Niagara Road: Asked if this motion also includes the ability to provide public comment by means other than personal testimony. The answer was "yes." He wished to speak to that point: while e-mail is one way the Council can accept public input, the Council should be careful how they do it: could comments not made in person be misrepresented? Do they have to be sent directly to the Councilmember, not to the list serve? What if the Councilmember chooses only certain comments to include in the record? Councilmember Wojahn said he would propose an amendment to address this issue.

Jack Robson, 4710 Harvard Road: Supports the two-hour rule.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to amend Section 6D to add the following after the word meeting: “ In order to be retained by the City Clerk as part of the record, such comment must include the specific agenda item to which it relates and the full name and address of the person submitting the comment.”

Jack Robson, 4710 Harvard Road: Spoke in favor of the amendment.

Larry Bleau, 4901 Niagara Road: This is a step in the right direction but does not go far enough. He would prefer that the comment be submitted to the City Clerk because a less ethical Councilmember could pick and choose which comments to submit for the record.

Marcia Booth, 5208 Huron Street: The e-mail should be sent to an e-mail address at the City, not a Council representative. Should allow enough time for people who do not have computer access to send letters to the City with their comments.

Councilmember Stullich said an individual can submit comments to the City Clerk or to their Councilmember, whichever they prefer. She believes this amendment adequately covers the options that are needed.

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

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

10-R-27 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Amend The Homeownership Grant Program To Authorize City Employees To Qualify For The Grant If A Co-Owner Who Is Not An Employee Does Not Reside At The Property

A motion was made by Councilmember Catlin and seconded by Councilmember Nagle to adopt 10-R-27, a Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Amend The Homeownership Grant Program To Authorize City Employees To Qualify For The Grant If A Co-Owner Who Is Not An Employee Does Not Reside At The Property.

Councilmember Catlin said the City has a Homeownership Grant Program that provides grants to people who buy rental properties and that the people purchasing the property must reside in that property. This is an exception to the residency requirement for a City employee when the employee needs a co-signer who would not live in the house. This would only be applicable when there is a City employee buying the house.

Councilmember Perry said he cannot support this because it sounds like the City would bless the situation where apparently the individual can't afford to buy the house without a co-signer. If you can't afford it, don't buy it.

The motion passed 7 – 1 – 0 (Perry opposed).

Council Comments:

Councilmember Stullich requested a future Worksession discussion of early warning signage on US 1 alerting motorists of traffic problems caused by lane closures due to roadwork or construction. Councilmember Cook asked to include in that discussion the delivery trucks that block traffic on US 1 in downtown College Park.

Comments from the Audience:

Larry Bleau, 4901 Niagara Road: Commented on an earlier discussion about election procedures. If there is a disclaimer on robocalls it should be placed up front, not at the end of the call, because most people hang up before they get to the end.

Jack Robson, 4710 Harvard Road: Discussed the comments made by others during the discussion of 10-CR-02.

Adjournment:

A motion was made by Councilmember Cook and seconded by Councilmember Stullich to enter into an Executive Session to consult with Counsel on a legal matter. Mayor Fellows said the Council would not return to public session tonight. The motion passed 8 – 0 – 0 and Mayor Fellows adjourned the Regular Meeting at 9:12 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 9:12 p.m. on October 26, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Cook and seconded by Councilmember Stullich to enter into an Executive Session, citing the following authority:

G: Consult with Counsel on a legal matter.

The motion passed 8-0-0 and the Executive Session convened at 9:15 p.m.

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; Bob Ryan, Director of Public Services; Becca Lurie, Student Liaison; Aaron Zaccaria, Deputy Student Liaison.

Topic Discussed: The City Attorney advised the City Council on their options regarding a business holding a liquor license in the City.

Actions Taken: Council provided direction to the City Attorney and City Staff regarding a discussion at next week's Worksession.

Adjourn: A motion was made by Councilmember Perry and seconded by Councilmember Afzali to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 9:53 p.m. with a vote of 8 – 0 - 0.
