

MINUTES
Regular Meeting of the College Park City Council
Tuesday, May 26, 2009
8:00 p.m.

PRESENT: Mayor Brayman; Councilmembers Molinatto (arrived 8:18 p.m.), Wojahn, Catlin, Perry, Stullich, Hampton (arrived 9:15 p.m.) and Mary Cook; Student Liaison Jonathan Sachs.

ABSENT: Councilmember Mark Cook.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Steve Groh, Director of Finance; Leo Thomas, Deputy Director of Finance; Bob Ryan, Director of Public Services; Steve Halpern, City Engineer; Terry Schum, Director of Planning; Robert Stumpff, Director of Public Works; Peggy Higgins, Director of Community Resources; Jill Clements, Director of Human Resources.

A quorum being present, Mayor Brayman called the Meeting to order at 8:05 p.m. Councilmember Stullich led the Pledge of Allegiance.

Mayor Brayman noted the absences of Councilmembers Mark Cook, Molinatto and Hampton.

Minutes: The minutes from the May 12 Public Hearings on 09-O-05, the FY 2010 Constant Yield Tax Rate, and 09-O-04, and the May 12 Regular Meeting were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to approve the minutes. The motion passed 5-0-0.

Announcements:

Councilmember Perry discussed his children's efforts to raise money for the American Cancer Society.

Councilmember Wojahn said there would be a Park and Planning Community Meeting on Thursday at 6:30 p.m. at 6600 Kenilworth Avenue. He described the meeting as an open forum to discuss community concerns.

Councilmember Mary Cook announced the Recreation Board, Committee for a Better Environment and the Cable Television Commission all meet on June 1, and are all looking for new members.

Acknowledgement of Dignitaries: Mayor Brayman recognized former Mayor Joe Page, former City Councilmembers Don Byrd and Andrew Fellows, and Robert Thurston, Vice President of the Lakeland Civic Association.

Acknowledgement Of Newly Appointed Board And Committee Members: None.

Amendments To The Agenda: None.

City Manager's Report:

Mr. Nagro reported that Public Works has cut tall grass at 16 locations in the City per the recently approved Ordinance that allows the City to abate tall grass conditions at unoccupied residences. He also announced that the Grand Opening for the new downtown parking garage has been scheduled for August 5.

Student Liaison Comments: Mr. Sachs commented on commencement exercises and congratulated the class of 2009.

Comments From The Audience On Non-Agenda Items:

Former Mayor Joe Page and Anna Mae Kobe, President of the Rotary Club of College Park: Mayor Page introduced Ms. Kobe, who discussed the service organization and presented checks of \$500 each to the Boys and Girls Club of College Park and the College Park Meals on Wheels Program. Don Byrd accepted for the Meals on Wheels Program and Robert Thurston accepted for the Boys and Girls Club.

Andrew Fellows, 5807 Bryn Mawr Road: He announced that he is running for the office of Mayor in the City's November elections. His campaign e-mail address is fellows4mayor@gmail.com.

Presentations: Mayor Brayman recognized College Park's Outstanding Essayists in the Maryland Municipal League essay contest, "If I Were Mayor, I Would...": Tiffany Hicks from Berwyn Christian School, Natalie Harrington from Holy Redeemer School, Muhumed Tagouri from Al Huda School, and Asma Farooqui from Al Huda School. The students read their essays and had their pictures taken with the Mayor.

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

- 09-G-51 Approval Of The Extension Of The Concrete And Asphalt Contract For FY 2010 In An Amount Not To Exceed \$375,000 To NZI Construction Corporation**
- 09-G-52 Approval Of Fiscal Year 2010 Program Open Space Allocation Of \$29,295 For Duvall Field Renovation**
- 09-G-53 Approval Of A Letter To M-NCPPC Requesting The Preparation Of A National Register Nomination For The Old Town College Park Historic District**

The motion passed 6-0-0.

Action Items:

09-O-05 Adoption Of The FY 2009 Budget Amendment Ordinance

A motion was made by Councilmember Molinatto and seconded by Councilmember Wojahn to adopt 09-O-05, the FY 2009 Budget Amendment Ordinance.

Councilmember Molinatto stated there was a public hearing on this item on May 12, and that this ordinance just moves money around within the FY 2009 budget.

Based on testimony at the May 12 Public Hearing, Mayor Brayman recommended that the Council consider adding the \$15,000 currently allocated for the Strategic Plan consultant in the FY 2009 budget to this budget amendment to allow the money to carry forward into the next fiscal year due to the likelihood that the funds would not be spent prior to June 30, which is the end of the fiscal year.

A motion was made by Councilmember Stulich and seconded by Councilmember Molinatto to add the \$15,000 for the Strategic Plan consultant to the CIP.

There were no comments from the audience on this item.

Councilmember Perry asked how a “study” could qualify as a capital project. He doesn’t think it fits as a capital improvement project.

Councilmember Catlin said that sometimes Planning Department initiatives that are initially funded in the operating budget are sometimes transferred to the capital budget when the money is not spent by the end of the fiscal year, and believes it is not unusual.

The amendment carried 5-0-1 (Councilmember Perry abstained).

Councilmember Perry made a motion to amend the FY 2010 pay plan. Mayor Brayman ruled Mr. Perry’s motion out of order, and stated that the Council is now considering the FY 2009 budget amendment ordinance, and that Mr. Perry’s amendment about the pay plan should be proposed during consideration of the FY 2010 budget ordinance, which is the next agenda item.

The main motion as amended passed 6-0-0.

09-O-04 Adoption Of FY 2010 Budget Ordinance

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto to adopt the Fiscal Year 2010 budget. Councilmember Catlin read the budget ordinance.

Councilmember Catlin stated the Council discussed the budget in detail and said only about \$30,000 worth of changes were made by the Council to the budget first proposed by the City Manager. This budget proposes no use of the undesignated reserve for the first time in 17 years.

He said the City would have a better idea of what the future holds when it sees the new property tax assessments in January. He discussed planned development in the City.

Mayor Brayman said the Council would not entertain public comment tonight due to the May 12 public hearing unless there is an amendment.

Councilmember Wojahn said the City still has one of the lowest property tax rates in Montgomery and Prince George's County, and commended staff for efficient operations. He recommended the passage of the budget.

PROPOSED AMENDMENT #1: Councilmember Perry made a motion to amend the FY 2010 pay plan: That merit increases for all employees except those covered by the collective bargaining agreement be limited to 1.5% and the COLA be limited to 1% with the exception of those covered by the collective bargaining agreement.

The proposed amendment was seconded by Councilmember Mary Cook.

Councilmember Perry stated that in years past the City has automatically extended to all employees the benefits in the collective bargaining agreement. Those benefits were agreed to three years ago. He discussed the cost of living adjustment and the increase in the cost of living. He discussed the use of the undesignated reserve fund and future development in the City.

Comments From The Audience On The Proposed Amendment:

Andrew Fellows, 5807 Bryn Mawr Road: He believes it is bad policy to amend the budget in such a significant way on the last night when there was opportunity for robust discussion a couple of months ago. He urged Council to vote against the amendment.

Councilmember Mary Cook stated it is never the wrong time to discuss these things. She agrees the Council should look very carefully at how funds are spent in the next year. She will not be getting a COLA this year and will not get a raise. Other employers are also limiting COLAs and raises.

Councilmember Wojahn questioned some of Councilmember Perry's statistics and discussed the actual increase in the cost of living.

Councilmember Catlin discussed an analysis he did over the last 12 years and stated the COLAs given by the City have tracked very closely (within 1%) to the actual increases in the cost of living during the same time period. He doesn't see a basis for the proposed reduction. He further stated the three year collective bargaining agreement is up this year, and adjustments can be made during the renegotiation.

Mayor Brayman discussed the timing of the union negotiations and stated his belief that if this proposed amendment were to pass, it would be perceived as unfair which could motivate the workforce to unionize. He wishes the proposal had been raised last week at the Worksession.

ON PROPOSED AMENDMENT #1: AYE: 2 (Mary Cook, Perry), NAY: 5 (Molinatto, Wojahn, Catlin, Stullich, Hampton), ABSTAIN: 0. Proposed amendment #1 failed.

PROPOSED AMENDMENT #2: Councilmember Perry made a motion to amend the budget by eliminating the direct grant of \$20,000 to the College Park Boys and Girls Club. Councilmember Mary Cook seconded the proposed amendment.

Councilmember Perry stated the City has demonstrated its support of the Boys and Girls Club over the years and detailed the in-kind contributions for Duvall Field, the blockhouse, the storage area on the second floor of Davis Hall. He is not aware of the Boys and Girls club asking the community for donations like the Fire Departments do. Other places have to pay to use the fields. He believes the in kind contributions exceed the proposed \$20,000 grant. He would like to see a report from the Boys and Girls Club about their finances.

Comments From The Audience On The Proposed Amendment:

Andrew Fellows, 5807 Bryn Mawr Road: Mr. Fellows believes it would have been better to have this discussion during the context of the budget Worksession and urged the Council to oppose the amendment.

Councilmember Stullich said she is proud of how the City supports the Boys and Girls Club and believes the money the City spends on parks benefit the entire City, not just members of the Boys and Girls club. She said the City has a balanced budget and shouldn't try to generate a surplus by cutting the Boys and Girls Club budget which might cause them to curtail services in turn.

Mayor Brayman said he first proposed this budget item and didn't do it to request any one's vote.

ON PROPOSED AMENDMENT #2: AYE: 2 (Perry, Hampton), NAY: 4, (Molinatto, Wojahn, Catlin, Stullich) ABSTAIN: 1 (Mary Cook). Proposed amendment #2 failed.

PROPOSED AMENDMENT #3: Councilmember Perry made a motion to amend the FY 2010 budget by eliminating the funding of \$25,000 for the College Park City University Partnership. Councilmember Mary Cook seconded the proposed amendment.

Councilmember Perry stated he read the minutes from the CPCUP meeting and their treasurer's report indicates they have \$250,000 in the bank. He doesn't see what they've done for the City and feels it wouldn't hurt anything if the contribution were not made.

Comments from the audience: None.

Councilmember Mary Cook agrees with Mr. Perry and raised this item during the budget Worksession. She does not see any projects that merit an additional \$25,000. She will support the amendment.

Councilmember Wojahn stated he hasn't heard anything tonight he didn't hear at the budget Worksession. He discussed the recently approved neighborhood conservation grant that will help people who live or work in the City to purchase foreclosed homes.

Councilmember Catlin has been a member of the College Park City University Partnership for the last five years. It shows that the City and University can meet together in large numbers of elected officials and staff to discuss issues of mutual concern. The Partnership has had small successes and there is discussion about ways to spend the money that would benefit the City. The University has contributed significant funding to the foreclosure program and he doesn't think this is the time to cut the budget.

Councilmember Perry discussed his recent inability to attend public meetings and Worksessions due to illness. He doesn't think the foreclosure program would be negatively impacted by his proposed amendment.

Councilmember Stullich stated the Partnership is an effort to collaborate with the University to invest in the future of the City. A large pot of money is needed to allow them to be effective and successful so they can do something significant and substantial. She would hate to see the partnership lose the matching contribution of the University if the City did not contribute its share. The budget before the Council is a balanced budget and is fiscally responsible.

Councilmember Mary Cook discussed the foreclosure program and believes that another \$82,000 has to be contributed to have such a program. She thinks the City should be saving the money now and that the country has not been fiscally responsible.

ON PROPOSED AMENDMENT #3: AYE: 3 (Mary Cook, Perry, Hampton), NAY: 4 (Molinatto, Wojahn, Catlin, Stullich), ABSTAIN: 0. Proposed Amendment #3 failed.

Mayor Brayman asked for a motion to call the question. Councilmember Stullich made a motion to call the question. Councilmember Molinatto seconded the motion. Mayor Brayman noted the motion requires a super majority.

**Those in favor of calling the question: Stullich, Molinatto and Catlin
Those opposed to calling the question: Mary Cook, Hampton, Perry and Wojahn
The motion failed.**

ON THE MAIN MOTION: 6-1-0 (COUNCILMEMBER PERRY OPPOSED).

09-G-54 Approval Of A Letter To The University Of Maryland Regarding Proposed Development Of The Wooded Hillock.

A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to send a letter to Dr. Ann Wylie, Vice President for Administrative Affairs at the University of Maryland, in response to a request from concerned students about the use of the Wooded Hillock on campus for the relocation of facilities displaced by the proposed East Campus project.

Councilmember Wojahn read the comments into the record.

Comments From The Audience:

Bob Hayes, 4902 Cherokee Street, member of the University Senate representing the School of Engineering: He hopes this is the beginning of a more interactive relationship between the student body and the City Council. Students want an alternate site for the proposed relocation and want the City to use some of its influence to persuade the University to look at other sites. They want to be sure the University is bargaining in good faith with them.

Matt Dernoga, 15611 Strom Drive, Laurel: Last week he and Phil Hannam met with Frank Brewer and others to look at alternative proposals for the development. The best alternatives will be submitted to Foulger Pratt for cost analysis.

Andrew Fellows, 5807 Bryn Mawr Road: He has been impressed with the faculty, student and community response to this issue, and thinks this letter is a great idea.

Councilmember Cook wants to be sure that any site that is chosen is discussed with College Park residents and asked whoever participates in this process to keep this in mind.

The motion carried 7-0-0.

09-G-55 Appointments To Boards And Committees

A motion was made by Councilmember Hampton and seconded by Councilmember Molinatto for the following appointments: Forrest Tyler to the Ethics Commission, John Moore to the Housing Authority, James Garvin to the Airport Authority, Dennis Herschbach to the Tree and Landscape Board, Alexander Weissman to the Committee for a Better Environment, Bill Robertson to the Veterans Memorial Improvement Committee.

The motion carried 7-0-0.

Council Comments:

Mayor Brayman announced that he does not plan to seek reelection as Mayor in the fall. He is glad to see Mr. Fellows run for the office.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Molinatto and seconded by Councilmember Stulich to adjourn the meeting. Mayor Brayman adjourned the meeting at 10:17 p.m. by a vote of 7-0-0.

Janeen S. Miller
City Clerk

Date Approved