

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 10, 2008
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stulich (8:04 p.m.), Mark Cook, Hampton and Mary Cook (8:10 p.m.); Student Liaison Dan Hartinger.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Bob Ryan, Director of Public Services; Robert Stumpff, Director of Public Works; Peggy Higgins, Director of Community Resources; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Dorothy Friedman, Planner.

Mayor Brayman opened the meeting at 8:02 p.m. Councilmember Perry led the Pledge of Allegiance.

Minutes: The minutes from the May 27, 2008 Public Hearing on Ordinance 08-O-04 were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to approve the minutes as submitted. The motion passed 7-0-0.

Proclamations: Frank J. Underwood Day – June 17, 2008

Mayor Brayman invited Frank Underwood to the podium and read the Proclamation and the letter that was sent to the Maryland State Firemen's Association congratulating Mr. Underwood on his upcoming election as President of that Association. Mrs. Renee Underwood and dozens of members of the Branchville Volunteer Fire Company and Rescue Squad, the College Park Volunteer Fire Department and the Berwyn Heights Volunteer Fire Department were on hand to congratulate Mr. Underwood. Mr. Underwood commented on his recent hospital stay and thanked the City for their support.

Announcements:

Councilmember Catlin stated that the Lakeland Civic Association would meet on Thursday, June 12, at 7:30 p.m. in the College Park Community Center. He also announced that Holy Redeemer 8th Grade School Teacher Jennifer Eller won a teacher of the year award from the Archdiocese of Washington.

Councilmember Wojahn announced there would be a fundraiser at Franklin's restaurant on Tuesday, June 17, to benefit the Animal Welfare Committee.

Councilmember Molinatto announced the North College Park Citizen's Association would meet on Thursday, June 12, at 7:30 for the election of officers.

Councilmember Mark Cook stated that on behalf of the Prince George's County Barack Obama campaign, he was saddened to learn of the loss of Mayor Dervey Lomax, who was very active in the campaign.

Acknowledgement of Dignitaries: Mayor Brayman recognized Doug Duncan, Jack Robson, and Jonathan Sachs. County Councilmember Eric Olson arrived later.

Amendments To The Agenda: None.

City Manager's Report: Mr. Nagro announced the passing of former Mayor Dervey Lomax and announced the funeral arrangements. He announced the Groundbreaking for the City's downtown Parking Garage would be held Thursday, June 19, at 4:00 p.m. at the corner of Yale and Knox. The 21st delegation is hosting a meeting with UMCP Provost Nariman Farvardin on Monday, June 16 in the Council Chambers.

Student Liaison Comments: None.

Comments From The Audience On Non-Agenda Items:

Jack Robson, 4710 Harvard Road: Mr. Robson commented on the City Council's Executive Session practices.

Councilmember Perry asked for the item to be placed on a future worksession.

Presentations: Mayor Brayman invited Camilla Obasiolu to the podium. Camilla is a fourth grade student from Al Huda School who is the District 9 winner of the Maryland Municipal League essay contest entitled, "If I Were Mayor, I Would..." Camilla read her winning essay. Mayor Brayman presented her with a certificate.

Consent Agenda: A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adopt the Consent Agenda. The Consent Agenda consisted of the following item:

08-G-62 Authorize The City Manager To Execute A Purchase Order With McLung-Logan Equipment Company, Inc. To Purchase A New Volvo L70F Wheel Loader At The Purchase Price Of \$163,734.

The Consent Agenda was adopted by a vote of 8-0-0.

Action Items:

08-G-63 Authorize The City Manager To Sign A Letter Of Intent With Foulger-Pratt Companies And Argo Investment Company To Review The Feasibility Of The City Participating In Tax-Incremental Financing For The East Campus Project

A motion was made by Councilmember Catlin and seconded by Councilmember Stullich to authorize the City Manager to sign a letter of intent with Foulger-Pratt companies and Argo Investment Company to review the feasibility of the City participating in tax-incremental financing for the East Campus Project.

Councilmember Catlin read the comments into the record, and added that the County is also in discussion with the developer about a TIF. He said the study would be completed by early fall.

Members of the development team were present to answer questions.

Jack Robson, 4710 Harvard Road: He wanted to clarify that the City is not paying for the study, and that the City would select who does the study. He questioned the ability of the public to be kept informed about the information that is developed.

Mayor Brayman confirmed with the development team that the information from the study would be made public at the appropriate time. He discussed the extent of the TIF study and funding for same.

Councilmember Perry asked if we are asking the consultant if we could sell \$180 Million in Bonds for the TIF District. The response was yes, that was part of the study. He asked if there is a commitment from Prince George's County to participate in the TIF? Richard Perlmutter from Argo Investment Company responded that they are expecting a similar letter of intent from Prince George's County, and have been in discussions with almost the whole County Council, as well as the County Executive's office and his representative for TIF financing. Councilmember Perry asked how many votes they had on the County Council. Mr. Perlmutter said they haven't counted votes yet.

Mayor Brayman said the County is studying going forward with the TIF district and to analyze the proposal to see if it supports the \$180 Million Bond Debt Service over the time proposed, using half of the increment that would be developed. He explained how the tax increment financing works. This is a proposal to have both the City and the County's incremental tax revenue TIFed at 50%. Thus, the proposal is for half of the increment to be dedicated to the debt service, and half going to the taxing authority (in this case the City and County). He explained the "but for" test used to analyze TIF proposals. He said the quid pro quo is that the developer would get some funds to pay for infrastructure and other aspects of the development to make it viable, and the City and/or County would get half of their tax revenue.

Councilmember Catlin stated there is no liability to the City or the taxpayers if the bonds fail.

Councilmember Stullich clarified this proposal is not to approve a TIF plan, just to study it, at the developer's expense.

Mayor Brayman discussed the TIF presentation that was made in public session two months ago, and reviewed the preliminary numbers that were discussed at that time.

The motion carried 8-0-0.

08-O-05 Adoption Of Ordinance Number 08-O-05 – An Emergency Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, By Enacting Section 125-17.1 “Abatement” To Enable The City To Abate A Violation Of Section 125-10(J), Which Prohibits The Accumulation Of Weeds, Briars, Brush, Dead Or Dying Trees Or Tree Limbs, And Grass More Than One Foot In Height, On Residential Property.

A motion was made by Councilmember Mark Cook and seconded by Councilmember Wojahn to adopt 08-O-05, An Emergency Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, By Enacting Section 125-17.1 “Abatement” To Enable The City To Abate A Violation Of Section 125-10(J), Which Prohibits The Accumulation Of Weeds, Briars, Brush, Dead Or Dying Trees Or Tree Limbs, And Grass More Than One Foot In Height, On Residential Property.

Councilmember Mark Cook stated he has received numerous e-mails in support of this ordinance, and read the comments into the record. He stated this proposal was made primarily in response to vacant, foreclosed properties where there is no property maintenance.

Mr. Ryan reviewed the flow chart outlining the implementation process for this ordinance. He also provided current information showing that 31 properties would be affected by this ordinance.

Councilmember Stullich asked where in the process you would start over? Mr. Ryan replied the grass has to be 12” tall again to start the abatement process again.

Councilmember Mary Cook asked when the abatement takes place if the property owner appeals to the APC. Mr. Ryan said they would go forward and abate it. He said the 10-day abatement process is only for a vacant property. There is a two-track system for vacant property. If a property were occupied, they would continue to go through the municipal infraction process and would ask a judge to grant an abatement order.

Councilmember Wojahn asked what this ordinance allows abatement of? Ms. Ferguson responded weeds, briars, brush, grass more than 12 inches tall, dead or dying trees or tree limbs. He expressed concerns about trash and other problems on vacant property. Ms. Ferguson stated that is addressed in Chapter 132.

Councilmember Perry asked if the 13 days includes Saturdays and Sundays. Mr. Ryan answered, "Yes". He asked how this differs for vacant lots and what the current process allows. Mr. Ryan responded that going through the court system could take months.

Comments From The Audience:

Jack Robson, 4710 Harvard Road: He is in favor of the intent but is concerned that a new buyer may have to pay for the abatement cost at settlement, and doesn't think that's right. Wants to make sure the responsible party clears the lien.

Ms. Ferguson said the lien is placed against the property and who has to pay it is worked out between the parties at settlement.

Councilmember Catlin stated it is a problem when the financial institution that takes over a foreclosed property is not properly listed as the owner on SDAT. He is concerned about tall grass that is cut laying on top of the lawn and killing the grass underneath.

Councilmember Wojahn thinks this is a great idea but is concerned it doesn't go far enough. Maintenance issues can get out of control on foreclosed properties. He confirmed with Ms. Ferguson that liens placed against a property are disclosed to a buyer.

Councilmember Perry encouraged residents who are concerned about their neighbor's tall grass to cut the lawn themselves.

Councilmember Stullich commended staff for developing this process.

Councilmember Mark Cook stated good neighbors can take care of each other, but shouldn't have to do it forever. The financial institutions involved in foreclosed properties need to be held responsible.

The motion passed 8-0-0.

08-G-64 Approval Of Memorandum of Understanding with College Park Investments, LLC For Installation Of A Fence/Retaining Wall Combination On The City's Parking Garage Property

A motion was made by Councilmember Stullich and seconded by Councilmember Perry to approve a Memorandum of Understanding between the City and College Park Investments, LLC, in substantially the form attached to the motion, and to authorize the City Manager to sign the agreement. Under the agreement, College Park Investments,

LLC will construct a fence and wall at its expense on City property consistent with the detailed site plan for the Parking Garage Project.

Councilmember Stullich read the comments into the record.

There were no comments from the audience.

Councilmember Mary Cook expressed concerns about having a black fence.

Ms. Schum stated that black is consistent with the streetscape and on site amenities for the parking garage.

Councilmember Stullich spoke in support of a black fence and stated it is on the property dividing line, not in front of the property.

The motion carried 8-0-0.

08-G-65 Award Of Miscellaneous Concrete Maintenance And Asphalt Resurfacing Contract CP-09-01

A motion was made by Councilmember Perry and seconded by Councilmember Catlin that the City Manager be authorized to enter into a contract with NZI Construction Corporation, Inc., of Beltsville, MD for repairing the City's concrete infrastructure, curbs, sidewalks, aprons, etc., and resurfacing those streets as recommended in the City's Street Maintenance Plan for FY 2009, in the amount of \$476,400. This project is in the City's Capital Improvement Program, project #045008. Funding for this project shall be from the Unrestricted Capital Improvement Program Reserve.

Councilmember Perry reviewed the bid process.

There were no comments from the audience.

Councilmember Catlin commented that all of the streets to be resurfaced are in District 1.

The motion carried 8-0-0.

08-G-66 Approval Of A Letter To The Prince George's County Department Of Public Works And Transportation On The Proposed Transit Service And Operations Plan (TSOP)

A motion was made by Councilmember Molinatto and seconded by Councilmember Wojahn to send a letter to the Prince George's County Department of Public Works and Transportation on the proposed five-year Transit Service and Operations Plan.

Councilmember Molinatto read the comments into the record.

There were no comments from the audience on this item.

Mayor Brayman asked if any feedback was received from surrounding jurisdictions. Ms. Friedman replied that she sent out a draft but hadn't heard any feedback. Mayor Brayman requested adding "ccs" to area municipalities.

Councilmember Catlin pointed out a typo and made comments on the TSOP.

Councilmember Wojahn stated that the last five-year plan was drafted about 10 years ago, so they are not updated as often as they are meant to be. He spoke about gaps in Sunday service and the need for better coordination of similar routes.

Councilmember Mary Cook is excited about the U-pass that will be available to students.

Dan Hartinger noted the letter did not include one of the concerns raised at the Worksession about having schedules posted.

A motion to amend the letter was made by Councilmember Wojahn and seconded by Councilmember Molinatto to add a comment about having better information posted at all bus stops. The motion to amend the letter passed 8-0-0.

There were no comments on the amendment.

The main motion, as amended, passed 8-0-0.

08-G-67 Appointments To Boards And Committees

None.

Council Comments:

Councilmember Perry appreciated Councilmember Mark Cook's letter to the editor. He asked about the status of the red light cameras. He asked if the bus shelter contract is current.

Councilmember Wojahn asked that the issue of abatement measures that can be taken for litter and property maintenance be considered at a future worksession.

Councilmember Mark Cook commented on the number of people that came out for the budget vote.

Councilmember Mary Cook thanked the Public Works staff for their help with the 2nd annual Cherry Hill barbeque.

Mayor Brayman expressed his concerns about how the budget process went this year.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to go into Executive Session to discuss a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County and to discuss a matter directly related to a negotiating strategy. The topic to be discussed is the East Campus Development. Mayor Brayman stated that the Council would not return to public session tonight. The motion carried by a vote of 7-1-0 (Councilmember Perry opposed) and the Regular Meeting was adjourned at 9:54 p.m.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, at 10:03 p.m. on June 10, 2008, in the Council Chambers at City Hall, a motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto 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 discuss a matter directly related to a negotiating strategy. The motion passed 7-1-0, with Councilmember Perry opposing.

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, Mark Cook, Hampton and Mary Cook. Also in attendance were Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Sara Imhulse, Assistant to the City Manager; Student Liaison Dan Hartinger; and County Councilmember Eric Olson.

Absent: None.

Topic Discussed: The East Campus Development and the TIF District.

A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to adjourn the Executive Session. The Executive Session was adjourned at 11:14 p.m.