

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 14, 2006
8:02 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Olson (arrived at 8:14 p.m.), Fellows, and Peña-Melnyk; Student Liaison Emily Guskin.

ABSENT: Councilmember Hampton.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Bob Levan, City Attorney; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Supervisor.

Councilmember Peña-Melnyk led the Pledge of Allegiance.

Minutes:

Councilmember Milligan moved to accept the Minutes from the February 7 Special Session, February 14 Public Hearing, February 14 Regular Meeting, February 21 Special Session, and February 28 Regular Meeting. Councilmember Peña-Melnyk seconded. Councilmember Perry noted one correction on the Minutes from the February 21 Special Session on little page 16, just above "Adjournment," the sentence should read "The motion passed 7-1-0 with Councilmember Olson opposing." The Council approved the five sets of Minutes, with the correction noted, 6-0-0.

Announcements:

Councilmember Perry announced the Berwyn District Civic Association will hold their regular meeting on Thursday, March 16, at 8:00 p.m., at Fealy Hall. The BDCA will hold their annual pot-luck dinner on March 25 at Holy Redeemer Church.

Councilmember Peña-Melnyk announced there will be a neighborhood watch meeting in College Park Woods on an upcoming Sunday evening, date to be announced. She then announced her candidacy for the 21st District Delegation, for the seat soon to be vacated by the retirement of Del. Pauline Menes.

Acknowledgement Of Dignitaries: Mayor Brayman recognized Stephanie Stulich of the Old Town Citizens Association, Jack Robson, Chief of the Board of Election Supervisors, Robert

White, a nominee for the Citizen Corps Council, Morgan Gale, of the Calvert Hills Citizens Association, and Wilmer Gross, long time member of the Committee For A Better Environment.

Awards: Mayor Brayman asked Wilmer Gross to join he and Councilmembers Perry and Catlin at the podium. He then presented Mrs. Gross with a plaque to honor her for her many years of outstanding service to the citizens of College Park through her service on the CBE.

Amendments To The Agenda: Three items were added to the Agenda:

06-G-45 (Consent): Electric Consortium

06-G-46 (Consent): Cable Franchise Letter to Prince George's County

06-G-47: HB 1677 – Homestead Property Tax Credit

City Manager's Report: Mr. Nagro commented that the heavy trash seen in the downtown area on Monday morning was because a contractor did not do their job, and will no longer be employed by the City.

Student Liaison Comments: Ms. Guskin remarked University students are in the middle of Midterms, and Spring Break is next week. Last Wednesday there was a show on PBS about the 150th Anniversary of UMD and its relationship with the City of College Park.

Comments From The Audience On Non-Agenda Items:

Jack Robson, 4710 Harvard: Suggested a new color plastic recycling bin for paper recycling. Re-examine the one-way streets in Calvert Hills. Replace the stop sign with a yield sign at the intersection of Rossborough and Rhode Island Avenue.

Councilmember Perry mentioned there will be proposed changes to the City's recycling program in the future. Recycling in the County was discussed.

Councilmember Olson asked Mr. Robson about his comment on one-way streets, and pointed out that the President of the Calvert Hills Civic Association was present.

Consent Agenda:

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

06-G-39 Approval Of Driveway Apron Variance For 4901 Edgewood Road
06-R-06 Approval Of A 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-2006-01, 9303

48th Place, For A Variance Of Six Feet (6') From The Required Minimum Twenty-Five Foot (25') Front Yard Depth; And A Variance Of One And A Half Feet (1.5') From The Required Minimum Two-Foot (2') Side Yard Depth For Accessory Buildings.

- 06-G-40 Approval Of Grant Application To The Maryland Heritage Areas Authority
- 06-G-41 Approval Of Letter To David Allen Regarding Resident Use Of The UM Shuttle
- 06-G-45 Authorize City Manager To Continue In The Electric Aggregation Group, And To Sign Contracts
- 06-G-46 Authorize Letter To Obie Pinckney Requesting Municipal Representation On Verizon Cable Franchise Negotiations

The Consent Agenda passed 7-0-0.

Action Items:

06-R-07 Approval Of A Resolution In Support Of Community Standards At Capital Plaza

A Motion was made by Councilmember Olson and seconded by Councilmember Fellows to approve Resolution 06-R-07 to support local municipalities who are seeking a community benefit agreement in order to ensure safe commercial development at the Capital Plaza site. Councilmember Olson read the Resolution into the record. The City was approached by Mayor Ortiz of the Town of Edmonston, and many surrounding jurisdictions have passed similar resolutions.

There was no comment from the audience.

Councilmember Perry opposes this Resolution: There are no comparable retailers to Wal-Mart in the area; Wal-Mart is getting unfair bad publicity; government should not tell a store they should not be open 24 hours/day; the more they sell, the more sales tax the state would collect; they won't have any problem filling jobs.

Councilmember Peña-Melnyk will support the Resolution. Believes the intent behind it is to keep the community safe, and we should support this cause. She thanked Councilmember Olson.

Councilmember Fellows supports the Resolution and favors supporting neighboring communities interested in quality development. All of the points are similar to items we have addressed in College Park. One of the problems found with Wal-Mart nationwide is that it tends to undermine local businesses that are at a competitive disadvantage. He thanked Councilmember Olson.

The motion passed 6-1-0, with Councilmember Perry opposing.

06-G-42 Approval Of Letter To Support Extension Of The EIS Comment Period For The ICC.

A motion was made by Councilmember Fellows and seconded by Councilmember Olson to approve a letter to support the extension of the EIS comment period for the ICC. Councilmember Fellows read the letter into the record. A similar letter was sent last year. While a short extension was granted, a longer comment period is needed. It is consistent with the City's position of opposition to the ICC.

There were no comments from the audience.

Councilmember Olson thanked Councilmember Fellows for bringing this forward. The EIS is a massive document and deserves more time for study and comment.

The motion passed 6-1-0 with Councilmember Perry opposing.

At this time Mayor Brayman recognized Edmonston Mayor Adam Ortiz, who just arrived.

06-G-43 Approval Of Restructuring Of Fees Charged For On-Street Parking Permits.

A motion was made by Councilmember Catlin and seconded by Councilmember Perry to move to delegate full authority for setting and restructuring parking permit fee rates, in areas approved by the Council as requiring parking permits, to the City Manager. In addition, the City Manager is authorized to determine eligibility for such parking permits.

Councilmember Catlin clarified the purpose of the motion is to allow Staff to lower parking permit fees in order to sell them and fill the spaces. As it is now, many of the spaces are not being sold. Any increase in fees would need to come before Council.

Comments from the audience:

Jack Robson, 4710 Harvard Road: Is opposed to delegating this task to the Staff. Council should always control fees. Council should take the heat for these decisions, not the Staff. If it goes to Council, members of the public have a chance to comment. If Staff handles it, there is no opportunity for public comment.

Councilmember Catlin clarified this would only allow Staff to lower the fees, not raise them. He agrees the motion itself does not clarify this.

Mr. Robson asked if the fee changes had to go through the Ordinance process? The answer was no, the Code does not need to be changed; fees are part of the Resolution to establish the parking permit zones.

There was further discussion about the motion as presented, which zones this would apply to, where the fees are defined, and the extent of the City Manger's discretion under this proposal.

Morgan Gale, 7010 Wake Forest Drive: He is opposed to the Motion because it would abrogate Council responsibility to the Staff, and would take the matter out of open, public record.

Councilmember Fellows recommended taking this to next week's Worksession.

Councilmember Catlin proposed the motion be postponed to a time definite of next week.

Councilmember Perry moved to amend the motion by changing the wording of the motion to "on-street" parking permit fees, to specify which zones this would apply to. The motion to amend failed for lack of a second.

Ms. Guskin said she was glad the Council was looking at competitive fees relative to University of Maryland fees. She believes the Staff is capable of making this decision.

A motion was made by Councilmember Olson and seconded by Councilmember Krouse to postpone the original motion to next week's Worksession; with the understanding it is a possible Special Session item. The motion to postpone passed 6-1-0 with Councilmember Perry opposing. The motion will be considered at next week's Worksession.

06-G-47 Homestead Property Tax Credit Legislation

A motion was made by Councilmember Catlin and seconded by Councilmember Krouse to authorize the Mayor to sign a letter in support of HB 1677 "Homestead Property Tax Credit Eligibility Verification."

Councilmember Catlin said this item was discussed by Council last fall; the bill was filed only recently; a hearing is scheduled for March 22 in the House; the committee considering the bill is not taking oral testimony; written testimony is required; and that a Council vote is needed tonight to get written comments to the General Assembly in time. Councilmember Catlin is concerned this bill does not do enough, though it does something. More of an effort is needed to ensure that people receiving the Homestead Property Tax Credit are eligible, and this is a good first step.

Mayor Brayman clarified this bill would require proof from the property owner that the property they claim for the Homestead Property Tax Credit was their primary residence. He stated there were properties in the City that are rental properties for which the owners are claiming the Credit.

Comments from the Audience:

Jack Robson, 4710 Harvard Road: He discussed the issue of "domicile" vs. "principal residence": domicile is where you vote. He suggests including as part of testimony: "if the person is a resident of Maryland, that the State Department of Assessment and Taxation coordinate with the brand-new federally mandated state-wide voter registration role, to verify their domicile."

Mayor Brayman read some of the language from the bill to Mr. Robson that addressed those issues.

Councilmember Perry noted the delegates who filed this legislation were from the Olney area in Montgomery County. He is in support of this Motion and asks that all correspondence with reference to this legislation be shared with the 21st delegation and other legislators who serve College Park.

The motion passed 7-0-0.

O6-G-44 Appointments To Boards and Committees

Mayor Brayman made the following appointments to the Citizen Corps Council: Kim Lugo, Mark Shute, Patrick Wu, Perry Stancil, Robert White, Michael Burrier, and Jesse Walters. He reappointed Lawrence Bleau and James McFadden to the Advisory Planning Commission.

Councilmember Olson reappointed Dora Kennedy and Araceli Jiminez to the Education Advisory Committee, and Marilyn Legnini, Paul Goldey, and Jonathan Hsieh to the Committee For A Better Environment.

Councilmember Krouse appointed Heather Bourne to the Committee for a Better Environment

A motion was made by Councilmember Perry and seconded by Councilmember Milligan to approve the aforementioned appointments. The motion carried 7-0-0

Council Comments:

Councilmember Fellows thanked Mrs. Gross for her leadership throughout the years. He also wished great success to Councilmember Peña-Melnyk in her bid for the 21st District Delegate seat.

Councilmember Olson apologized for being late to the meeting.

Councilmember Perry provided information to the City Manager about a digital camera that announces when a picture is being taken. He asked the staff not to send e-mails right now due to computer problems.

Councilmember Krouse said there is a very bad rat problem near the University of Maryland Courtyards around the compactor there. This needs code enforcement from the management company, since the UMD does not have direct jurisdiction. There is a lot of garbage in bags on the ground. He questioned whether City code enforcement could become involved.

Councilmember Milligan commented on the UMD Women's team successful ACC Conference Tournament. We need a city-wide awareness campaign about speed limits and stop signs. Having a City candidate for State Delegate, one for County Council, and a City resident for a State Senate seat, is an exciting prospect.

Comments From The Audience:

Mayor Ortiz from the Town of Edmonston thanked the Council for their support on the Capital Plaza site, and expressed that they want it to be the best that it can be.

Councilmember Perry asked some questions about the development and the community's concerns about the development. Mayor Ortiz stressed the public safety concerns.

Councilmember Fellows asked if storm water retention has been an issue at that site.

Adjournment:

A motion was made by Councilmember Perry and seconded by Councilmember Olson to adjourn. The motion passed 7-0-0. The meeting was adjourned at 9:52 p.m.

Janeen S. Miller, City Clerk