

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 27, 2007
8:02 P.M.

PRESENT: Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stullich, Cook and Hampton; Student Liaison Jesse Blitzstein.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Sara Imhulse, Assistant To The City Manager; Bob Levan, City Attorney; Steve Groh, Director of Finance.

The meeting opened with the Pledge of Allegiance led by Councilmember Stullich.

Minutes: The minutes from the March 13, 2007 Regular Meeting were presented for approval. A motion was made by Councilmember Fellows and seconded by Councilmember Hampton to adopt the minutes as presented. The motion passed 8-0-0.

Announcements: Councilmember Hampton announced that the West College Park Citizens Association meeting would be held on April 22 at 7:00 p.m. at the College Park Woods Swim club. The College Park Recreation Board and the M-NCPPC is hosting Lunch With The Easter Bunny on March 31, 11 – 2, at the College Park Community Center.

Councilmember Stullich announced that the Old Town College Park Civic Association would hold their meeting on March 28 at 7:30 p.m. at the Old Parish House. The Calvert Hills Citizens Association would hold their meeting on March 29 at 7:30 at Friends Community School.

Councilmember Perry announced that the first Budget Worksession would be held on Saturday, March 31, beginning at 7:30 a.m., in the Council Chambers.

Councilmember Milligan announced that the College Park Boys and Girls Club would not hold their annual Spring Sting Soccer Tournament this year, due to an unavoidable scheduling conflict with the County. The Boys and Girls Club Parade will be held on May 6.

Councilmember Krouse mentioned that the College Park Woods Swim Club would have an Open House on Sunday, April 1, from 3-5 p.m. All are welcome to attend.

Acknowledgement Of Dignitaries: Mayor Brayman recognized Mary Lintner, Tony Yanchulis, Suchitra Balachandran, Ted Ankeney, and Judy Thatcher. Councilmember Tom Dernoga arrived later.

Acknowledgement of Newly Appointed Board And Committee Members: Mayor Brayman recognized James Garvin, recently reappointed to the Airport Authority, and thanked him for his service.

Amendments To The Agenda: Councilmember Fellows added item 07-G-41 to the agenda: a letter to Gov. O'Malley requesting to put on hold the Inter County Connector pending reassessment of budget implications and reevaluation of transportation priorities.

Councilmember Krouse asked to add item 07-G-42 to the Consent Agenda, a Parking Prohibition on the North side of Ontario Road (this memo was laying on the table).

Adoption of 07-O-02 will be removed from the Agenda tonight in order to re-advertise the Public Hearing.

City Manager's Report: Joe Nagro mentioned that we had become aware of a problem with the audio portion of the City Council meetings broadcast over Comcast Digital Cable, which has now been corrected; Yvette Allen, Assistant City Clerk, was named the 2006 Employee Of The Year; the City's Code Enforcement Officer is now working late night shifts (6 p.m. – 4 a.m. Thursday – Saturday nights), and during the day on Saturday and Sunday. The noise enforcement and code enforcement hotline number is 301-275-2466; to by-pass the greeting, press 1 when the announcement begins. He also reminded the Council about Saturday's budget worksession, starting at 7:30 a.m.

Student Liaison Comments: The Off-Campus Student organization is sponsoring an event at the Student Union regarding tenants' rights. The original date was March 28 but it has been postponed. Mr. Blitzstein will inform the Council of the new date. Members of the Public Services staff will be in attendance.

Comments From The Audience On Non-Agenda Items:

Ted Ankeney, President, Downtown College Park Management Authority: The Maryland Book Exchange has been selling "I Heart College Park" merchandise in an agreement with the City. Per the agreement, a portion of the profits goes back to the City. He presented a check in the amount of \$2,826.50 payable to the City of College Park, which is earmarked for the College Park Boys and Girls Club. Mary Lintner accepted the contribution on behalf of the Boys and Girls Club.

Mohammed Taluckder, 4714 Mangum Road: Had a question about the rental of one's residence.

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

- 07-G-35** **To Authorize The City Manager To Sign The Union Contract Negotiated To Agreement With AFSCME Local 1209C Representing Public Works Employees In The Bargaining Unit. This Is A Three Year Contract With Conditions That Include A 3% COLA Each Of The Three Years, An Employee’s Ability To Select Compensatory Time Instead Of Paid Overtime And The Institution Of A Sliding Scale To Calculate The City’s Matching Contribution To An Employee’s Deferred Compensation Plan**

- 07-G-36** **Approval Of Program Year 33 Community Development Block Grant (CDBG) Application To Prince George's County In The Amount Of \$120,000 For Streetscape Improvements In Conjunction With The Downtown Parking Garage Project**

- 07-G-37** **Approval of Stop Sign Request on 49th Place At The Intersection With Delaware Street**

- 07-G-42** **The Implementation Of A Parking Prohibition On The North Side Of Ontario Road Between 5017 and 5023 Ontario Road.**

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

Presentation By County Councilmember Tom Dernoga: Councilmember Dernoga presented a check for \$10,000 to the College Park Boys and Girls Club. Mary Lintner accepted the check for the Boys and Girls Club. Councilmember Dernoga also asked for an update on the \$10,000 provided to the city in late 2006: the funds were used to hire a consultant for the conceptual design of the Lackawanna Streetscape project – the gateway to the Greenbelt Metro station. There was also discussion about the status of the skatepark project.

Action Items:

- 07-O-01** **Adoption of 07-O-01: An Ordinance Of The Mayor And Council Of City Of College Park To Authorize And Empower City Of College Park To Issue And Sell From Time To Time, Upon Its Full Faith And Credit, General Obligation Bonds In One Or More Series In An Aggregate Principal Amount Not To Exceed Nine Million Three Hundred Thousand Dollars (\$9,300,000.00), The Proceeds Of The Sale Thereof To Be Used And Applied For The Public Purpose Of Financing, Reimbursing Or Refinancing Costs Of Any One Or More Of The Following Activities: (I) The**

Acquisition Of The Properties Located At 7306 Yale Avenue And 7308 Yale Avenue And/Or (II) The Planning, Design, Engineering, Acquisition, Construction, Improvement And Equipping Of An Approximately 340-Space Public Parking Garage With Retail Space To Be Located On Such Acquired Properties And On A City-Owned Lot Located On The South Side Of Knox Road At Its Intersection With Yale Avenue, Together With, In Any Such Case, The Acquisition Of Necessary Property Rights And Equipment, Related Site And Utility Improvements (Including, Without Limitation, Demolition And Grading), Related Costs Of Issuance (Including, Without Limitation, The Costs Of Bond Insurance Or Other Credit Or Liquidity Enhancement), And, If The Mayor And Council So Determine In A Subsequent Resolution, Interest During Construction And For A Reasonable Period Thereafter; Determining That, If Permitted By The Charter, The Bonds Of Each Series Be Sold By Private (Negotiated) Sale Without Advertisement Or Solicitation Of Competitive Bids Unless A Subsequent Resolution Or Resolutions Of The Council Provides For The Solicitation Of Competitive Bids At Public Sale; Authorizing The Adoption Of A Resolution Or Resolutions Of The Mayor And Council To Specify, Prescribe, Determine, Approve Or Provide For Various Matters Relating To The Authorization, Sale, Security, Issuance, Delivery, Payment And Redemption Of And For Each Series Of The Bonds; Authorizing The Mayor And Council To Provide By Resolution For The Issuance And Sale From Time To Time Of One Or More Series Of General Obligation Bond Anticipation Notes In An Aggregate Principal Amount Not To Exceed Nine Million Three Hundred Thousand Dollars (\$9,300,000.00), Prior To And In Anticipation Of The Issuance Of Any Of The Bonds Authorized Hereby In Order To Finance Project Costs On An Interim Basis, Costs Of Issuance And Capitalized Interest; Authorizing The Mayor And Council To Provide By Resolution For The Issuance And Sale From Time To Time Of One Or More Series Of General Obligation Bonds In An Aggregate Principal Amount Not To Exceed Eleven Million Six Hundred Twenty-Five Thousand Dollars (\$11,625,000.00) In Order To Refund Any Of The Bonds Issued Pursuant To The Authority Of This Ordinance (Including Paying Related Costs Of Issuance And Interest On Such Refunding Bonds); Providing For The Levy And Collection Of Ad Valorem Taxes Sufficient For, And Pledging The Full Faith And Credit And Unlimited Taxing Power Of The City To, The Prompt Payment Of The Principal Of And Interest On Each Series Of The Bonds, Bond Anticipation Notes Or Refunding Bonds Authorized Hereby; Providing That The Principal Of And Interest On Each Series Of Such Obligations Also May Be Paid From Any Other Sources Of Revenue Lawfully Available To The City For Such Purpose; Authorizing And Directing Officials And Employees Of The City To Take Any And All Action Necessary To Complete And Close The Sale And Delivery Of The Bonds, Bond Anticipation Notes And Refunding Bonds Provided For Hereby; Providing That This Title Shall Be Deemed A Fair Summary Of The Substance Of This Ordinance For All Purposes; And Otherwise Generally Relating To The Issuance, Sale, Delivery And Payment Of The Bonds, Bond Anticipation Notes And Refunding Bonds Provided For Hereby.

A motion was made by Councilmember Fellows and seconded by Councilmember Perry to adopt Ordinance 07-O-01. Councilmember Fellows read the title into the record. He commented that this Ordinance enables the City to issue bonds for the parking garage and its associated retail space, which is an important part of the revitalization of the downtown area. It is only enabling legislation.

Mayor Brayman noted that a Public Hearing was held on 2-27-07 and no further public comment would be heard tonight. The record was held open for 10 days and no additional comment was received. He said the adoption of this Ordinance would allow staff to go out and seek pricing on bonds, which would come back to Council for approval.

Councilmember Milligan stated this is part of the larger downtown redevelopment project and that municipalities cannot undertake such large projects without this ability.

Councilmember Catlin stated the Desman Parking Study is posted on the website that includes details of how the project can be financed without any tax increase.

Councilmember Perry believes this Ordinance brings the City into the 21st Century by allowing competitive bids to benefit the City. He believes the City needs to get ahead of the East Campus project.

Councilmember Stulich commented that people might be interested in the design of the garage, but that information will come later, at which time there will be further opportunity to comment.

Mayor Brayman reiterated that the Desman Parking Study illustrates financing models that keep the debt for the garage off the taxpayers. He agreed that there will be opportunity for further public review of the project. He hopes the East Campus project will complement and not compete with the Parking garage.

The motion carried 8-0-0.

**06-G-119 Petition Request For Change Of Existing Permit Parking Restrictions
in the 9700 – 9800 block of 53rd Avenue**

This item was postponed to a time definite from the September 26 and November 28, 2006 Council meetings. The Public Hearing was held on September 26. Councilmember Krouse restated the motion: to approve the petition request for change of existing permit parking restrictions to 6:30 a.m. to 12:00 midnight Monday – Friday by permit only. Councilmember Milligan was the second on the original motion. Councilmember Krouse gave the history of the situation and the current status. He believes these restrictions will improve the situation.

Mayor Brayman allowed brief public comment:

Tony Yanchulis, 9815 53rd Avenue: In favor of the motion.

Fazlul Kabir, 9817 53rd Avenue: Opposed to the motion.

Lourene Miovski, 9818 53rd Avenue: In favor of the motion.

Tina Lofaro, 9747 53rd Avenue: Opposed to the motion.

Joyce Kunz, 9745 53rd Avenue: In favor of the motion.

Tom Bannister, 9818 53rd Avenue: In favor of the motion.

Councilmember Fellows supports the motion and thanked the parties that were engaged in dialog to try to resolve these issues.

Councilmember Milligan said these petitions are not supposed to be this difficult. This is a valid petition that needs to be moved forward and the issue can be revisited again in the future.

Councilmember Cook said she is encouraged by the community committee and hopes they can resolve these issues and revisit the question in the future.

The motion carried 7-1-0 (Hampton opposed).

07-G-41 Approval Of A Letter To Gov. O'Malley Similar To The Delegates' Letter Requesting That The Inter-County Connector Be Put On Hold Pending A Reassessment Of The Budget Implications And A Reevaluation Of Transportation Priorities.

A motion was made by Councilmember Fellows and seconded by Councilmember Stullich to draft a letter similar to one sent by a group of Maryland State Delegates to Gov. O'Malley requesting that the ICC be put on hold pending a reassessment of the budget implications and a reevaluation of transportation priorities. He stated that the Route 1 corridor is one of College Park's transportation priorities that has not been funded. The letter urges Gov. O'Malley to consult with the House and Senate about transportation issues and fiscal priorities before the State takes any further steps on the ICC project.

Suchitra Balachandran, 9320 St. Andrews Place: She is aware of the 2004 Resolution the City passed in opposition to the ICC and now the City should make an equally strong statement by sending this letter. She urges the City to update the 2004 Resolution and to send an even stronger letter than the delegates' letter. The state's fiscal situation is different now than in 2004.

Mayor Brayman noted that the City has a formal position only on the ICC and not on some of the other transit projects in the letter. He believes the City's letter should be specific to College Park.

Councilmember Perry asked if the letter would come back to Council for approval since the item was just added to the agenda tonight. He wants time to research the issues and believes that the cost for the ICC will continue to increase.

Councilmember Stullich stated that when she was campaigning people expressed concerns about Route 1 and interest in the Purple Line, but not support for the ICC.

The motion carried 6-1-1 (Perry opposed; Krouse abstained).

07-G-38 Award of Contract CP-07-03, Old Parish House Accessibility Modifications, to the lowest qualified bidder, Santosh, Inc., for \$80,194.00

A motion was made by Councilmember Perry and seconded by Councilmember Milligan to award Contract CP-07-03 for construction services to Santosh, Inc., for the accessibility modifications needed at the Old Parish House. Councilmember Perry reviewed the bid process and stated that two bids were received. Santosh, Inc., is a College Park company that the City has used before.

There were no comments from the audience.

Councilmember Stullich said the Old Town Civic Association reviewed this project and was pleased with the city's efforts to obtain a high quality design.

The motion carried 8-0-0.

07-CR-02 Introduction Of A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article IX, "Officers And Employees", §C9-1 "Discrimination" To Clarify That Employees May Retain Their Positions While Running For Office Or Serving As Elected Or Appointed Officials Of Jurisdictions Other Than The City, Unless, Such Office Would Present A Real Or Potential Conflict Of Interest Or The Appearance Of A Conflict Of Interest

A motion to Introduce 07-CR-02 was made by Councilmember Hampton and seconded by Councilmember Catlin. The Public Hearing is scheduled for April 24 at 7:00 p.m.

07-G-39 Approval Of FY 2008 Maryland Heritage Areas Authority (MHAA) Grant Application

A motion was made by Councilmember Stullich and seconded by Councilmember Milligan to approve the FY 2008 Maryland Heritage Areas Authority Grant Application. The Application includes two projects: one is a capital project and one is not. The first is for \$40,000 for the engineering and initial installation of pedestrian streetlights on Route 1 near the intersection of College Avenue. The second is for \$35,000 to hire an event planner to plan and promote College Park events, and to work with the Downtown College Park Management Authority and with the College Park Arts Exchange.

Councilmember Stullich stated these projects are consistent with the approved management plan for the Anacostia Trails Heritage Area and its vision of creating major tourist destinations within the area. MHAA grants do require 50% matching funds, which the City has provided for.

There were no comments from the audience.

Councilmember Perry stated he could not support this motion and questioned both items that were proposed.

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

07-O-04 Adoption Of An Emergency Ordinance To Provide A Procedure To Revoke A Building Permit Issued In Error

A motion was made by Councilmember Hampton and seconded by Councilmember Perry to adopt 07-O-04, which authorizes the Director of Public Services to revoke a building permit that has been incorrectly or improperly granted and to provide for an appeals process when such a revocation has occurred.

Councilmember Hampton noted that Chapter 87 of the City Code does not provide a provision for the revocation of building permits granted in error. This Ordinance would protect residents from substandard and unsafe construction. An appeal process is also part of the Ordinance to allow property owners to appeal such revocation.

There were no comments from the audience.

Mayor Brayman stated that since this is emergency ordinance it will take effect immediately, and a super majority is required for passage.

The motion passed 8-0-0.

07-G-40 Appointments To Boards And Committees

Mayor Brayman nominated Heidi Jones-Huffman to the Advisory Planning Commission as a District 2 representative. Councilmember Krouse nominated Stephen Jascourt to the Committee For A Better Environment. A motion was made by Councilmember Fellows and seconded by Councilmember Krouse to accept the nominations. The motion carried 8-0-0.

Council Comments:

Councilmember Krouse requested a Worksession item on the feasibility of Public Services officers to issue parking tickets to vehicles without tags parked on commercial or residential property.

Councilmember Catlin mentioned that the lights on Berwyn Road are out and staff is investigating.

Councilmember Perry asked for an update on the legislation to allow municipalities to purchase streetlight. Ms. Imhulse replied that the legislation has passed the House and Senate.

Councilmember Fellows congratulated Yvette Allen on her Employee of the Year award.

Councilmember Cook said she is delighted to hear the Committee for a Better Environment is thriving and praised the new leadership of Janis Oppelt and Deron Lovaas.

Student Liaison Blitzstein asked for an update on the emergency ordinance passed in January by the City to maintain Fire Code for 1- and 2-family dwellings, and asked if the City had followed up with the County. Mayor Brayman has spoken with Councilmember Olson and requested an update and a follow-up with the University.

Comments From The Audience: None.

Adjournment: The regular meeting was adjourned at 9:57 p.m. by a vote of 8-0-0.

The Council reconvened in a Worksession at 10:07 p.m. to discuss two items with Terry Schum, Director of Planning:

1. Provide Direction To Staff On JPI West.
2. Update On Mark Vogel's Proposed Hotel Project.

The Worksession was adjourned at 10:46 p.m.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, on March 20, 2007 at 6:37 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Krouse to enter into an Executive Session to consult with Counsel on a possible legal action. The motion passed unanimously 7-0-0.

Present: Mayor Brayman (began the meeting via telephone; arrived in Chamber at 7:00 p.m.), Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, Stullich, Hampton. Also in attendance were Suellen Ferguson, Joe Nagro, Janeen Miller, Terry Schum, Sara Imhulse, Elisa Vitale, Jeannie Ripley and Bob Ryan.

Topics Discussed: A possible legal action.

A motion was made by Councilmember Perry and seconded by Councilmember Krouse to adjourn the Executive Session. The Executive Session was adjourned at 8:03 p.m. by a vote of 7-0-0.
