

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, October 9, 2007**  
**8:00 P.M.**

**PRESENT:** Mayor Brayman; Councilmembers Milligan, Krouse, Catlin, Perry, Fellows, Stullich and Cook; Student Liaison Danielle Kogut.

**ABSENT:** Councilmember Hampton

**ALSO PRESENT:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Robert Ryan, Director of Public Services; Robert Stumpff, Director of Public Works.

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

**Minutes:** Minutes from the September 25, 2007 Regular Meeting were presented for adoption. A motion was made by Councilmember Stullich and seconded by Councilmember Cook to adopt the minutes. Councilmember Perry proposed two corrections: on little page 11, add that Councilmember Perry commented that the agenda item title stated something different than the letter, and on little page 12, add that Councilmember Perry also commented on the rodent situation behind the College Park Shopping Center. A motion was made by Councilmember Perry and seconded by Councilmember Stullich to amend the minutes. The motion to amend passed 7-0-0. The motion to adopt the minutes, as amended, passed 7-0-0.

**Announcements:**

Councilmember Milligan stated there are four candidates running for the two Council seats in District 1 in the upcoming election. He encouraged residents to evaluate the candidates and make their choice at the polls.

Councilmember Catlin announced that the Lakeland Civic Association would meet at the College Park Community Center on Thursday October 11 at 7:30 p.m.

Councilmember Stullich stated that the Calvert Hills Citizens Association would hold a meeting on October 18 at 7:30 p.m. at the Old Parish House. Also, the first meeting of the Animal Welfare Committee will be held on October 17 at 7:30 p.m.

Councilmember Cook announced the North College Park Citizens Association meeting on Thursday at 7:30 p.m. at Davis Hall. This will be a candidate's night.

**Acknowledgement of Dignitaries:** Mayor Brayman recognized Mayor Joseph Page.

**Newly Appointed Board and Committee Members:** Mayor Brayman recognized Mayor Joseph Page who was recently reappointed to the Education Advisory Committee and thanked him for his service.

City Manager Joe Nagro recognized a large group of visitors who are from the Shandong province in China, and have been in the USA since June attending the University of Maryland's Global Chinese Affairs Institute. The delegation has met with many City staff members. Most of the delegates are senior officials in local provincial governments in Shandong. A brief recess was taken for pictures with the officials.

[The meeting resumed at 8:29 p.m.]

**Amendments To The Agenda:** None

**City Manager's Report:** Mr. Nagro announced there will be a meeting on Monday, November 19 at 7:00 p.m. on the proposed improvements to Rhode Island Avenue presented by the County DPW&T staff at the Beltsville Agricultural Research Center Building 003 in the basement auditorium.

Sunday October 14 is the Terp Trot 5K Charity Race. The race begins at 9:00 a.m. at Stamp Student Union and ends at City Hall. It is sponsored by the City of College Park and Student Entertainment Events.

Sunday begins Homecoming week. Mr. Nagro discussed staff coverage.

The Public Works yard has been open the last three Saturdays. An enormous amount of e-cycling material has been collected. Councilmembers Fellows and Perry had follow-up questions about e-cycling.

**Student Liaison Comments:** Danielle Kogut announced that the Communiversy Clean up went well last weekend, and will happen again at a date to be determined. She requested 100-word "blurbs" from candidates for the campus "get out the vote" drive.

**Comments From The Audience On Non-Agenda Items:**

**Larry Bleau, 4901 Niagara Road:** Asked about the status of the proposed survey on the Greenbelt Pedestrian Bridge.

**Byron Patterson, formerly a resident of 7404 Rhode Island Avenue:** Discussed problems he had with his landlord, with his lease agreement, with security at his apartment, and accountability for landlords.

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

- 07-R-28      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-2007-15, 4718 Ruatan Street, College Park, Maryland, For A Waiver Of The Minimum Required Side Yard Depth Of Eight Feet (8') And Combined Side Yard Depth Of Seventeen Feet (17') And A Waiver Of The Twenty-Foot (20') Required Rear Yard Depth**
  
- 07-R-29      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-2007-16, 5707 Vassar Drive, College Park, Maryland, For A Variance Of One Foot (1') From The Eight Foot Minimum Required Side Yard Depth And One Foot (1') From The Minimum Depth Of Seventeen Feet (17') For Both Side Yards Combined For The Eastern Side Yard**
  
- 07-R-30      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-2007-17, 5101 Kenesaw Street, College Park, Maryland, For A Variance Of 1% Or 51 Square Feet From The 30% Maximum Lot Coverage Requirement And Seven Feet (7') From The Required Twenty-Five Foot Minimum Depth For A Corner Property Along A Street**

The Consent Agenda was adopted by a vote of 7-0-0.

**Action Items:**

- 07-G-104      Approval of the Property Use Agreement for Moe's Southwest Grill, 10250 Baltimore Avenue**

A motion was made by Councilmember Fellows and seconded by Councilmember Milligan to approve the Property Use Agreement with M&R Moe's #1, LLC t/a Moe's Southwest Grill at 10250 Baltimore Avenue, Suite G, in substantially the same form as attached to the motion, and to authorize the City Manager to sign the agreement on behalf of the City. Further, the City will voice no objection to the issuance of a Class B (BLX) Beer, Wine and Liquor license at the October 23 hearing before the Board of License Commissioners.

Moe's General Manager Tye Marckum presented a diagram of the patio location and stated that he is in agreement with the conditions of the Property Use Agreement. There was discussion about the patio, about the alcohol to food ratio, about the music, about the

physical distinction between the Moe's and Potbelly's outdoor seating areas, about a patron's ability to purchase an alcoholic beverage without also purchasing food, and that alcoholic beverages must be served to seated patrons.

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to change the word "diners" to "patrons" on page 3 of the Property Use Agreement. The motion passed 6-1-0 (Councilmember Perry opposed).

There were no comments from the audience on the item.

The motion carried 7-0-0.

**07-O-17      Adoption of 07-O-17, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 175 "Taxation", Article II "Homestead Property Tax Credit", By Repealing And Reenacting §175-3 "Rate", To Change The Homestead Property Tax Credit Rate From 101% To 104%.**

A motion was made by Councilmember Catlin and seconded by Councilmember Krouse to adopt Ordinance Number 07-O-17. Councilmember Catlin read the title in to the record.

Councilmember Catlin discussed the recent large increases in property assessments, the previous reduction of the Homestead Property Tax credit from 10% to 1%, the City's real property tax rate, development projects that are under construction and/or proposed at this time, and anticipated revenue projections. He stated most people in the state are living with the 10% cap, and a 4% level compares very favorably with that. The proposed 4% Homestead Property Tax Credit would take effect in FY '09.

Councilmember Perry asked if his property taxes in the City were going to increase or not? Councilmember Catlin said no, not until the City sets the tax rate next May. At that time, the City could reduce the tax rate enough to offset the increase in assessments.

Councilmember Perry recalled revenue projections discussed at the budget Worksessions.

Councilmember Milligan believes this is a balancing act between trying to make this a good City for homeowners to live in and to pay for expenses that are coming up, such as the trash truck on the agenda tonight and for public safety.

Councilmember Fellows stated he was at first skeptical about the notion of capping the assessment because it would restrict available revenue, but Councilmember Catlin's argument was persuasive that if there is a projected shortfall we could manage the assessment rate and therefore have more control over the rate at which homeowners are taxed.

Councilmember Catlin stated he believes this proposed increase tracks inflation and does not give a windfall to the City.

Mayor Brayman clarified that assessments are made by the State.

Councilmember Stulich said that sometimes people get confused when looking at their tax bill because the County does not itemize the City portion of the Homestead Tax Credit.

The motion carried 7-0-0.

**07-G-102      Approval of a Letter to Stakeholders Regarding Transit Improvements Along Route 1**

A motion was made by Councilmember Perry and seconded by Councilmember Krouse to approve a letter to stakeholders regarding improving transit services along Route 1. Councilmember Perry read the letter into the record. The list of intended recipients is attached to the letter.

Councilmember Krouse suggested several changes to the letter. A motion to amend the letter as suggested was made by Councilmember Krouse and seconded by Councilmember Fellows.

The motion to amend passed 7-0-0.

Councilmember Cook stated this was a very appropriate time for this letter to be sent because of the East Campus development.

The motion to send the letter, as amended, passed 7-0-0.

**07-G-103      Authorize The Purchase of Trash Truck #2B, a 32-Cubic Yard Rear Loader Refuse Truck, From RFP CP-07-06, in the Amount of \$257,062**

A motion was made by Councilmember Perry and seconded by Councilmember Krouse to authorize the City Manager to sign a purchase order/contract with Central Truck Center to purchase Trash Truck #2B, a 32 Cubic Yard Read Loader from RFP CP-07-06, in the amount of \$257,062.

Councilmember Perry read the comments in to the record.

There were no comments from the audience on this item.

The motion carried 7-0-0.

**07-G-105      Approval of Nominations to the Historic Preservation Commission for the Old Town College Park Historic District Local Advisory Committee**

A motion was made by Councilmember Fellows and seconded by Councilmember Stulich to forward the following names and to the Prince George's County Historic Preservation Commission for consideration for nomination to the Old Town College Park Historic District Local Advisory Committee: Christopher Aubry (2 year term), Richard Biffl (1 year term), Timothy Dennée (3 year term), Nigel Key (3 year term) and David Roselle (2 year term).

Councilmember Fellows read the comments in to the record.

There were no comments from the audience.

Councilmember Perry asked if the motion included approval of the draft letter that was in the packet.

A motion was made by Councilmember Fellows and seconded by Councilmember Stulich to amend the main motion by including approval of the letter.

The amendment passed 7-0-0.

Mayor Brayman commented on the diversity of the nominees.

The main motion, as amended, passed 6-1-0 (Perry opposed).

**07-G-106      Appointments To Boards and Committees**

Councilmember Cook nominated Suchitra Balachandran to the Committee for a Better Environment. A motion was made by Councilmember Fellows and seconded by Councilmember Stulich to accept the nomination.

The motion carried 7-0-0.

**Council Comments:**

Councilmember Fellows commented on the student voter registration drive and interest in the November 6 City elections.

Councilmember Perry discussed potential appointments to a City Committee, his campaigning experience, and the voter list from the County Board of Elections.

Councilmember Catlin discussed the County voter list, asked about a proposed neighborhood watch meeting, and city Contract Police officers who recently have been on bicycle patrol.

Councilmember Milligan discussed a recent Washington Post article on an historic district in Alexandria and National Fire Prevention week.

**Comments From The Audience:** None

**Adjournment:**

A motion was made by Councilmember Krouse and seconded by Councilmember Milligan to adjourn the meeting. The meeting was adjourned at 9:46 p.m. by a vote of 7-0-0.

Mayor Brayman announced that the Council would go into a special Worksession to discuss the Greenbelt Pedestrian Bridge survey. The Worksession lasted until 10:00 p.m. The Council did not return to public session.

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Janeen S. Miller, City Clerk

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Pursuant to §C6-3 of the College Park City Charter: On October 2, 2007 at 10:00 p.m., in the hallway behind the Council Chambers at City Hall, a motion was made by Councilmember Fellows and seconded by Councilmember Milligan to enter a closed session to consult with counsel. The motion passed 8-0-0.

Present: Mayor Brayman, Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, Stulich, Hampton and Cook. Also in attendance were Joe Nagro, Janeen Miller, Sara Imhulse, Danielle Kogut and Suellen Ferguson.

Topics Discussed: The Old Town College Park Historic District.

A motion was made by Councilmember Cook and seconded by Councilmember Stulich to adjourn the Executive Session. The Executive Session was adjourned at 10:06 p.m. by a vote of 8-0-0.

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Pursuant to §C6-3 of the College Park City Charter: On October 16, 2007 at 7:04 p.m., in the Council Chambers at City Hall, a motion was made by Councilmember Fellows and seconded by Councilmember Krouse to enter a closed session to 1) consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County, 2) discuss public security including the deployment of fire and police services and staff, and 3) discuss a negotiating strategy. The motion passed 6-1-0 (Perry opposed).

Present: Mayor Brayman, Councilmembers Krouse, Milligan, Catlin, Perry, Fellows, Stulich (arrived at 7:06 p.m.), Hampton and Cook. Also in attendance were Joe Nagro, Janeen Miller, Danielle Kogut and Suellen Ferguson, and Bob Ryan.

Topics Discussed: Police services, development and annexation issues.

A motion was made by Councilmember Perry and seconded by Councilmember Fellows to adjourn the Executive Session. The Executive Session was adjourned at 7:52 p.m. by a vote of 8-0-0.

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