

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 26, 2008
8:00 P.M.
As Amended 3-11-08

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stulich, Mark Cook, Hampton and Mary Cook; Student Liaison Danielle Kogut.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Sara Imhulse, Assistant to the City Manager; Robert Ryan, Director of Public Services; Steve Groh, Director of Finance; Terry Schum, Director of Planning; Carole Sheringham, Human Resources Director; Elisa Vitale, Planning Department.

Mayor Brayman opened the meeting at 8:00 p.m. Councilmember Hampton led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Perry and seconded by Councilmember Molinatto to approve the minutes of the Regular Meeting of February 13, 2008. The motion passed 8-0-0.

Announcements:

Councilmember Catlin announced that on Friday, February 29, from 7:00 – 9:00 p.m., the Lakeland Community Heritage Project presents the first celebration of Black History Month at Paint Branch Elementary School.

Councilmember Perry commented on the new trash truck he saw at Public Works.

Acknowledgement of Dignitaries: Mayor Brayman recognized former Councilmember John Krouse; Recreation Board Co-Chairs Adele Ellis and Alan Bradford; and former Recreation Board Chair Jeff Smith.

Proclamations: None

Amendments To The Agenda: Councilmember Stulich added #08-G-36, “Consideration of a letter regarding PG/MC 119-08, concerning Zoning Appeals.” Item # 08-G-34 has been deleted from tonight’s agenda and instead will be discussed at next week’s Worksession.

City Manager's Report: Mr. Nagro announced the MML "Overcrowding of Residential Housing Forum" would be held at MFRI in College Park on Thursday, March 13 from 10 - 3.

The Detailed Site Plan for the City's Parking Garage was approved yesterday by the District Council. Today Mr. Nagro met with General Contractor Whiting-Turner. He will keep the Council apprised of the time schedule and staging.

There will be a meeting on March 12 at University Park elementary school regarding Gypsy Moth spraying. Those residents in the spray area will receive a letter regarding the meeting. The spray area in College Park is from Albion to Drexel in Calvert Hills.

Student Liaison Comments: Ms. Kogut announced a successful launch of the Communiversy Clean Up on Sunday with the participation of 60 fraternity members who collected 12 large bags of trash.

Comments From The Audience On Non-Agenda Items:

Bob Ryan, Director of Public Services, 4601 Calvert Road: Thanked the Council for keeping members of the armed services in their thoughts this past year during the moment of silent meditation at Council meetings. He reported that his son, Army Capt. Tim Ryan, and the 319th Movement Control Team, returned safely from Afghanistan last week.

Former Councilmember John Krouse, 9709 53rd Avenue: Made an announcement about the upcoming season of the College Park Woods Swim Club. Membership rates have been lowered. He reviewed recent improvements at the facility.

Presentation: Mayor Brayman invited Jeff Smith (8604 Saxon Circle, Nottingham, Maryland) to make an announcement. Mr. Smith was Chair of the City's Recreation Board from 1999 – 2007, and serves on the Board of Directors for the Maryland Recreation and Parks Association, and chairs their Volunteer Board. He brought an announcement to the Council: Recreation Board Co-Chair Alan Bradford has won the 2008 Maryland Recreation and Parks Association Community Volunteer Award, which will be formally presented to Mr. Bradford in April in Ocean City at the MRPA Annual Conference. This award is given to a volunteer in Maryland who has been dedicated to Parks and Recreation advocacy and who has served as a volunteer in a community. Mr. Smith read an excerpt from his nomination and reviewed Mr. Bradford's many contributions to the community. The Mayor and Council congratulated Mr. Bradford.

Consent Agenda:

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

08-G-24 Approval Of A Capital Projects Grant Agreement with the State of Maryland for the 2006 \$400,000 Bond Bill for Design & Engineering of a New City Hall; Authorize the City Manager to Execute the Capital Projects Grant Agreement; and Authorize the Mayor to Sign a Letter Certifying the City's Matching Funds for the State Bond.

08-G-25 Approval Of A Letter In Support Of Senate/House Joint Resolution 2, Entitled Henry A. Wallace Beltsville Agricultural Research Center And National Agricultural Library

The motion carried 8-0-0.

Action Items:

08-G-27 Approval Of A Revision To DSP 04051/02 For The Restaurant Pad Site At The Village At College Park.

A motion was made by Councilmember Mary Cook and seconded by Councilmember Hampton to approve a revision to Detailed Site Plan 04051/02 submitted by Roadside Development LLC subject to the following conditions: 1) the applicant submits a revised landscape, lighting and hardscape plan that, a) provides a trashcan at the southern pad site's building entrance, and b) provides a bike rack that accommodates five bikes, and 2) provides a calculation for window area percentage. Councilmember Mary Cook read the comments into the record.

Mayor Brayman recognized the applicant Richard Lake, from Roadside Development, who showed the Council new renderings of the Buffalo Wild Wings store.

There was discussion about the landscaping on Route 1, the northern pad site, the menu, a property use agreement and the liquor license. Mr. Scott Schwartz, Director of Operations for the Maryland Group, the restaurant operator, discussed the menu and details about the store. The number of indoor and outdoor seats was reviewed.

The liquor license attorney for WAA of College Park, LLC, Leanne Schrecengost, discussed the applicant's interest in negotiating the Property Use Agreement with the City. The applicant has not yet applied for their liquor license.

There were no comments from the audience.

Mayor Brayman expressed his disappointment with the restaurant that was selected for this pad site because it is another fast casual restaurant; thus, he is opposed to the motion.

The motion passed 7-0-1 (Councilmember Stullich abstained).

08-G-28 A Motion To Voice No Objection To The Renewal Of The Liquor Licenses At City Establishments.

A motion was made by Councilmember Molinatto and seconded by Councilmember Catlin that the Council voice no objection and provide no further comment as to the renewal of the following liquor licenses at City establishments: College Park Liquors, #1 Liquors, Village Pump, Lasick's Liquors, Bentley's Filling Station, E.J.'s Landing, Seven Seas Restaurant, Yi Jo Restaurant, The Cornerstone, Chipotle Mexican Grill, Hard Times Café, Noodles & Co., Varsity Grille, Inn and Conference Center - University of Maryland University College, Dining Services, University of Maryland, Alario's, Asian Grill, Ratsie's, Moose Creek Steakhouse, 94th Aero Squadron, Applebee's, American Legion Post #217, V.F.W. #5627, University of Maryland Club (Rossborough Inn), University of Maryland Golf Course (Mulligan's), University of Maryland Alumni Association – Samuel Riggs IV Center (Fraternal), College Park Concessions (Fairlanes *Bowling Alley*), Plato's Diner, Shoppers Food Warehouse, Mamma Lucia's, The Jerk Pit, and that the Council voice no objection and send a letter to the Board of License Commissioners in substantially the form as attached to this motion providing further comment as to the renewals of the liquor licenses for College Perk, Santa Fe Café, Thirsty Turtle and Town Hall.

Councilmember Molinatto read the comments into the record.

Councilmember Catlin commented on the number of liquor licenses in the City and suggested the City may need an enhanced review of liquor licenses and the operation of those establishments in the future.

Councilmember Wojahn asked for an update on College Perk's status with respect to compliance. Mr. Ryan reported that a letter has been sent to Mr. Gordon summarizing the other fees that are due but has not had a response to date. Mayor Brayman commented we are asking the liquor board to check on the status of College Perk's compliance in July.

Councilmember Perry discussed the number of liquor licenses in the City and the charge of the Board of License Commissioners.

Mayor Brayman commented on some information that came out during the Public Hearings last week.

The motion passed 8-0-0.

Mayor Brayman recognized Major Kevin Davis, Commander of Prince George's County Police District 1 station, and invited him to the podium to make comments. Major Davis announced he is testifying in Annapolis tomorrow in support of HB 1292/SB 507 – State Aid for Police Protection – Grants. There was discussion about contract negotiations to increase police services in the City. Major Davis and the Council discussed police

incidents and arrests in the City over the weekend. The Council expressed the City's appreciation to the Major and officers for their hard work.

08-G-29 Approval of Health and Workers' Compensation Insurance Contracts

A motion was made by Councilmember Stulich and seconded by Councilmember Hampton that the Council award the following contracts for employee health and workers' compensation insurances for FY 2009. The contracts submitted for approval and award were negotiated using authorized informal purchasing procedures including brokers, agents and staff initiatives and therefore require an extra-majority vote of the Mayor and Council. The total cost of the health insurance contract depends upon which of the three plans and the type of coverage selected by each employee. Therefore, the amount listed represents the estimated FY 2009 budgeted cost for this coverage and should approximate the actual cost. Contract with CareFirst for two HMO and one POS health insurance plans at a budgeted cost of \$593,551; Contract with Injured Workers Insurance Fund for workers' compensation insurance at a budgeted cost of: \$211,626.

Councilmember Stulich read the comments into the record.

Councilmember Perry commended Staff on the City's safety program that earned the City a 30% loss control incentive credit with IWIF.

The motion carried 8-0-0.

08-G-31 Approval Of A Letter To M-NCPPC In Support Of A Community Garden In Berwyn

A motion was made by Councilmember Perry and seconded by Councilmember Catlin that the Council send a letter to the Maryland-National Capital Park and Planning Commission in support of a community garden in Berwyn.

Councilmember Perry read the comments into the record.

Comments from the audience:

Jerry Anzulovic, President, Berwyn District Civic Association, 4900 Ruatan Street: He stated the BDCA is in favor of the community garden.

Carrie Fitzpatrick, Berwyn Road: She was involved in creating the proposal and is looking forward to getting the garden started.

Christian Melendez, 8516 Potomac Avenue: He is one of the founders of the project and appreciates the Council's support.

Councilmember Wojahn commented that the Committee for a Better Environment is in favor of this project and asked when they can get a garden in north College Park as well.

Councilmember Mary Cook applauded the group on the initiative they took to start this project.

The motion carried 8-0-0.

08-G-36 Opposition to PG/MC 119-08 – Prince George’s County Maryland National Capital Park and Planning Commission Zoning Appeals

A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to authorize the Mayor to sign a letter expressing the Council’s opposition to PG/MC 119-08, Prince George’s County Maryland National Capital Park and Planning Commission Zoning Appeals.

Councilmember Stulich stated that the Council discussed this item at last week’s worksession but was unsure whether it was the appropriate time to take a position on this legislation. However, she noted that the County Council has taken a position, so it seems appropriate that the City should now do the same. Councilmember Stulich read the letter into the record. The issue is the interpretation of “aggrieved party” for those interested in appealing a decision of the District Council.

Comments from the Audience:

Judy Robinson, 7100 Bridle Path Lane, Hyattsville, MD: She is visiting various municipalities asking them to oppose this bill because she sees it as stripping away legal rights that residents now have that allows them to file suit against a development. She believes the development community may have disseminated some inaccurate information on the impact this bill would have.

The motion carried 8-0-0.

08-G-30 Approval of a Letter to Gov. O’Malley on Global Warming

A motion was made by Councilmember Mary Cook and seconded by Councilmember Molinatto to have the Council send a letter to Gov. O’Malley on Global Warming. Councilmember Mary Cook read the comments into the record.

There were no comments from the audience on this item.

Councilmember Wojahn spoke in support of this motion.

Councilmember Catlin spoke about the issue of Global Warming in the context of two recent conferences he attended.

Councilmember Perry is opposed to sending this letter, discussed the price of setting these standards, and questioned the science behind global warming concerns.

Councilmember Mark Cook spoke in support of sending this letter.

Councilmember Stulich spoke in support of sending this letter.

Councilmember Molinatto spoke in support of this motion.

Mayor Brayman spoke in support of sending this letter.

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

**08-G-32 Approval of a Letter In Support Of Amended HB 1041, Entitled
Prince George’s County – Board Of Education PG 401-08**

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto to authorize the Mayor to sign a letter in support of amended Senate Bill 33/House Bill 1041, entitled Prince George’s County – Board Of Education PG 401-08. Councilmember Catlin stated this bill seeks to eliminate the at-large school board seats by creating additional districts in which school board members would be elected. The resulting redistricting would split the City into different school board districts. This bill requests an amendment to keep the City whole if we have single-member school districts. The Education Advisory Committee supports the request.

There were no comments from the audience.

Councilmember Perry commented on the state’s attempt to politicize the school board elections by eliminating the at-large seats. He will not support the letter because he wants to keep the state out of this issue.

Councilmember Mark Cook will not support the letter because the current system hasn’t run its course long enough to know what its impact is.

The motion carried 6-2-0 (Perry and Mark Cook opposed).

**08-G-35 Approval Of A Letter In Support Of HB 1292 / SB 507, entitled State
Aid For Police Protection – Grants**

A motion was made by Councilmember Molinatto and seconded by Councilmember Hampton to authorize the Mayor to sign a letter in support of HB 1292 / SB 507, entitled

State Aid For Police Protection – Grants. Councilmember Molinatto read the comments into the record. If the bill passes as currently written, the City could receive \$500,000 annually in grant funds from the state beginning in FY 2010.

Ms. Kogut stated her support for this bill and stated she is working on it as an intern for Delegate Barnes in Annapolis. She intends to testify in Annapolis in support.

Mayor Brayman stated that Major Davis, who appeared earlier at the meeting, is also planning to testify in support of this bill at the hearing in Annapolis.

Mayor Brayman spoke in support of this bill.

The motion carried 8-0-0.

08-G-33 Appointments To Boards And Committees

Councilmember Stullich nominated Mayor Stephen Brayman and Dr. Richard Wagner as reappointments to the College Park City University Partnership. Councilmember Catlin nominated Stacey Baca for reappointment to the Education Advisory Committee. A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to approve the nominations. The motion carried 8-0-0.

Council Comments: Councilmember Mary Cook suggested the City invite the resident members of the East Campus Steering Committee to report to the Council.

Councilmember Hampton asked about the re-stripping of Metzert Road at 193.

Councilmember Perry asked for more information about a letter that was in the packet from the City of Greenbelt regarding a soccer stadium being proposed for the Greenbelt Station area.

Councilmember Wojahn discussed a recent meeting with business owners in northern College Park and asked the Council to consider an event that highlights the local businesses.

Comments From The Audience: None

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Stullich to adjourn the meeting. The meeting was adjourned at 9:58 p.m. by a vote of 7-0-0 (Councilmember Hampton had stepped out of the Chambers). Mayor Brayman announced that after a short break, the Council would enter into an Executive Session, but would not return to public session.

Janeen S. Miller, City Clerk

Pursuant to §C6-3 of the College Park City Charter, at 7:07 p.m. on February 19, 2008, in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to enter into an Executive Session to consider the acquisition of real property for a public purpose, and to consider a matter that concerns the proposal for a business to locate in Prince George's County.

Present: Mayor Brayman (arrived at 7:16 p.m.), Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich (arrived 7:16 p.m.), Mark Cook (arrived at 7:35 p.m.), Hampton and Mary Cook. Also in attendance were Student Liaison Danielle Kogut, City Manager Joe Nagro, City Clerk Janeen Miller, City Attorney Suellen Ferguson, Planning Director Terry Schum, Economic Development Coordinator Christopher Warren, and Assistant to the City Manager Sara Imhulse.

Topics Discussed: An update to the Council on the possible acquisition of property, and an update to the Council on recent negotiations/discussions about a new development locating in the City.

A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to adjourn the Executive Session. The Executive Session was adjourned at 8:05 p.m. by a vote of 8-0-0.

Pursuant to §C6-3 of the College Park City Charter, at 10:10 p.m. on February 26, 2008, in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Hampton to enter into an Executive Session to consider the acquisition of real property for a public purpose, and to consider a matter that concerns the proposal for a business to locate in Prince George's County. The motion passed 7-1-0 (Perry opposed).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, Mark Cook (left at 11:25 p.m.), Hampton and Mary Cook. Also in attendance were Student Liaison Danielle Kogut, City Manager Joe Nagro, City Clerk Janeen Miller, City Attorney Suellen Ferguson, Assistant to the City Manager Sara Imhulse and Planning Director Terry Schum.

Topics Discussed: An update to the Council on the possible acquisition of property, and an update to the Council on recent negotiations/discussions about a new development locating in the City.

A motion was made by Councilmember Molinatto and seconded by Councilmember Wojahn to adjourn the Executive Session. The Executive Session was adjourned at 12:01 a.m. by a vote of 7-0-0.
