

MINUTES
Regular Meeting of the College Park City Council
Tuesday, April 14, 2009
8:00 p.m.

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Stullich, Mark Cook, Hampton and Mary Cook; Student Liaison Dan Hartinger.

ABSENT: Councilmember Perry.

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.

A quorum being present, Mayor Brayman called the Meeting to order at 8:10 p.m. following an earlier Public Hearing. Councilmember Stullich led the Pledge of Allegiance.

Minutes: The minutes from the March 17, 2009 Special Session, the March 24, 2009 Public Hearing on 09-O-01; and the March 24, 2009 Regular Meeting were presented for approval. A motion was made by Councilmember Hampton and seconded by Councilmember Wojahn to approve the minutes as submitted. The motion passed 7-0-0.

Announcements:

Councilmember Catlin stated the Berwyn District Civic Association would not meet this month because they are holding a pot luck dinner in the park on Friday, May 1 instead.

Councilmember Wojahn announced there would be a spring clean up and planting on April 18 for Earth Day beginning at 9:00 a.m. in north College Park.

Councilmember Mary Cook stated the Committee for a Better Environment is hosting a Bayscapes Gardening Workshop on Saturday April 25 from 10 – 12 p.m. Space is limited; contact Elisa Vitale if you are interested in attending.

Acknowledgement of Dignitaries: Mayor Brayman recognized Larry Bleau, President, North College Park Citizens Association and Lt. Col. Kevin Davis, Prince George's County Police Department.

Acknowledgement Of Newly Appointed Board And Committee Members: None.

Proclamations: Mayor Brayman read the Arbor Day Proclamation.

Amendments To The Agenda: Add 09-G-42, a letter to WMATA to express opposition to proposed cuts to bus routes.

City Manager's Report: Mr. Nagro announced that the Public Works yard is open the next two Saturdays of April for spring clean up, and on April 18 from 9 – 3 a truck to do paper shredding will be available to City residents free of charge. He also pointed out the parking prohibition item in the red folders that can lay on the table or be proposed for Council action.

Student Liaison Comments: Mr. Hartinger announced that applications for the 2009-2010 Student Liaison position are coming in and interviews will be held at the end of the week. He is working on an information sheet to help ease the transition for the next liaison.

Comments From The Audience On Non-Agenda Items:

Lt. Col. Kevin Davis, Prince George's County Police Department: Col. Davis was recently promoted and is now the Commander of the Bureau of Support Services for the County Police. He spoke about improvements during his tenure as District 1 Commander, and introduced the new District 1 Commander, Major Daniel Dusseau. Major Dusseau addressed the Council, discussed his background, and his vision for the future.

Larry Bleau, 4901 Niagara Road, President, North College Park Citizens Association: Mr. Bleau announced the agenda for the April 23 meeting of the NCPCA: a presentation by the Prince George's County Police District 1 Community Response Team, a presentation by Baywood Hotels on their plans for property between Delaware and Cherokee Streets on US 1, and a follow up on last month's item of "ways to improve the NCPCA."

Presentations: Holly DeArmond and a marketing intern from the University of Maryland told the Council about the next Maryland Day which will be held on April 25.

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

- 09-R-04 Resolution Of The Advisory Planning Commission Of The City Of College Park, Maryland, Regarding Variance Number CPV-2009-02, 7005 Wake Forest Drive, College Park, Maryland, Recommending Approval Of A Variance Of 4.4 Feet From The Required Front Yard Setback Of 25 Feet To Construct A 7.2-Foot Deep By 25.1-Foot Wide One-Story Front Addition**
- 09-G-36 Approval Of A Sunday Field Use Request For Duvall Field On Sunday April 26, 2009 For The College Park Boys And Girls Club Parade And Family Fun Day**
- 09-G-37 Approval Of A Letter In Support Of Maryland Public Interest Research Group (MaryPIRG) "21st Century Transportation For America Principles."**
- 09-G-40 Approval Of A Letter To Prince George's County Regarding M-NCPPC FY10 Budget Requests**

09-G-41 Approval Of A Letter To Prince George's County Department Of Public Works And Transportation Requesting American Recovery And Reinvestment Act (ARRA) Funding For A Transportation Project In College Park

Councilmember Hampton requested the addition of certain “ccs” on the MaryPIRG letter.

The motion passed 7-0-0.

Action Items:

09-O-02 Adoption of Ordinance 09-O-02, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 34 “Elections” To Amend §34-7 “Runoff Elections”, §34-8, “Election Contests And Appeals” And § 34-10, “Additional Provisions”

A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to adopt Ordinance 09-O-02.

Councilmember Wojahn stated this amendment would change the notification procedures for a runoff election, and referred to the earlier public hearing.

Councilmember Mark Cook asked how visually-impaired individuals would know about the runoff election if they did not receive a notice in the mail. Councilmember Wojahn replied that mailed notices would not be made in Braille, so a person would probably have any notice read to them. There was general discussion about the delivery and readership of the Gazette. Councilmember Mark Cook feels this is not the way to promote participation in the City’s elections.

Councilmember Catlin stated this change gives the Board of Election Supervisors the flexibility to determine how to give notice of a runoff election and stated that a candidate would be sure to notify constituents about any runoff election.

Councilmember Mark Cook asked the student liaison if there are certain housing units that would restrict a candidate from gaining access to campaign. Mr. Hartinger discussed the procedures that are established to allow a candidate to obtain permission to get inside those buildings.

Mayor Brayman noted that due to the earlier public hearing, there would be no public comment taken at this time, and also noted there is additional public comment in the red folders.

The motion carried 4-3-0 (Councilmembers Mary Cook, Mark Cook and Hampton opposed).

09-CR-01 Adoption Of Charter Amendment Resolution 09-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III “Mayor And Council”, §C3-5, “Elections” And §C3-7, “Assumption Of Duties” Of The City Charter To Include The Date Of Biennial Elections In §C3-5 And To Change The Date On Which The Mayor And Council Assume Their Offices To The First Regular Meeting Of The Mayor And Council In The December Following The Election.

A motion was made by Councilmember Mary Cook and seconded by Councilmember Hampton to adopt Charter Amendment Resolution 09-CR-01.

Mayor Brayman stated that since a public hearing on this item was held earlier this evening, no further public comment would be taken at this time.

Mr. Hartinger asked if this resolution would change the date a candidate would have to be 21 to take office. Ms. Ferguson stated that it would not have that impact, since this amendment just memorializes current practice. A Council candidate has to be 21 when they take office; the swearing-in date is not changed by this proposed amendment.

The motion carried 6-1-0 (Councilmember Mark Cook opposed).

09-CR-02 Adoption Of Charter Amendment Resolution 09-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article IV “Voting And Elections”, §C4-2, “Registration Of Voters” And §C4-4, “Other Election Officials” Of The City Charter To Set The Closing Date For Voter Registration, To Change The Method By Which Notice Is Given Concerning Appointment Of Election Officials, And To Delete Election Date Information.

A motion was made by Councilmember Mary Cook and seconded by Councilmember Hampton to adopt Charter Amendment Resolution 09-CR-01.

Mayor Brayman stated that since a public hearing on this item was held earlier this evening, no further public comment would be taken at this time.

There were no comments from Council.

The motion carried 6-1-0 (Councilmember Mark Cook opposed).

09-G-38 Approval Of A Request By The Varsity Grille For An Amendment To Their Property Use Agreement To Allow For The Sale Of Pitchers Of Beer.

A motion was made by Councilmember Catlin and seconded by Councilmember Hampton that the City Council approve the request by the Varsity Grille to sell beer in pitchers at a cost of not less than \$4.00 per pitcher, and to authorize the City Manager to sign an Amendment to the Varsity Grille Property Use Agreement in substantially the form of the attached draft amendment.

Councilmember Catlin read the comments.

Mayor Brayman suggested to staff that this could be used as a model for how to address the sales of pitchers if the question is raised by other businesses: they had a two year track record of responsible sales before the amendment was made.

Councilmember Wojahn asked staff to report back in one year on whether there have been any violations of Board of License Commissioners requirements.

Councilmember Mary Cook is concerned that this is going to encourage other establishments to come in and ask for the sale of pitchers, and asked what happened to the family restaurant atmosphere the applicant promoted when they first came to the Council.

Councilmember Catlin said the restaurant is catering to adult sports teams and believes the amendment is appropriate in this instance.

The motion carried 7-0-0.

09-G-42 Letter To Washington Metropolitan Area Transit Authority Expressing Opposition To Proposed Cuts To Metrobus Routes.

A motion was made by Councilmember Wojahn and seconded by Councilmember Mary Cook to send a letter to WMATA expressing opposition to proposed cuts to bus routes that emanate from the Greenbelt Metro station and would adversely impact area commuters.

Councilmember Wojahn said this is a time that we should be increasing public transportation to reduce congestion on area roads.

There were no comments from the audience.

Mr. Hartinger suggested adding a reference in the letter to the increase in greenhouse gas emissions that would be caused by a decrease in public transportation.

A motion to amend the letter to include the language suggested by Mr. Hartinger was made by Councilmember Wojahn and seconded by Councilmember Hampton. The amendment passed 7-0-0.

Councilmember Stullich suggested some additional changes to the letter: to add the missing word “due,” and to correct “alternate” to “alternative.” A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to make these additional changes. The motion passed 7-0-0.

Councilmember Catlin asked if anyone attended the public hearing held last night in Hyattsville.

The main motion as amended passed 7-0-0.

09-G-39 Appointments To Boards And Committees

Councilmember Stullich appointed Araceli Jimenez and Harold Jimenez to the Education Advisory Committee. Councilmember Wojahn appointed Valerie Bleau and Shirley Morman to the Education Advisory Committee.

A motion was made by Councilmember Hampton and seconded by Councilmember Wojahn to accept these nominations. The motion carried 7-0-0.

Council Comments:

Councilmember Hampton asked for an update on the Highway User Funds. Ms. Imhulse said the bill that passed has a 10% reduction.

Comments From The Audience: None.

Adjournment:

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to adjourn the Regular Meeting and to reconvene in Executive Session to consult with Counsel on a litigation matter. The motion passed 7-0-0, and Mayor Brayman adjourned the Regular Meeting at 9:18 p.m. He said they do not plan to come back into public session tonight.

Janeen S. Miller
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 10:13 a.m. during the Budget Worksession on Saturday, April 4, 2009, in the Council Chambers at City Hall, a motion was made by Councilmember Catlin and seconded by Councilmember Stullich to enter into an Executive Session, citing the following authority:

D: Consider a matter that concerns the proposal for a business to locate in Prince George's County;

N: Before a contract is awarded, discuss a matter directly related to a negotiating strategy.

The motion passed 4-3-0 (Councilmembers Perry, Hampton and Mary Cook opposed).

Present: Mayor Brayman, Councilmembers Wojahn, Catlin, Perry, Stullich, Mark Cook, Hampton and Mary Cook.

Absent: Councilmember Molinatto.

Also Present: Joe Nagro, City Manager; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services (by telephone at 10:25 a.m.), Dan Hartinger, Student Liaison, and State Senator Jim Rosapepe.

Topic Discussed: Senator Rosapepe discussed new issues regarding the East Campus development with the Mayor and Council; Mayor and Council discussed a negotiating strategy.

A motion was made by Councilmember Stullich and seconded by Councilmember Cook to adjourn the Executive Session. Mayor Brayman adjourned the Executive Session at 11:06 a.m.

Pursuant to §C6-3 of the College Park City Charter, at 9:18 p.m. on April 14, 2009, in the Council Chambers at City Hall, a motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to enter into an Executive Session, citing the following authority:

G: Consult With Counsel regarding litigation matters.

The motion passed 7-0-0.

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Stullich, Mark Cook, Hampton and Mary Cook. Student Liaison Dan Hartinger.

Absent: Councilmember Jack Perry.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Sara Imhulse, Assistant to the City Manager; Bob Ryan, Director of Public Services.

Topics Discussed:

- 1) Consult with Counsel regarding the Tyler litigation and strategy;
- 2) Update by the City Attorney on the Schware lawsuit.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to adjourn the Executive Session. Mayor Brayman adjourned the Executive Session at 10:15 p.m. by a vote of 7-0-0.
