

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 9, 2009
8:00 p.m.

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, Hampton (arrived 8:04 p.m.) and Mary Cook (arrived 8:04 p.m.); Student Liaison Jonathan Sachs.

ABSENT: Councilmember Mark Cook.

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; Elisa Vitale, Senior Planner.

A quorum being present, Mayor Brayman called the Meeting to order at 8:01 p.m. Councilmember Stullich led the Pledge of Allegiance.

Minutes: The minutes from the May 26 Regular Meeting were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adopt the minutes. The motion passed 5-0-0.

Announcements:

Councilmember Wojahn stated the North College Park Civic Association would meet on Thursday at 7:30 p.m. at Davis Hall.

Councilmember Catlin announced the Lakeland Civic Association meeting Thursday at 7:30 at the College Park Community Center.

Councilmember Perry stated the Berwyn District Civic Association would meet next Thursday at 8:00 p.m. at Fealy Hall. He reported on the American Cancer Society Relay for Life that his children participated in over the weekend: "Team Perry" raised over \$9,000. He thanked everyone for their support.

Councilmember Hampton stated the West College Park Civic Association would meet on Monday, June 15 at 7:00 p.m. at the College Park Woods Swim Club.

Councilmember Mary Cook stated the College Park Woods Neighborhood Watch would meet at 7:00 p.m. on Thursday night at the Swim Club.

Mayor Brayman reminded the Council about the 8:30 Executive Session scheduled for Thursday, June 11.

Acknowledgement of Dignitaries: Mayor Brayman recognized the newly elected SGA President Steve Glickman.

Acknowledgement Of Newly Appointed Board And Committee Members: Mayor Brayman recognized Alexander Weismann, newly appointed to the Committee for a Better Environment.

Oath Of Office: Mayor Brayman administered the Oath of Office to John Moore who was recently reappointed to the College Park Housing Authority.

Presentation of Longevity Awards: Mayor Brayman presented service pins to Councilmembers Mary Cook and Stephanie Stulich (2 years of service) and to City Manager Joe Nagro (20 years).

Amendments To The Agenda: Councilmember Mary Cook requested that item 09-G-56 be pulled off the Consent Agenda and considered under Action items.

City Manager's Report: Mr. Nagro reminded everyone that the Council is now meeting on summer schedule. He called attention to items in the red folders. Mr. Nagro provided an update on the Downtown Parking Garage: recent weather conditions have caused a last minute delay in sealing the floors. The grand opening is August 5, but the garage should actually be open for business by the end of June.

Councilmember Perry asked for an update on the improvements to the Public Works facilities. Staff will provide information.

Councilmember Mary Cook asked about the status of legislation regarding shopping carts at Shoppers Food Warehouse. The City Attorney is reviewing Laurel legislation to determine its applicability to College Park.

Student Liaison Comments: Jonathan Sachs recognized the new SGA president Steve Glickman and environmental liaison Joanna Calabrese. He has set up a Twitter account and will be tweeting during the meeting.

Comments From The Audience On Non-Agenda Items:

Steve Glickman, SGA President: He discussed his priorities: the upcoming annual safety walk, the City's stimulus grant request for security cameras, the purple line and east campus development, student housing, and working with the administration on a smart trip initiative.

Jay Teston, Principal, Paint Branch Elementary School, 5101 Pierce Avenue: He is completing his first year as principal at PBES. He came to introduce himself, thank the City for their support through the education grants, and to discuss the partnership with the University of Maryland and City of College Park and the benefits it has had for the students at Paint Branch. He also applauded the services their students have received from the City's Department of Youth and Family services.

Presentations: Pam Toschik and Stephen Jascourt, Co-Chairs of the Committee for a Better Environment presented “Green Awards” to Boy Scout Troop 740, David Rupert, the City’s Department of Public Works, and David Rogner.

Action Items:

09-R-05 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-2009-03, 4900 Greenbelt Road, College Park, Maryland, For A Variance Of 2.44 Feet From The Required 10-Foot Setback From Greenbelt Road For The Building At 4900 Greenbelt Road; A Variance Of 12.74 Feet From The Required 25-Foot Setback From The Rear Property Line To Validate The Existing Building At 4900 Greenbelt Road; A Variance Of 9.45 Feet From The Required 12-Foot Side Yard Setback For The Storage Buildings; And A Variance Of 21 Feet From The Required 25-Foot Rear Yard Setback For The Storage Building Behind 4900 Greenbelt Road.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to adopt 09-R-05.

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

09-O-03 Adoption Of Ordinance 09-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 38, “Code Of Ethics”, Article I, “General Provisions”, Section 38-4, “Definitions”, Article III, “Prohibited Acts”, Section 38-11, “Conflicts Of Interest”, And Section 38-12 “Nepotism” And Article IV “Required Disclosures”, Section 38-17 “Disclosure Of Conflicts Of Interest” To Amend The Definition Of Family Member And Interest, And Add A Definition Of Domestic Partner And Domestic Partnership, To Clarify What Constitutes A Conflict Of Interest, To Prohibit Solicitation Of Gifts, To Clarify What Is A Permissible Gift And To Make Certain Technical Changes.

A motion was made by Councilmember Hampton and seconded by Councilmember Perry to adopt 09-O-03, an Ordinance amending the Ethics chapter of the City Code.

The Public Hearing on this ordinance was held earlier this evening so no further public comment will be taken at this time.

Councilmember Mary Cook addressed a point in the written testimony from Ms. Claiburn regarding the time limitation placed on the acceptance of meals and beverages and suggested an amendment. Ms. Ferguson stated that this version has been vetted twice by the state ethics commission and it is the same language as in the state law. If the value is \$50 or less and food or beverage is consumed in the presence of the donor there is no time limit. Councilmember Mary Cook wonders if the state needs to tighten its laws.

Mayor Brayman asked if permissible gifts require disclosure. Ms. Ferguson responded that it is her understanding that a permissible gift would require disclosure.

Councilmember Wojahn asked, if something is technically permissible under the gifts section, but has the appearance of a conflict, would it potentially be considered a conflict of interest? Ms. Ferguson responded “Yes,” and referred to the lead-in section that states “unless it reasonably appears that any such gift might impair the impartiality and independence of judgment of the person receiving it.”

Councilmember Catlin stated that because of the amount of time the Council has spent discussing this portion of the City code people might get the impression that the Council receives a lot of gifts, but they don’t.

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

09-G-57 Approval To Submit A Legislative Action Request To The Maryland Municipal League For The Statewide Repeal Of The Constant Yield Tax Rate.

A motion was made by Councilmember Perry and seconded by Councilmember Hampton to submit a legislative action request to the MML for the statewide repeal of the Constant Yield Tax Rate.

Councilmember Perry stated the Constant Yield Tax Rate contains confusing advertising requirements and is difficult to understand and to explain. He believes it should go away and that the local governments should do their own taxing and their own explaining.

There were no comments from the audience.

Councilmember Catlin is opposed to making this an MML legislative action request, and doesn’t think MML would be interested in taking this on because the Constant Yield applies to counties as well as to cities. He thinks that tax rates in the near future will decrease, and that a lot of good information is provided with the advertising and it gives the Council a chance to talk to people about what the City is doing with the Homestead Tax Credit.

The motion passed 6-1-0 (Councilmember Catlin opposed).

09-G-58 Approval To Submit A Legislative Action Request To The Maryland Municipal League For A Statewide Mandatory Mortgage Foreclosure Mediation Program

A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin to submit a legislative action request to the Maryland Municipal League for a statewide mandatory mortgage foreclosure mediation program.

Councilmember Wojahn stated this motion requests that MML consider legislation that would require mandatory foreclosure mediation between a lender and a debtor at the time of notice of foreclosure. It would also require additional monetary support for housing counseling programs to provide assistance in this process.

There were no comments from the audience.

Councilmember Mary Cook strongly supports this motion and believes it is time that the state of Maryland takes responsibility for its citizens and hopes the MML will consider this program.

Councilmember Perry asked if this program would cost anything, and who would bear that cost? He believes this would be an unfunded mandate, and the funding would come from the taxpayers.

Mayor Brayman stated that if it is submitted to the state, legislative services would prepare a fiscal impact statement.

Mr. Sachs stated that he was told there is federal money for this program.

Councilmember Wojahn said there are currently housing counseling programs across the state that are overburdened, and by increasing funding to those programs they could better handle that burden. He said that while this program may cost additional money, it would address a serious need in our communities.

Councilmember Catlin said the cost of foreclosures is tremendous, and that city staff is maintaining those properties.

Councilmember Stullich stated that foreclosures have a cost to our entire community and reduce the value of surrounding properties.

Councilmember Perry stated that the City bills the owner and applies a lien on the foreclosed properties that are maintained by the City.

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

**09-G-59 Approval To Submit A Legislative Action Request To The Maryland
Municipal League To Separate Municipal And County Allocations For
Program Open Space Funds And Highway User Revenues**

A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to submit a legislative action request to the Maryland Municipal League to separate municipal and county allocations for Program Open Space funds and Highway User Revenues.

Councilmember Perry stated that District 22 Del. Tawanna Gaines attended the last Worksession and expressed concerns about how the state of Maryland mixes federal highway money and open

space money. We are requesting legislation that would separate counties and municipalities when determining allocations for Program Open Space funds and Highway User revenues.

He said the municipalities currently may receive Program Open Space funding by applying to their counties for the funds, and each county then considers municipal projects along with county projects. Highway User revenues are divided among the state (70%) and the counties and municipalities (30%). Funds within a county area are then divided between the county and municipalities within the county. This would give the municipality a better chance to get at those shared revenues from the state of Maryland.

There were no comments from the audience.

Mayor Brayman applauded Del. Gaines for bringing this forward. He discussed the distinction between development and acquisition funds, and its impact in the city.

The motion passed 7-0-0.

09-G-56 Contract Award To Kipp Visual Systems, Inc., For Security Cameras In The Downtown Parking Garage In The Amount Of \$53,353, Funded By The Grant Received From The Governor's Office Of Crime Control And Prevention

Councilmember Mary Cook noted that the grant only funds the equipment costs, and that the installation costs are to be borne by the City. She asked how much that cost is, and what budget it comes from. Mr. Nagro said it comes from the garage budget and is probably less than \$10,000. She also asked if any of the cameras are going to be monitored by the City or the University. Mr. Nagro replied we have the ability to watch them on our computers, but they will be taped and there will not be a person sitting there and watching them.

A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to award a contract to Kipp Visual Systems, Inc., for security cameras in the downtown parking garage in the amount of \$53,353, funded by the grant received from the Governor's Office Of Crime Control And Prevention.

There were no comments from the audience. There were no further comments from the Council.

The motion passed 7-0-0.

Council Comments:

Councilmember Wojahn requested a future Worksession discussion of parking on the grassy areas of city rights-of-way. Under current City law, anyone can park on those grassy areas. He wants the Council to consider amending the parking ordinance to disallow parking on the grassy areas of the right of way.

Councilmember Stullich discussed a recent accident on Paint Branch Parkway at the Trolley Trail crossing in which a bicyclist (a resident of Old Town) was struck by a vehicle that did not stop for the flashing yellow lights and sustained serious injuries. She wants to raise the issue of safety at this crosswalk with the County DPW&T again. She raised the question of a traffic signal at the crossing and of speed cameras on Paint Branch Parkway.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Stullich to adjourn the regular meeting and enter into an Executive Session to consult with counsel. Mayor Brayman adjourned the meeting at 9:36 p.m. by a vote of 7-0-0. He noted that the Council would not return to public session this evening.

Janeen S. Miller
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 11:30 p.m. on June 2, 2009, in the Council Chambers at City Hall, a motion was made by Councilmember Wojahn and seconded by Councilmember Catlin to enter into an Executive Session, citing the following authority:

G: Consult with Counsel

N: Discuss a negotiating strategy before a contract is awarded.

The motion passed 6-0-0 (Perry opposed; Stullich absent).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Mark Cook, Hampton and Mary Cook; Student Liaison Jonathan Sachs.

Absent: Councilmember Stullich.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Sara Imhulse, Assistant to the City Manager; Terry Schum, Director of Planning.

Topic Discussed: 1) To consult with counsel on the proposal by the Board of Education for the Calvert Road school site; 2) To discuss a negotiating strategy and potential litigation on a possible condemnation.

A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adjourn the Executive Session. Mayor Brayman adjourned the Executive Session at 12:07 a.m. by a vote of 7-0-0.

Pursuant to §C6-3 of the College Park City Charter, at 9:52 p.m. on June 9, 2009, in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Stullich to enter into an Executive Session, citing the following authority:

G: Consult with Counsel

N: Discuss a negotiating strategy before a contract is awarded.

The motion passed 7-0-0 (Mark Cook absent).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn, Catlin, Perry, Stullich, Hampton and Mary Cook. Student Liaison Jonathan Sachs.

Absent: Councilmember Mark Cook.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Sara Imhulse, Assistant to the City Manager; Terry Schum, Director of Planning.

Topic Discussed: 1) To consult with counsel on the proposal by the Board of Education for the Calvert Road school site; 2) Update on a negotiating strategy regarding the East Campus development and the redevelopment of the City Hall site.

A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to adjourn the Executive Session. Mayor Brayman adjourned the Executive Session at 10:45 p.m. by a vote of 7-0-0.

Pursuant to §C6-3 of the College Park City Charter, at 8:40 p.m. on June 11, 2009, in the Council Chambers at City Hall, a motion was made by Councilmember Catlin and seconded by Councilmember Molinatto to enter into an Executive Session, citing the following authority:

G: Consult with counsel;

H: Consult with staff, consultants, or other individuals about pending or potential litigation.

The motion passed 5-0-0 (Perry opposed; Mark Cook and Patrick Wojahn absent).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn (via conference call), Catlin, Perry, Stullich, Hampton and Mary Cook. Student Liaison Jonathan Sachs via conference call.

Absent: Councilmember Mark Cook.

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Jeannie Ripley, Code Enforcement Manager; Bob Ryan, Director of Public Services; Dr. Basu, Consultant.

Topic Discussed: 1) Rent Stabilization

A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to adjourn the Executive Session. Mayor Brayman adjourned the Executive Session at 9:58 p.m.
