

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

PRESENT: Mayor Brayman; Councilmembers Molinatto, Wojahn, Catlin, Perry, Stulich, Mark Cook, Hampton; Student Liaison Jonathan Sachs and Deputy Student Liaison Rebecca Lurie.

ABSENT: Councilmember Mary 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; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Robert Cofske, Code Enforcement Officer.

A quorum being present, Mayor Brayman called the Meeting to order at 8:00 p.m. Councilmember Molinatto led the Pledge of Allegiance.

Minutes: The minutes from the July 28 Public Hearing on 09-O-06, the August 11 Regular Meeting, the August 18 Special Session, the September 1 Special Session, and the transcript of the August 11 Oral Argument, were submitted for approval. A motion was made by Councilmember Stulich and seconded by Councilmember Molinatto to approve the minutes. The motion carried 7-0-0.

Announcements:

Councilmember Perry announced that Berwyn Day would be held on Saturday, September 12, at the Berwyn Neighborhood Playground from 12 – 4. He is coordinating the bake sale table.

Councilmember Catlin also discussed Berwyn Day, and said he is coordinating the book sale table. He announced the Lakeland Civic Association meeting would be held on Thursday, September 10, at 7:30 at the College Park Community Center. The Berwyn District Civic Association meeting would be held on Thursday, September 17 at 8:00 p.m. at Fealy Hall.

Councilmember Wojahn announced that the Public Hearing on the U.S. 1 Corridor Sector Plan would be held on Tuesday, September 15 at 7:00 p.m. at the County Administration Building in Upper Marlboro. The City is providing transportation; residents must register with the Clerk's office to ride the bus.

Acknowledgement of Dignitaries: Mayor Brayman recognized Former City Councilmember Andrew Fellows, Former City Councilmember Maxine Gross, Former City Councilmember and currently the Vice President of the North College Park Citizens Association John Krouse.

Mayor Brayman also recognized members of Task Force Freight Train, 5th Battalion, 159th Aviation Regiment and members of the Prince George's County Police department who are here.

Proclamations: Mayor Brayman presented Major Aaron Smith, Commander of Task Force Freight Train, 5th Battalion, 159th Aviation Regiment, with a proclamation from the City honoring and thanking him for his service and wishing him prayers for a safe return. Major Smith is also chief pilot of the Prince George's County Police Aviation Unit, and a member of the City's contract police program. Major Smith and Task Force Freight Train are being deployed to Iraq for one year to support Operation Iraqi Freedom.

A proclamation was also presented to the 5th Battalion, 159th Aviation Regiment, Task Force Freight Train. Mayor Brayman proclaimed September 8, 2009, as 5th Battalion, 159th Aviation Regiment Day in the City of College Park.

Major Smith thanked the City and also recognized and thanked for their support, Lt. Ron Ayers, Commander of the Prince George's County Aviation Unit, Chief Warrant Officer II Kurt Tucker, Chief Warrant Officer II David Kelly, and Cpl. Ed Robinson. Major Smith requested the City's support for his unit, half of whom are under 25 years of age.

Mayor Brayman presented Major Smith with two City of College Park flags; one as a visible symbol of the City's support for their mission, and one to be flown in the aircraft on a combat mission. He suggested the City of College Park adopt his unit during their deployment.

Amendments To The Agenda: None.

City Manager's Report: Mr. Nagro said the City bus to the September 15 Public Hearing would leave Davis Hall at 5:30 p.m. and City Hall at 5:45 p.m., but will not make a stop at City Hall unless someone signs up for that stop; no one is signed up for the City Hall stop yet.

A meeting was scheduled by the Education Advisory Committee for September 28 with Board of Education representatives Iliff and Johnson at Davis Hall. That is also the night of the Ethics and Election seminar for City Council candidates. To try to resolve the conflict, a request was made to see if the Ethics and Election seminar could be rescheduled.

Mr. Nagro acknowledged several elected and appointed members of the government of the Shandong Province of China who have met with City officials in the past week and are in the audience tonight. They are studying at the University of Maryland Institute for Global Chinese Affairs.

Student Liaison Comments: Jonathan Sachs introduced Becca Lurie, the Deputy Student Liaison. Regular SGA meetings have begun; he will keep the Council updated.

Comments From The Audience On Non-Agenda Items:

John Krouse, 9709 53rd Avenue, Vice President North College Park Citizens Association: At the September 10 NCPCA meeting there will be a report from the Community Response Team, a progress report on the Rhode Island Avenue improvements, and a discussion of the change in use at the Hollywood Station development planned for Route 1 and Edgewood Road.

Paul Carlson, 203 Long Trail Lane, Rockville, MD 20850: Mr. Carlson is a landlord with two properties in College Park and brought to the meeting his tenants who received two noise violations the weekend before last. He, and then each of the tenants of 4812 Harvard (Brian Seipp, Daniel Bruce, Theodore Grieco, Kevin Clark and Corey Bruce), apologized for the two parties and the ensuing noise violations, and stated it would not happen again.

Councilmember Stullich thanked all the parties for appearing tonight, and asked questions about what kind of parameters they will set to ensure there are no similar problems in the future. Mr. Carlson discussed the policies he sets with his tenants.

Councilmember Perry discussed the noise control program and the problem of noise in neighborhoods.

Maxine Gross, 5011 Navahoe Street, College Park, Chair of the Lakeland Community Heritage Project: Thanked the Council for their support of the Lakeland Community Heritage Project, a local non-profit history group whose purpose is to preserve and share the story of Lakeland, the city's historically African American community which is more than 100 years old. They have just published their book, "Lakeland: African Americans in College Park." Their web site is www.lakelandchp.com. She discussed upcoming events.

Andrew Fellows, 5807 Bryn Mawr Road, College Park: Said the City should think about how to anticipate and minimize predictable party behavior in conjunction with student leaders. Commented on the Lakeland book and said it would make a great gift.

Marcus Afzali, 8702 34th Avenue, College Park: Introduced himself as a candidate for Council from District 4.

John Hawvermale, 1342 Excalibur Lane, Sandy Spring: Expressed his frustration that the City will not pick up recyclable material from his rental properties, says he is paying the same property tax rate as everyone else and should receive the same services, or else he should get a refund on his property taxes. He commented that he also received a fine for leaving the recyclables out.

Consent Agenda: None.

Action Items:

09-O-07 Adoption of 09-O-07, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 184 "Vehicles And Traffic", Article III "Parking Meters" By Repealing And Reenacting §184-17, "Definitions", §184-18, "Operation", §184-19, "Violations" §184-20, "Enforcement; Violations And Penalties" To Specifically Incorporate the Multi-Space Meter/ Pay Station System

A motion was made by Councilmember Perry and seconded by Councilmember Hampton to adopt 09-O-07, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 184 "Vehicles And Traffic", Article III "Parking Meters" By

Repealing And Reenacting §184-17, “Definitions”, §184-18, “Operation”, §184-19, “Violations” §184-20, “Enforcement; Violations And Penalties” To Specifically Incorporate the Multi-Space Meter/ Pay Station System.

Councilmember Perry stated this was a housekeeping item to bring the City’s code up-to-date with today’s standards.

There was a public hearing on this item earlier this evening so there will be no further public comment.

There were no comments from the Council.

The motion passed 7-0-0.

09-G-71 Approval of Agreement of Lease with Ledo Restaurant, Inc. and Authorization for City Manager to Sign Lease Agreement

A motion was made by Councilmember Stulich and seconded by Councilmember Perry to approve an Agreement of Lease with Ledo Restaurant, Inc. for the 5,800 square feet of retail space on the ground floor of the City’s public parking garage, subject to proof of sufficiency and security for tenant improvement payments, and authorize the City Manager to execute the lease on behalf of the City. The final executed lease agreement shall include substantially similar terms to the draft lease agreement reviewed by Mayor & Council at last week’s Worksession.

Mr. Tommy Marcos, co-owner of Ledo Restaurant: Mr. Marcos said he looked forward to a long relationship with College Park and to being a part of the community. They expect to open 6 – 9 months after the lease is signed.

Andrew Fellows, 5807 Bryn Mawr Road, College Park: He congratulated the City for making this happen, thinks it is a great outcome, and urges the Council’s support.

The motion passed 7-0-0.

09-G-72 Approval, with Conditions, of a Transfer of a Class B+, Beer, Wine and Liquor License to Varsity Grille of College Park, LLC, t/a Varsity Grille, 8424 Baltimore Avenue from Lasick’s Liquors, Inc., t/a Lasick’s College Inn, 9128 Baltimore Avenue

Mayor Brayman asked for an update from Ms. Ferguson on negotiations of the Property Use Agreement. She stated that there were a number of revisions that were agreed to “at the table” last week and inserted into an amended agreement, and sent to Mr. McGinnis. Further revisions came back today from Mr. McGinnis and his partners, and some of the revisions are to provisions that already exist in the Agreement and were not discussed at all. There was no opportunity to review this with Mr. McGinnis, who was unable to attend this evening. Mr.

McGinnis asked if he can address Council next week, which is the last meeting the Council will have to act on this prior to the BOLC hearing. If the Council does not reach agreement in Special Session next week, she suggests requesting a continuance of the BOLC hearing.

09-O-08 Introduction of an Ordinance of the Mayor and Council of the City Of College Park, Maryland, Amending City Code Chapter 125 “Housing Regulations”, Article II, “Standards” By Adding “§125-32 “Notice Of Residential Property Subject To Foreclosure” And Amending Chapter 110, “Fees And Penalties”, Section 110-2, “Penalties”, To Require That Certain Notice Be Given To The City When An Order To Docket Or A Complaint To Foreclose A Mortgage Or Deed Of Trust Is Filed On A Residential Property As Defined And To Provide A Penalty For Failure To Comply.

A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to introduce 09-O-08, an Ordinance of the Mayor and Council of the City Of College Park, Maryland, Amending City Code Chapter 125 “Housing Regulations”, Article II, “Standards” By Adding “§125-32 “Notice Of Residential Property Subject To Foreclosure” And Amending Chapter 110, “Fees And Penalties”, Section 110-2, “Penalties”, To Require That Certain Notice Be Given To The City When An Order To Docket Or A Complaint To Foreclose A Mortgage Or Deed Of Trust Is Filed On A Residential Property As Defined And To Provide A Penalty For Failure To Comply.

The Public Hearing is scheduled for Tuesday, September 22, 2009, at 7:45 in Council Chambers.

09-G-73 Approval of a Letter to the Prince George's County Planning Board and District Council transmitting comments on the Preliminary Central US 1 Corridor Sector Plan and Sectional Map Amendment

At 9:32 p.m., Mayor Brayman recessed the regular session to reconvene in Worksession to discuss the U.S.1 Corridor Sector Plan. The Council met in Worksession from 9:50 p.m. until 12:07 a.m. Councilmembers Jack Perry and Mark Cook left during the Worksession.

The Council did not take action on 09-G-73, and scheduled another Worksession on Monday, September 14 to continue the review of the U.S.1 Corridor Sector Plan. Before adjourning, at 11:43 p.m., the Council took comments from the audience on this item:

John Krouse, 9709 53rd Avenue: Said you can't have a transit system on Route 1 if you can't provide a traffic light so people can safely cross the road to catch a bus. Asked who would pay for the traffic light at Hollywood Road. Discussed “mission creep” of the U.S. 1 Sector Plan: it has crept to the Greenbelt Sector Plan. Many people were not notified who should be involved in the discussion. Asked about parking in the area near the shuttle route. There will be a lot of people seeking to park nearby so they can take the shuttle. This has to be addressed.

Christine Nagle, 9506 52nd Avenue: Agrees with statements made by Mr. Krouse. Believes the Hollywood commercial district should not be included in the Sector Plan, and wants the City

to request that it be removed. Does not believe that the Hollywood commercial district was put into the Plan to help the residents there, but rather because that was a place for everything coming off of Route 1 to be dumped. Regarding the proposal that the school at 52nd Street and Huron be developed – people were not notified that they were going to be included. She is against the shuttle going through the neighborhood. Rhode Island Avenue should not be developed as four lanes.

09-G-74 Appointments To Boards And Committees

A motion was made by Councilmember Hampton and seconded by Councilmember Mark Cook to appoint Donna Weene to the Committee for a Better Environment. The motion passed 7-0-0.

Council Comments: None.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn to adjourn the meeting. Mayor Brayman adjourned the meeting at 12:07 a.m. by a vote of 5-0-0.

Janeen S. Miller
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 7:05 p.m. on September 1, 2009, in the Council Chambers of 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

N. Before a contract is awarded or bids are opened, discussed a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the council to participate in the competitive bidding or proposal process.

The motion passed 4-1-0 (Perry opposed; Wojahn, Stullich and Mark Cook absent).

Present: Mayor Brayman, Councilmembers Molinatto, Wojahn (arrived at 7:15 p.m.), Catlin, Perry, Hampton and Mary Cook.

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Yvette Allen, Assistant City Clerk; Sara Imhulse, Assistant To The City Manager; Steve Groh, Director of Finance; Robert Ryan, Director of Public Services; Jeannie Ripley, Code Enforcement Supervisor; Terry Schum, Director of Planning; Jonathan Sachs, Student Liaison; Becca Lurie, Deputy Student Liaison.

Topic Discussed:

G: Consult with Counsel on Rent Stabilization;

N: Discuss negotiations regarding the Ledo Original Restaurant lease.

A motion was made by Councilmember Perry and seconded by Councilmember Mary Cook to adjourn the Executive Session. The Executive Session was adjourned at 7:41 p.m. by a vote of 6-0-0.
