

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 13, 2010
8:00 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Perry, Stulich, Cook and Afzali.

ABSENT: Councilmember Mitchell.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Terry Schum, Director of Planning; Robert Stumpff, Director of Public Works; Jill Clements, Director of Human Resources; Elisa Vitale, Senior Planner; Becca Lurie, Student Liaison.

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

Minutes: The minutes of the June 8, 2010 Public Hearing on 10-O-05 and the June 8, 2010 Regular Meeting were presented for approval. A motion was made by Councilmember Perry and seconded by Councilmember Catlin to approve the minutes. The motion carried 7-0-0.

Announcements:

Councilmember Afzali stated that at 7:00 p.m. on Thursday the North College Park Citizens Association would hold a candidates forum for the offices of State's Attorney, Sheriff and County Executive. He also said the College Park Woods Swim Club Annual Crabfeast would be held on Saturday.

Councilmember Wojahn announced a meeting of the College Park Day Planning Committee on Wednesday at 7:00 p.m. at the College Park Community Center.

Councilmember Nagle talked about the Family Fun Fest that was held at Duvall Field last Saturday. On Sunday night there was a candidates forum for the District 1 County Council seat.

Acknowledgement of Newly Appointed Committee Members: Mayor Fellows recognized Peggy Wilson, a member newly appointed to the Education Advisory Committee.

Amendments to the Agenda: Councilmember Wojahn requested an amendment to the agenda to add a reconsideration of the amendment to the speed cameral resolution (10-R-12) that was decided at the last meeting.

City Manager's Report: Mr. Nagro reminded Council about the Four Cities Meeting scheduled in Berwyn Heights for the end of July. The date of the meeting might be changed from July 29 to July 27 – once that is determined Council will be notified. He reminded Council about the

University of Maryland tour that is scheduled for next week. Finally, National Night Out is Tuesday, August 3, so the Worksession will be held on Wednesday, August 4.

Student Liaison Comments: None.

Comments from the Audience on Non-Agenda Items:

Dave Dorsch, 4607 Calvert Road: Mr. Dorsch expressed his dissatisfaction with the Council for wasting taxpayer's money by replacing the sidewalk on Calvert Road. Years ago Calvert Road was narrowed when the crossing at the railroad tracks was closed, and a new wider sidewalk was installed. Last week the existing sidewalk and green grass area were removed by a contractor to install a brick sidewalk, which is not a good material for sidewalks. There was nothing wrong with the existing sidewalk – why would you tear it up? Just because its grant money doesn't mean it's free.

Lauren Evans, 7310 Columbia Avenue, Editor, College Park Patch: She introduced herself as the new editor for College Park Patch, an on-line newspaper scheduled to launch on July 30. It can be found at Patch.com.

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

- 10-R-15 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2010-05, 9903 47th Place, College Park, Maryland, Recommending Denial Of A Variance Of 3 Feet From The Minimum Required 60-Foot Setback From The Front Street Line For Accessory Buildings To Replace And Enlarge An Existing Shed**

- 10-R-16 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2010-06, 4613 Drexel Road, College Park, Maryland, Recommending Approval Of A Variance Of 2 Feet From The Minimum Required 2-Foot Setback From The Rear Property Line For Accessory Buildings To Reconstruct And Enlarge An Existing Garage**

- 10-R-17 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2010-07, 5101 Lakeland Road, College Park, Maryland, Recommending Approval Of A Variance Of 5 Feet From The Required 20-Foot Rear Yard Setback And A Variance Of 15 Feet From The Required 25-Foot Side Yard Setback Along The Street For Corner Properties To Validate The Existing Church And Allow Construction Of An Addition.**

- 10-R-18 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Appeal Number CEO-2010-03, 9419 Rhode Island Avenue, College Park, Maryland, Approving A Variance Appeal Of City Code, §87-23.C To Permit The Construction Of A Fence In The Side Yard Where The Side Lot Line Is A Continuation Of The Front Yard Line Of The Adjacent Lot.**
- 10-G-61 Approval Of A Field Use Request for Duvall Field by the Maryland Stingers Women’s Rugby Team for Tuesday and Thursday evenings from August through November, 2010**
- 10-G-62 Approval Of A Field Use Request for Duvall Field and Calvert Road Field by the College Park Boys and Girls Club from August through December 2010 and Use of the Duvall Field Concession Stand**

The motion carried 7 – 0 – 0.

Action Items:

- 10-R-19 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Concerning The Maryland Smart Sites Initiative For The Purpose Of Nominating The Star View Plaza And East Campus Developments As “Smart Sites”**

A motion was made by Councilmember Cook and seconded by Councilmember Perry to adopt 10-R-19, a Resolution Of The Mayor And Council Of The City Of College Park, Maryland Concerning The Maryland Smart Sites Initiative For The Purpose Of Nominating The Star View Plaza And East Campus Developments As “Smart Sites.”

Councilmember Cook said the Maryland Department of Housing and Community Development encouraged the City of College Park to nominate the Star View Plaza and East Campus development projects for designation as Smart Sites because they meet the criteria for nomination in a state designated Community Legacy area. Smart Sites are projects that involve public private partnerships that promote growth and revitalization in priority funding areas and include green and sustainable site and building practices. Smart Site designation is an opportunity for the state to highlight smart growth best practices, innovative capital projects and the impact of aligning resources. The state may provide technical assistance including identification of public and private sources of funding.

There were no comments from the audience.

Councilmember Wojahn said he cannot support this item because it is premature to say that East Campus will meet the criteria for sustainable site and building practices. When Star View first came to Council they were LEED Gold, but as they have scaled back they have lowered their LEED rating, which is disappointing.

Ms. Schum noted that the City was contacted by the Department of Housing and Community Development about these nominations. DHCD visited the two nominated sites today then met with staff later to review the applications. They indicated the City's applications were strong.

Councilmember Afzali pointed out that the DHCD, who asked for these nominations, is the same group that provides grant funding.

The motion passed 6 – 1 – 0 (Wojahn opposed).

10-R-20 Amendment To Resolution Of The Mayor And Council Of The City Of College Park Establishing An Animal Welfare Committee To Increase The Membership From 11 To 15 Members

A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adopt 10-R-20, An Amendment To The Resolution Of The Mayor And Council Of The City Of College Park Establishing An Animal Welfare Committee To Increase The Membership From 11 To 15 Members.

Councilmember Stullich said this Resolution would increase the number of members on the Animal Welfare Committee from 11 to 15 members. Some new people have expressed an interest in becoming members of this Committee but there are no more slots available, so we want to increase the limit to allow additional people to serve.

Councilmember Perry said he can't support this. We can't find enough people to sit on other Committees.

The motion carried 6 – 1 – 0 (Perry opposed).

10-G-64 Motion To Reconsider The Motion Made At The June 8, 2010 Regular Meeting Of The Mayor And Council To Amend 10-R-12 By Adding "From The Hours Of 6:00 a.m. To 8:00 p.m. Monday Through Sunday" To The End Of Section 5.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to Reconsider The Motion Made At The June 8, 2010 Regular Meeting Of The Mayor And Council To Amend 10-R-12 By Adding "From The Hours Of 6:00 a.m. To 8:00 p.m. Monday Through Sunday" To The End Of Section 5.

Councilmember Wojahn said he missed the June 8 meeting. When he first heard about the amendment that was added that night he was surprised the City would decide to limit itself in this way when up until this vote everyone seemed in favor of the speed cameras. He does not know the reason for the amendment. He doesn't think this was the intent of the legislature because there are differences between a university area, which is a 24 hour a day/7 day a week

activity area, as opposed to a grade school, which is active Monday – Friday from 6 a.m. to 8 p.m. when schools are in use. He discussed the types of activity seen around the University of Maryland. There is a different atmosphere in downtown College Park than there is in the rest of the City. He encourages Council to take another look at this.

There were no comments from the audience.

Councilmember Stullich discussed the many accidents that have occurred at the intersection where the Trolley Trail crosses Paint Branch Parkway, which would be included in the university zone. She argued in favor of lifting the restriction and having the speed cameras operational 24/7 at that location. People use that intersection not just during the daylight hours.

Councilmember Nagle said that particular intersection has some unique circumstances regarding sight issues. She said we do not know the exact intent of the legislature. She said the law restricts the placement of speed cameras to locations where traffic is generated by the institute of higher education, so it is reasonable that the operation of those cameras should be tied to traffic substantially generated or influenced by that institute of higher education. She thinks sometimes we confuse the traffic that is out at 2 a.m. with the actual traffic that is generated by the higher education institution. Not all of that traffic is generated by the institution of higher education.

Councilmember Catlin said the speed cameras in Montgomery County do not have any restrictions and he thinks that is appropriate for College Park as well. The intersection of the Trolley Trail at Greenbelt Road is just as difficult to cross because of speeding traffic.

Councilmember Stullich said this amendment imposed an additional restriction that wasn't imposed by the state so she doesn't know how we can say it was the intent of the legislature to have the same hours of operation for speed cameras at this location as in a school zone if they didn't specifically include it in the law they passed. The after-dark hours are more dangerous because motorists have more trouble seeing pedestrians.

Ms. Ferguson clarified: This motion to reconsider would remove from the Resolution that was passed on June 8 the wording that was added at that meeting: "from the hours of 6 a.m. to 8 p.m. seven days a week," which would then return the language to what the state law allows which is the operation of the speed cameras 24 hours per day.

The motion passed 6 – 1 – 0 (Nagle opposed).

[Note: The Resolution that was adopted at the June 8 meeting will be amended to remove the words "from the hours of 6:00 a.m. to 8:00 p.m. seven days a week" at the end of Paragraph 5.]

10-G-63 Appointments To Boards And Committees

Councilmember Perry nominated John Lea-Cox as the City Forester, Councilmember Wojahn nominated Gene Baur to the Committee for a Better Environment, Councilmember Nagle nominated Harriet NcNamee to the Animal Welfare Committee and Councilmember Stullich

nominated Wendy Childs to the Animal Welfare Committee. A motion was made by Councilmember Perry and seconded by Councilmember Cook to approve the nominations. The motion passed 7-0-0.

Information Report: Councilmember Perry had a comment on the “Revised Statement of Work for a City-University Economic Interdependence Study” that was included in the packet as an Information Report: Please change the name of the “Washington Post Plant” to the “Severn Building”, which is what the University renamed the building after they purchased it. The correction will be made and the draft will be forwarded to Dr. Ann Wylie at the UMD.

Council Comments:

Councilmember Wojahn announced he has been appointed to the Legislative Committee of the Maryland Municipal League.

Councilmember Perry thanked staff for their efforts on 48th Avenue. The street has been completely repaved and it is much better.

Comments from the Audience: None.

Adjournment: A motion was made by Councilmember Cook and seconded by Councilmember Wojahn to move into Executive Session to discuss a personnel matter. The Council will not return to public session tonight. The motion passed 7 – 0 – 0 and the Regular Meeting was adjourned at 8:58 p.m.

Janeen S. Miller, CMC
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 8:58 p.m. on July 13, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Cook and seconded by Councilmember Wojahn to enter into an Executive Session, citing the following authority:

- A. Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or to consider any other personnel matter that affects one (1) or more specific individuals;

The motion passed 7-0-0 (Councilmember Mitchell absent) and the Executive Session convened at 9:03 p.m.

Present: Mayor Fellows, Councilmembers Nagle, Wojahn, Catlin, Perry, Cook, Stulich and Afzali.

Absent: Councilmember Mitchell.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Jill Clements, Director of Human Resources.

Topic Discussed: The possible termination of a City employee.

Actions Taken: None.

A motion was made by Councilmember Wojahn and seconded by Councilmember Perry to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 9:10 p.m. with a vote of 7-0-0.
