

MINUTES
Regular Meeting of the College Park City Council
Tuesday, May 11, 2010
8:00 P.M.

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

ABSENT: Councilmember Stullich.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance; Student Liaison Becca Lurie.

Mayor Fellows opened the meeting at 8:08 p.m. following an earlier public hearing. Councilmember Nagle led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Cook and seconded by Councilmember Afzali to adopt the minutes of the Special Session on April 20, 2010, the Public Hearing on April 27 on 10-O-02, and the Regular Meeting on April 27. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Wojahn announced a College Park Day planning meeting would be held on Wednesday, May 12 at 7 p.m. at City Hall. The County is reviewing their zoning code and will have a community meeting on Saturday, May 22 at 10:30 a.m. at the Sports & Learning Complex.

Councilmember Catlin announced that the Lakeland Civic Association would hold their monthly meeting on Thursday, May 13 at 7:30 p.m.

Councilmember Perry stated that the Berwyn District Civic Association would hold their monthly meeting Thursday, May 20 at 8:00 p.m. at Fealy Hall.

Councilmember Mitchell announced that on Saturday, May 22, the West College Park Civic Association would hold a Neighborhood Watch picnic from 9 a.m. – 3 p.m. On Sunday, May 23 the College Park Woods Swim Club would sponsor an Ice Cream Social from 3 – 5 p.m.

Mayor Fellows announced that on Sunday, May 16 at 5 p.m. the Lakeland Community Heritage Project would hold a Festival of Music at the University of Maryland Memorial Chapel.

Acknowledgement of Dignitaries: Mayor Fellows acknowledged Former Councilmember Maxine Gross and Former Mayor Joe Page.

Proclamations: Mayor Fellows presented a Proclamation in recognition of the 75th Anniversary of the Rotary Club of College Park to former Mayor Joe Page, Rotary Past President Anna Mae Kobbe and current Rotary President William Braun.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro announced the College Park pit stop of Bike to Work Day would be held at the City Hall parking lot from 6:30 a.m. – 8:30 a.m. on Friday, May 21. The City's character generator will be down on Monday, May 17 for a software upgrade.

Student Liaison Comments: Ms. Lurie announced that final exams are this Thursday through next Wednesday, and on Tuesday there will be a move-out donation drive.

Comments from the Audience on Non-Agenda Items:

Larry Bleau, 4901 Niagara Road, President, North College Park Citizens Association: Mr. Bleau discussed the agenda for the monthly meeting on Thursday.

Mark Srour, 7406 Baylor Avenue, owner of Santa Fe and Mark of Santa Fe: He announced the last day for both businesses would be on May 22. He will send a letter to the Board of License Commissioners to that effect. He will turn his liquor license back to the County.

Consent Agenda:

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

10-R-06 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-2010-01, 8611 Rhode Island Avenue, College Park, Maryland, Approving An Appeal Of City Code, §87-23.C To Permit The Construction Of A 6-Foot Fence In The Side Yard

The motion passed 7 – 0 – 0.

Action Items:

10-G-51 Approval Of A Property Use Agreement Between The City Of College Park And Richio, LLC T/A Vito's Pizzeria, And Authorization For Staff To Testify Before The Board Of License Commissioners The City's Position Of No Opposition To The Transfer Of A Class B, Beer, Wine And Liquor License For Richio, LLC, T/A Vito's Pizzeria, 7313A Baltimore Avenue, College Park.

A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn that the Council voice no objection to the application of Richio, LLC for the transfer of a Class B Beer, Wine and Liquor license, subject to the Licensee entering into a Property Use Agreement in substantially the form as attached. The City Manager is authorized to sign the

Agreement and City staff is authorized to present the City’s position at the Board of License Commissioner’s hearing.

Mr. Catlin commented that at last week’s Worksession the Council had discussed this application with Mr. Richio and his attorney Ms. Carter. Richio, LLC, t/a Vito’s Pizzeria, has applied for a Class B Beer, Wine and Liquor license. Vito’s Pizzeria is currently operating at the northeast corner of Baltimore Avenue and Hartwick Road. The business owner, Mr. Vito Riccio, is planning to expand into the vacant retail space next to his pizzeria. Mr. Riccio has agreed to the Property Use Agreement attached to this motion. We are pleased to have reached agreement with this Licensee.

Comments from the Audience:

Ms. Linda Carter, attorney and Mr. Vito Richio, applicant: They brought a menu for the restaurant and reminded the Council that last week they asked the City to impose certain restrictions on the liquor license over and above other downtown establishments because Vito does not want to have another downtown bar. He wants to have a restaurant that will offer beer or wine as an accompaniment to a meal.

Councilmember Perry asked who “Samigail” is. Ms. Carter stated that currently Mr. Richio is the sole owner of the business. If the liquor license is approved, Samigail, LLC will have an interest in the entity that will operate Vito’s Pizza. Samigail is part owned by the landlord who will provide \$200,000 to Vito to pay for the expansion. The interest that Samigail will have in the entity that will operate the business is used to secure the loan. Mr. Richio added that Leonard Greenberg is the majority owner of Terrapin Station. His son Richard and a couple of other investors would comprise Samigail, and would have a 51% ownership in the business if it does expand.

Councilmember Wojahn expressed his concern about Mr. Richio’s lack of experience as he goes into this, and wants Mr. Richio to come back in six months before they start selling liquor so the Council can take another look at it. The applicant agreed.

Councilmember Catlin said he supports the position of “no opposition.” He estimated that the City has lost 7 or 8 liquor licenses this year with the Santa Fe closing. He believes the City will end this year with substantially fewer liquor licenses than they have had in a long time.

The motion carried 4 – 3 – 0 (Nagle, Perry and Cook opposed).

10-G-54 Approval Of A Letter To Dr. Dan Mote, President of the University of Maryland, About The Trial Closure Of Campus Drive

A motion was made by Councilmember Afzali and seconded by Councilmember Cook to approve a letter to Dr. Mote opposing the closure of Campus Drive to all vehicles including public transit vehicles except for emergency vehicles and the Shuttle UM.

Mr. Afzali continued that the County Council, the RHA, and the SGA have all passed motions against the plan. He hopes that the University of Maryland is paying attention. Even WMATA has spoken out against the plan because of how it will impact communities outside of College Park. He does not believe the University has done enough to communicate this. He said he supports the idea of closing Campus Drive to private vehicles alone but not to transit.

Comments from the audience:

Larry Bleau, 4901 Niagara Road: Closing Campus Drive to transit would strike a blow to a whole class of commuters who live nearby and don't drive vehicles to campus.

Councilmember Wojahn suggested amending the wording of the letter. He wants to add a sentence to the end of paragraph 4 that states, "Additionally, members of the University community who have disabilities would be forced to travel a further distance to reach the center of campus potentially forcing many to have to rely upon paratransit." Councilmember Afzali accepted the suggestion as a friendly amendment.

Ms. Lurie urged Council to support the motion. She stated that not allowing transit is counterproductive for reasons of the physically handicapped, convenience, supporting sustainability and trying to get students in the community to use public transit.

Councilmember Perry said that when this idea first came up the road was supposed to stay open to public transit. He can't be in favor of the letter because the overall plan was supposed to close that roadway, even though now they want to ban all traffic. He thinks the campus should have a monorail system that circulates around the campus.

Councilmember Wojahn pointed out that when you cut transit service to people with disabilities, under federal law, the transit company has to provide paratransit service for people who can't get within a certain distance of where they need to go because of physical disabilities. This forces more people to rely on paratransit which costs more for the transit system and for taxpayers. So not only is there a human impact, there is a fiscal impact as well.

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

10-G-52 Approval of Collective Bargaining Agreement with AFSCME Local 1209

A motion was made by Councilmember Perry and seconded by Councilmember Cook to approve the renewal of the Agreement between the Mayor and Council of the City of College Park, Maryland and the American Federation of State, County and Municipal Employees Local 1209, AFL-CIO for a three-year period ending June 30, 2013, and authorize the City Manager to sign the Letter Addendum to the Agreement.

Councilmember Perry stated that the Letter Addendum to the Agreement makes two changes to the current Agreement: 1) There will be no Cost of Living Adjustment (COLA) for the first year of the extended contract. Bargaining unit employees may be eligible for a merit step increase during FY 2011 according to the guidelines of the City's Pay Plan; 2) The parties shall meet no

later than February 15, 2011 to reopen discussions concerning Article XX—Wage Rates, with an effective date of July 1, 2011 for any agreed increases. Wage increases for the fiscal year beginning July 1, 2012 may also be discussed at that meeting. If an agreement on a wage increase is not reached for the final year of the contract, the parties shall meet in February, 2012 to reopen discussions of Article XX, with an effective date of July 1, 2012 for any agreed increases. The City Manager met with representatives of the Union in February and March, 2010 and they have agreed to the renewal of the former Agreement and to the Letter Addendum described above. There will be no other changes to the contract. Mr. Perry said the City Manager has done a yeoman-like task in conducting these negotiations with the union in these unique financial times.

Tim Miller, 5119 Niagara Place: He does not support the collective bargaining agreement because of the 2.5% merit increase it includes and the impact that would have on the overall budget. He continued with comments on the overall budget: he thinks the property tax rate should have be lowered last year, believes revenues will fall again next year, asked how the City can afford merit increases and expressed concern about the amount of money being taken from the undesignated reserve.

Larry Bleau, 4901 Niagara Road: Clarified that the contract includes no Cost Of Living Adjustment (COLA) but does include possible merit increases for those employees who qualify. That may actually save some money because merit increases only apply to some employees whereas COLAs apply to everyone.

The motion passed 7 – 0 – 0.

10-O-05 Introduction Of An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 144 “Occupancy Permits”, By Repealing And Reenacting §144-2 “Definitions And Word Usage”, §144-3 “Occupancy Permits Required”, §144-4 “Issuance, Renewal” §144-5 “Mandatory Disclosures” And §144-7 “Revocation, Reinstatement” To Clarify Application, Renewal And Revocation Requirements.

A motion to Introduce Ordinance 10-O-05 was made by Councilmember Wojahn and seconded by Councilmember Nagle.

Mayor Fellows announced the Public Hearing will be held on Tuesday, June 8, 7:30 p.m.

10-G-53 Appointments To Boards And Committees

A motion was made by Councilmember Nagle and seconded by Councilmember Perry to appoint Christiane Williams to the Animal Welfare Committee. The motion passed 7 – 0 – 0.

Council Comments:

Councilmember Mitchell requested the issue of traffic calming on St. Andrews be scheduled for public hearing since the traffic studies have been completed. She also requested a Worksession on how neighborhood watch can be enhanced to increase public safety.

Councilmember Afzali said that on Monday, May 24 a few residents will get together to support an eat/shop local event at Bentley’s at 7:00 p.m.

Councilmember Perry asked for a Worksession discussion of the County Council bill concerning the storage of boats on residential properties. He also requested a future Worksession discussion prior to the disbursal of the funds for the College Park Boys and Girls Club for guidelines of how they need to report on how they have spent the funding they receive from the City. His idea may or may not apply to other grants.

Councilmember Wojahn asked about the payment of claims by LGIT for damage done to private vehicles by City plow and trash trucks during the snow storms.

Councilmember Nagle said she shares Councilmember Mitchell’s concerns about public safety and looks forward to the Worksession. She commented on the ride-along she took with code enforcement last week.

Comments from the Audience:

Larry Bleau, 4901 Niagara Road, President NCPCA: Commented on the NCPCA picnic held last Saturday.

Tim Miller, 5119 Niagara Place: Reported problems at certain properties near his home.

Councilmember Wojahn asked for a future Worksession discussion on “bamboo gone wild.”

Clay Gump, 7316A Radcliffe Drive: Discussed the “Eating Our Way Through College Park Tour” that will start next week. The owners of the Mazza development have agreed to provide a hard hat tour on Monday, May 17 which is being co-sponsored by the Rethink College Park blog. The tour starts at 5:30; carpool from the City Hall lot.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Mitchell to enter into an Executive Session to Consult with Counsel regarding a legal matter. The motion carried 7 – 0 – 0. Mayor Fellows stated that the Council will not return to public session tonight and adjourned the Regular Meeting at 9:37 p.m.

Janeen S. Miller, CMC
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 9:37 p.m. on May 11, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Mitchell to enter into an Executive Session, citing the following authority:

G) Consult with Counsel on a legal matter.

The motion passed 7-0-0 (Councilmember Stullich absent) and the Executive Session convened at 9:50 p.m.

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

Absent: Councilmember Stullich.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Becca Lurie, Student Liaison; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services.

Topic Discussed: The City Attorney reviewed for the Council: Today's oral argument in the Maryland Court of Appeals in Tyler v. City of College Park (Rent Stabilization), and 2) Last week's ruling from the Court of Special Appeals in the Baiza v. City of College Park case.

Actions Taken: None.

A motion was made by Councilmember Wojahn and seconded by Councilmember Cook to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:24 p.m. with a vote of 7-0-0.
