

MINUTES
Regular Meeting of the College Park City Council
Wednesday, September 15, 2010
8:00 p.m.

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

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Becca Lurie, Student Liaison; Aaron Zaccaria, Deputy Student Liaison; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Dorothy Friedman, Planner.

Mayor Fellows opened the meeting at 8:12 p.m. following an earlier Executive Session. Councilmember Cook led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Perry and seconded by Councilmember Nagle to approve the minutes of the August 10 Public Hearing on Traffic Calming on St. Andrews Place, the August 10 Public Hearing on Request for Traffic Calming in the 9400 Block of 48th Avenue, the August 10 Public Hearing on Ordinance 10-O-06, the August 10 Public Hearing on Ordinance 10-O-07, the August 10 Regular Meeting, the Confidential Minutes of August 4 Executive Session, the Confidential Minutes of August 10 Executive Session, and the Special Session on September 7, 2010. Councilmember Catlin noted a typo that should be corrected on the Confidential Minutes of the August 4 Executive Session. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Nagle announced that the Animal Welfare Committee would hold a charity flea market on Saturday in the City Hall parking lot.

Councilmember Wojahn said that the Prince George's County Volunteer Fire and Rescue Association would hold their parade on Saturday from 10 – 12 noon and as a result, a portion of Rhode Island Avenue in north College Park would be closed.

Councilmember Catlin reported on a very successful Berwyn Day last Saturday.

Councilmember Perry announced that the Berwyn District Civic Association would meet on Thursday at 8:00 p.m. at Fealy Hall.

Councilmember Cook said that the Family Crisis Center of Prince George's County held a very successful breakfast fundraiser on Saturday morning.

Councilmember Afzali announced that the Seniors Program would hold a Bingo Social at the College Park Woods Swim Club Pool House on September 28 from 3 – 5 p.m.

Councilmember Mitchell said there would be a Neighborhood Watch meeting at City Hall on September 29 at 7:00 p.m. and anyone interested is invited to attend.

Mayor Fellows thanked all the people who voted in the primaries. He discussed his recent visit to the White House to honor the University of Maryland Women's Lacrosse team at which he met President Obama. He congratulated the Women's Lacrosse team on winning the national championship.

Acknowledgement of Dignitaries: Mayor Fellows recognized former Councilmember Maxine Gross.

Amendments to the Agenda: Councilmember Mitchell postponed item 10-G-68 (Traffic Calming on St. Andrews Place) until the November 9 Regular Meeting to allow for further community input.

City Manager's Report: WSSC is conducting a smoke test of its pipes in Berwyn and Branchville. Staff is testing Granicus software that will enable live streaming of future Council meetings.

Student Liaison Comments: Ms. Lurie announced that SGA is back in session and that football season is back and will impact traffic this Saturday.

Comments from the Audience on Non-Agenda Items:

Maxine Gross, Chair, Lakeland Community Heritage Project, 5011 Navahoe Street: Discussed the upcoming Lakeland Community Heritage Project's 120th anniversary weekend events.

William P. Matthews, 5201 Kenesaw Street: Expressed his concern on the City's plan to paint the curb yellow at the intersection by his house.

Consent Agenda: The consent agenda consisted of the following items:

10-G-74 Approval of an Amendment to the City Manager's Employment Agreement

10-R-25 Resolution Petitioning the State of Maryland to Reinstate Highway User Revenues and State Aid for Police Protection

A motion was made by Councilmember Cook and seconded by Councilmember Mitchell to adopt the Consent Agenda. The motion passed 8 – 0 – 0.

Action Items:

10-G-75 Approval Of A Property Use Agreement Between The City Of College Park And Hanami Japanese Restaurant, LLC (8145-M Baltimore Avenue, College Park, 20740) And Authorization For Staff To Testify Before The Board Of License Commissioners The City's Position Of No Opposition To Their Application For A Class B, Beer And Wine License.

A motion was made by Councilmember Catlin and seconded by Councilmember Perry that the City Council voice no objection to the application for a Class B, Beer and Wine Liquor License for the use of Hanami Japanese Restaurant, LLC, t/a Hanami Japanese Restaurant, 8145-M Baltimore Ave., College Park, MD, 20740, subject to the Licensee entering into a Property Use Agreement in substantially the form as attached; to authorize the City Manager to sign the agreement; and to authorize Staff to present the City's position at the Board of License Commissioners hearing.

Councilmember Catlin pointed out that there is some erroneous language at the end of Section 2 of the draft PUA provided in the Council's packet that was not relevant to this applicant. The City Attorney will make the correction. Councilmember Catlin also noted that the BOLC hearing is scheduled for Tuesday, September 28, 2010. He said the City Attorney and Director of Public Services met with the applicant and her attorney, Mr. Evan Meyers. The applicant has accepted the terms shown in the draft PUA. The Mayor and Council met with the applicant at last week's Worksession and approved the draft PUA in substantially the form as attached. Councilmember Catlin remarked that he has been a regular patron at Hanami for several years and supports the application.

There were no comments from the audience.

Councilmember Perry supports the business and remarked they are a success story in College Park, but since he has never voted in favor of a liquor license he is not sure he can do so now.

The motion passed 7 – 0 – 1 (Perry abstained).

10-G-76 Approval of Program Year 37 Community Development Block Grant Application

A motion was made by Councilmember Afzali and seconded by Councilmember Perry to authorize staff to submit an application for Program Year 37 CDBG funding for street and sidewalk improvements in the Branchville, Berwyn and Lakeland neighborhoods. The specific projects, listed in order of priority, are as follows:

- 1. Repave portions of 48th Avenue between 8411 48th Avenue and Osage Street. Estimated cost \$16,588.**
- 2. Repave 48th Place from Branchville Road to dead end at Route 193 and construct curb and gutter. Estimated cost \$37,817.**

- 3. Repave Greenbelt Service Road on the south side of Greenbelt Road and construct curb, gutter and sidewalk. Estimated cost \$48,429.**
- 4. Repave Melbourne Place from US 1 to the cul-de-sac. Estimated cost \$16,756.**
- 5. Repave the west side of Rhode Island Avenue and construct sidewalk from Greenbelt Road to Tecumseh Street and construct two storm inlets. Estimated cost \$155,800.**

Councilmember Afzali commented that PY 37 CDBG applications are due to Prince George's County by September 17, 2010, and that the proposed projects are eligible activities located in census tract areas where 51% of the population is of low or moderate income.

There were no comments from the audience.

Councilmember Catlin said now that Highway User Money has been eliminated we will endeavor to use CDBG funds as a way to fund street improvements in those eligible areas.

Councilmember Perry commented that the Rhode Island Avenue project is the continuation of an earlier CDBG project that stopped at Tecumseh Street. He hopes it will be completed so that all of Rhode Island Avenue will have proper storm water management, curbs, gutters, and sidewalks. He commented that when we get the results from the 2010 census, the areas eligible for CDBG projects will be redrawn.

The motion carried 8 – 0 – 0.

10-G-78 Letter to Prince George's County in Support of CB-40-2010, Secondhand and Pawn Dealers

A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin to send a letter to the Prince George's County Council in support of CB-40-2010, legislation entitled Secondhand and Pawn Dealers.

Councilmember Wojahn said this County legislation would clarify the definition of tangible personal property in the section of the County code that regulates secondhand and pawn dealers to further restrict the sale of certain items at pawn shops, would limit the establishment of additional pawn shops in the County, better regulate products moving in and out of pawn shops and ensure County code compliance by existing secondhand and pawn dealers.

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

The motion carried 8 – 0 – 0.

10-G-77 Appointments To Boards And Committees

A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to approve the following: Reappoint Robert Thurston to the Ethics Commission, reappoint

Robert Day to the Rent Stabilization Board, appoint Melissa Day to the Education Advisory Committee, appoint Phillip Attia to the Rent Stabilization Board, appoint Marsha Hughes to the Education Advisory Committee, reappoint Cindy Vernasco to the Animal Welfare Committee, reappoint Page Lacey to the Animal Welfare Committee, and reappoint Linda Lachman to the Animal Welfare Committee. The motion carried 8 – 0 – 0.

Council Comments:

Councilmember Cook congratulated his wife, Sylvia Bolivar, on her victory for the Democratic Central Committee At Large for District 21.

Councilmember Perry asked for a future Worksession discussion on the Animal Shelter at Davis Hall and where the program is going. He expressed his desire that more people would comply with the City's recycling program.

Councilmember Catlin commented on the results of yesterday's primary elections.

Councilmember Wojahn congratulated Mary Lehman, District 1 County Councilmember-elect.

Mayor Fellows distributed a report called "Charting New Waters" and requested a future Worksession discussion on the program's call to action for water conservation and reuse measures.

Comments from the Audience: None.

Adjournment: A motion was made by Councilmember Perry and seconded by Councilmember Catlin to adjourn the meeting. The motion carried 8 – 0 – 0 and Mayor Fellows adjourned the meeting at 8:55 p.m.

Janeen S. Miller, CMC
City Clerk

Date Approved

Pursuant to §C6-3 of the College Park City Charter, at 7:03 p.m. on September 7, 2010 in the Council Chambers at City Hall, a motion was made by Councilmember Perry and seconded by Councilmember Afzali 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.
- G. Consult with Counsel on a legal matter.

The motion passed 5 – 0 – 0 (Wojahn, Cook and Mitchell absent).

Present: Mayor Fellows, Councilmembers Nagle, Catlin, Perry, Stulich and Afzali. Councilmembers Wojahn and Mitchell arrived at 7:25 p.m., and Councilmember Cook arrived at 7:09 p.m.

Absent: None.

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services; Chantal Cotton, Assistant to the City Manager; Janeen Miller, City Clerk; Becca Lurie, Student Liaison.

Topics Discussed:

1. Request by a developer for a parking waiver and payment of a fee in lieu.
2. Update by City Attorney on recent opinion by Maryland Court of Appeals in the Tyler case (Rent Stabilization).
3. Discussion of a legal strategy in a pending court case.

Action Taken: None

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adjourn the Executive Session. The Mayor adjourned the Executive Session at 8:07 p.m. with a vote of 8 – 0 – 0.

Pursuant to §C6-3 of the College Park City Charter, at 7:00 p.m. on September 15, 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:

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

The motion passed 5 – 0 – 0 (Wojahn, Stulich and Cook absent).

Present: Mayor Fellows, Councilmembers Nagle, Catlin, Perry, Afzali and Mitchell. Councilmember Wojahn arrived at 7:18 p.m., and Councilmembers Stulich and Cook arrived at 7:05 p.m.

Absent: None.

Also Present: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Chantal Cotton, Assistant to the City Manager; Janeen Miller, City Clerk; Becca Lurie, Student Liaison; Aaron Zaccaria, Deputy Student Liaison; Elisa Vitale, Senior Planner.

Topics Discussed: A development proposal for the Maryland Book Exchange property and the request by the developer to have the City Council set a fee in lieu of parking requirements.

Actions Taken: None

Adjournment: A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to adjourn the Executive Session. The motion passed 8 – 0 – 0 and Mayor Fellows adjourned the Executive Session at 8:06 p.m.
