

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 12, 2011
8:00 p.m. – 8:54 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Perry, Stullich (arrived at 8:05 p.m.), Cook, Afzali and Mitchell.

ABSENT: None

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Bob Ryan, Director of Public Services; Marcella Morris, Student Liaison.

Minutes: A motion was made by Councilmember Perry and seconded by Councilmember Cook to adopt the minutes of the Regular Meeting of June 14, 2011, the Public Hearing of June 14, 2011 on Ordinance 11-O-09, and the confidential minutes of the Executive Session on June 7, 2011. The motion passed 7 – 0 – 0.

Announcements: Councilmember Nagle announced that the Recreation Board is sponsoring a family friendly movie night on July 23 from 9:30 p.m. – 11:30 p.m. at Duvall Field.

Councilmember Wojahn said there will be no July meeting of the North College Park Citizens Association. On Wednesday, July 20 at 6:30 p.m. there will be an informational meeting regarding the study to widen the Baltimore-Washington Parkway at Meade Middle School.

Councilmember Catlin said that on Monday, July 18 the Town of University Park would hold a meeting about the Cafritz development. The meeting will be at 6:30 p.m. at University Park Elementary School.

Councilmember Afzali said the College Park Woods Swim Club would hold a crab feast on Saturday at 6:00 p.m.

Mayor Fellows announced that the City has received notice that \$8.8 M of federal funding has been allocated to the Maryland Department of Transportation for US Route 1 design.

(Councilmember Stullich arrived.)

Councilmember Mitchell said that the Prince George's County Municipal Association would hold training for Sustainable Maryland Certified on Thursday, July 21 from 7:00 – 9:00 p.m.

Acknowledgement of Newly Appointed Board and Committee Members: Mayor Fellows recognized Jane Hopkins who was recently appointed to the Cable Television Commission.

Amendments to the Agenda: The Proclamation for the College Park Neighborhood Business Alliance was removed from the agenda.

City Manager's Report: Mr. Nagro reminded Council about the Four Cities Meeting on July 27 at 7:30 p.m. at Berwyn Heights Town Hall. He also told Council that the pedestrian activated stoplight at the Trolley Trail crossing on Paint Branch Parkway is now active.

Student Liaison Comments: Ms. Morris discussed the schedule for students to return to campus.

Comments from the Audience on Non-Agenda Items:

Aaron Bourne, Co-Chair, College Park Neighborhood Watch Steering Committee: Mr. Bourne made a presentation to Council about the activities of the recently formed Neighborhood Watch Steering Committee, and their plans for the future. He introduced the other members of the Steering Committee, Zari Malsawma and Robert Boone. National Night Out plans were discussed.

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

11-G-62 Approval Of Parking Permit For Oversize Vehicle, 9003 Acredale Court (Deferred from 6/14/11 Meeting)

11-G-71 Certification of Non-Conforming Use CNU 20554-10 For Stephens Apartments, 7404 Columbia Avenue

The motion passed 8 – 0 - 0.

Action Items:

11-O-09 Adoption of 11-O-09, An Ordinance Of The Mayor And Council Of The City of College Park, Maryland To Adopt A Redistricting Plan ("Plan C") For Council Member Elections As Required By § C2-2 Of The College Park Charter.

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adopt Ordinance 11-O-09, an ordinance of the Mayor and City Council of the City of College Park, Maryland to adopt a Redistricting Plan ("Plan C") for Councilmember elections as required by § C2-2 of the College Park Charter.

Councilmember Mitchell stated that in November 2010, the College Park City Council established an 11-member Redistricting Commission to review decennial census data and determine the appropriate reapportionment of the council districts within the City of College Park, Maryland, and to make recommendations for drawing new boundaries for those districts. Using the current Council district boundaries, the variance of the total census population and voters between the largest and smallest districts was found to be 43% which falls outside of the allowable legal variance, thus justifying the need for redistricting. The Commission met regularly between February and May of 2011 and determined the ideal size for each council district as 9,058 population with voters and 7,977 population without voters. These numbers include the adjusted census population estimate of 31,907 and the unduplicated voter count of 4,324. On May 17, 2011, the Redistricting Commission presented three Redistricting Plans to the City Council. The City Council chose, with slight modifications, Plan C presented by the Redistricting Commission because Plan C accounts for future development by keeping the districts with pending development smaller. Plan C balances all five factors identified in the Commission's charge. She then read the descriptions of each new district as stated in the Ordinance. The Public Hearing on this Ordinance was held on June 14, so no further public comment will be taken tonight.

There were no comments from the audience.

Councilmember Afzali said he was glad that the three dormitory communities of Denton, Ellicott and Cambridge have been put into one district, and thanked the Redistricting Commission for their work.

The motion passed 8 – 0 – 0.

11-G-72 Approval Of A Property Use Agreement For Pizza Autentica And Application For A Class B, Beer And Wine License For Old Line Enterprises, Inc., T/A Pizza Autentica, 8300 Baltimore Avenue, College Park, Hakan Ilhan, President/Treasurer.

A motion was made by Councilmember Mitchell and seconded by Councilmember Catlin that the City Council voice no objection to the application of Old Line Enterprises, Inc. T/A Pizza Autentica, 8300 Baltimore Avenue, College Park, Hakan Ilhan, President/Treasurer, for a Class B, Beer and Wine 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 Property Use Agreement and City Staff is authorized to testify to the Board of License Commissioners that the City does not oppose the liquor license application.

Councilmember Mitchell stated that the City Attorney and Director of Public Services met with Mr. Ilhan and his attorney, Robert Kim and Council has discussed a draft Property Use Agreement. During discussion, an alcohol to food ratio of 35 % to 65 % was determined to be acceptable to the applicant and the Council. Some customary provisions have been removed or amended as the applicant does not own the premises and is not responsible for maintenance of

the outside of the structure. Because the applicant has no current plans for live music/special events, a security plan is not required. The BOLC hearing is scheduled for July 26, 2011.

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

The motion passed 8 – 0 – 0.

11-R-11 Expansion Of Eligibility Guidelines For The Homeownership Grant Program To Include Volunteer Firefighters/EMS

A motion was made by Councilmember Perry and seconded by Councilmember Nagle to adopt 11-R-11, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Amend The Homeownership Grant Program To Authorize Bona Fide Volunteer Firefighters Who Work In Prince George’s County To Qualify For The Grant.

Councilmember Perry said the purpose of the program is to encourage volunteers to buy and live in homes in the City. There is a stringent requirement to be a volunteer in the County that would qualify them for this grant.

Comments from the Audience:

Jerry Anzulovic, 4900 Ruatan Street: He stated this is a good program and he is glad the Council is including the volunteers, it is a good incentive to have them live in the City.

Councilmember Wojahn thanked the representatives of the volunteer fire companies who attended the Worksession last week and said this is a great way to incentivize volunteer firefighters and EMTs to come to our community.

Councilmember Catlin clarified that the amount of the grant can be up to \$7,500 which goes toward closing costs.

The motion passed 8 – 0 – 0.

11-G-73 Approval Of A Letter To The Prince George’s County Council In Support Of CB-15-2011, Water Quality Resources And Grading Code

A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to approve a letter to the Prince George’s County Council in support of CB-15-2011, Water Quality Resources And Grading Code.

Councilmember Wojahn stated that with the failure to pass CB-80-2010, Prince George’s County is overdue in adopting stormwater regulations to come into compliance with the State’s Stormwater Management Act. The Transportation, Housing and Environment Subcommittee favorable reported revised stormwater regulations out of Committee on June 20 and the County

Council will hold a public hearing on CB-15-2011 on July 19. The regulations contained in CB-15-2011 represent a compromise that attempts to address the concerns of the environmental and development communities. While the City would like to have seen stronger regulations, it recognizes that stormwater runoff and the associated stream bank erosion, pollution, trash deposit, and sedimentation are serious issues facing the Anacostia Watershed and supports the passage of this legislation. The City does have concerns about the process for administrative waivers and variances and is requesting an opportunity to review and comment on stormwater management plans submittals at the concept, site development and final plan stages and is requesting further clarification for granting administrative waivers.

There were no comments from the audience or the Council.

The motion passed 8 – 0 – 0.

11-O-11 Introduction Of An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Adding Chapter 102, “Dogs And Other Animals”, §102-16 “Adoption And Microchip Fees”, Amending Chapter 110 “Fees And Penalties” To Set Fees For Dog And Cat Adoption And Placement Of Microchips.

A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to introduce 11-O-11, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Adding Chapter 102, “Dogs And Other Animals”, §102-16 “Adoption And Microchip Fees”, Amending Chapter 110 “Fees And Penalties” To Set Fees For Dog And Cat Adoption And Placement Of Microchips.

The Public Hearing will be held on August 9 at 7:30 p.m.

11-O-06 Introduction of 11-O-06, An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2011 Operating and Capital Budget of the City of College Park, Maryland.

A motion was made by Councilmember Catlin and seconded by Councilmember Cook to introduce 11-O-06 An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2011 Operating and Capital Budget of the City of College Park, Maryland.

The Public Hearing will be held on August 9 at 7:45 p.m.

11-O-10 Introduction of Ordinance 11-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 38, “Code Of Ethics”, By Repealing And Reenacting Article I, “General Provisions”,

Section 38-2, “Applicability , Section 38-4, “Definitions”, And Article II, “Ethics Commission”, Section 38-6, “Duties And Powers”, Section 38-9, “Penalties”, And Section 38-10, “Exemptions And Modifications”, Article III, “Prohibited Acts”, Section 38-11, “Conflicts Of Interest”, And Article IV, “Required Disclosures” And Section 38-18 Lobbying Activities, Adding Article IV, Section 38-15, ‘Financial Disclosure – Local Elected Officials And Candidates’, Section 38-16 “Financial Disclosure – Employees And Appointed Officials”, And Section 38-17 Additional Conflict Of Interest Statements Required, Repealing Article III, Section 38-13 “Abuse Of Position” Section 38-14 “Disclosure Of Confidential Information” And Section 38-17 “Disclosure Of Conflicts Of Interest” And Renumbering Various Sections To Amend The Ethics Code To Conform To Current State Law.

A motion was made by Councilmember Perry and seconded by Councilmember Nagle to introduce Ordinance 11-O-10, to amend Chapter 38, Code of Ethics, of the Code of the City of College Park.

The Public Hearing will be held on August 9 at 7:15 p.m.

11-G-74 Appointments To Boards And Committees

A motion was made by Councilmember Stulich and seconded by Councilmember Mitchell for the following reappointments: James Garvin to the Airport Authority and Dennis Herschbach to the Tree and Landscape Board. The motion passed 8 – 0 – 0.

Council Comments:

Councilmember Perry discussed recent property improvement activity in Berwyn and said it is an active and convenient neighborhood to live in, and invited people to come and visit.

Councilmember Catlin announced a new restaurant, Fishnet, is going into the old Berwyn Café location.

Councilmember Wojahn appealed to residents who are interested in working on the College Park Foundation to contact him.

Mayor Fellows commented on the diverse and well-attended 4th of July event. He also commented on the 120th anniversary of the First Baptist Church event in Lakeland that he participated in.

Adjourn: A motion was made by Councilmember Stulich and seconded by Councilmember Cook to adjourn the regular meeting and enter into an Executive Session to discuss a personnel

matter. Mayor Fellows said the Council would not return to public session tonight. The motion passed 8 – 0 – 0 and the regular meeting was adjourned at 8:54 p.m.

| | |
|-------------------------------------|------------------|
| Janeen S. Miller, CMC City Clerk | Date Approved |
|-------------------------------------|------------------|

Pursuant to §C6-3 of the College Park City Charter, at 11:16 p.m. on June 7, 2011 in the Council Chambers at City Hall, a motion was made by Councilmember Cook and seconded by Councilmember Catlin to enter into an Executive Session for the following reasons:

G: To Consult With Counsel On A Legal Matter

The motion passed 5 – 1 – 0 (Wojahn and Stullich absent, Perry opposed).

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

Absent: Councilmembers Wojahn and Stullich.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager;

Topics Discussed: The City Attorney advised the Council about the steps to be taken before a referendum question can be placed on the ballot, the timing of those steps, and the role of the Board of Election Supervisors in the matter of referendum petitions.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 11:34 p.m. with a vote of 6 – 0 - 0.

Pursuant to §C6-3 of the College Park City Charter, at 8:54 p.m. on July 12, 2011 in the Council Chambers at City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Cook to enter into an Executive Session for the following reasons:

A: To Discuss A Personnel Matter

The motion passed 8 – 0 – 0 and the Executive Session convened at 9:05 p.m.

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

Absent: None.

Also Present: Joe Nagro, City Manager.

Topics Discussed: City Manager's evaluation.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Perry and seconded by Councilmember Afzali to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:03 p.m. with a vote of 8 – 0 - 0.