

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, April 24, 2012**  
**7:30 p.m. – 9:09 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Catlin, Dennis, Stulich, Day, Afzali and Mitchell. Councilmembers Kabir and Wojahn arrived at 8:08 p.m. after attending a County Council hearing.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance; Peggy Higgins, Director of Youth, Family and Senior Services; Steve Halpern, City Engineer; Student Liaison John Natalizio.

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Dennis led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adopt the minutes of the April 10, 2012 Regular Meeting, Special Session of April 17, 2012, and confidential minutes of the Executive Sessions on March 5, March 13, March 20 and March 27, 2012. The motion passed 6 – 0 – 0.

**Announcements:**

Councilmember Afzali announced that there would be a Town Hall on Thursday at Davis Hall at 7:00 p.m. for residents who live in north College Park, Districts 1 & 4, on the City budget. Sunday there will be a West College Park Citizens Association meeting at the 7:30 p.m. at the College Park Woods Swim Club.

Councilmember Mitchell congratulated Ella Lannon from Holy Redeemer School for being the district winner of MML's "If I Were Mayor" essay contest.

**Acknowledgement of Newly Appointed Board and Committee members:** Mayor Fellows acknowledged Rebecca Hayes, newly appointed to the Sustainable Maryland Certified Green Team. Later in the meeting, Mayor Fellows acknowledged Rosemary Colby who was recently appointed to the Advisory Planning Commission.

**Proclamation:** Mayor Fellows read the National Kids to Parks Day proclamation. National Kids to Parks Day is Saturday, May 19, 2012.

**Amendments to the Agenda:** Councilmember Catlin moved item #12-G-55 off the Consent Agenda to the Action item agenda.

**City Manager's Report:** Mr. Nagro reminded Council that their Financial Disclosure Statements are due on Monday, April 30. Tomorrow night at 7:30 in the Council Chambers there is a meeting for Council with the College Park City University Partnership about the implementation strategy and metrics for the University District Vision 2020. Next week the Council meeting begins at 7:00 p.m. with an Executive Session. The record on the FY 2013 Action Plan is open until Tuesday, May 1.

**Student Liaison's Report:** John Natalizio said he met with Ms. Hagen about the farmers market that will be held on campus regarding coordination with the City.

**Comments from the Audience on Non-Agenda Items:**

**David Dorsch, 4607 Calvert Road:** Discussed the bad traffic on US 1 that is now being made worse by the work that SHA is doing and said that this construction should be done at night.

**Stacey Gebler, 7407 Princeton Avenue, Kappa Alpha Theta sorority:** Asked to have a portion of Hopkins Avenue closed for the annual barbeque on Saturday. She said that she has petitions signed by members of the street. Wondered if the Council could approve her request tonight.

**James Miller, 5106 Iroquois Street:** Said the City's animal control laws are old and outdated because they did nothing to help him when his dog was attacked by another dog. He was told that Animal Control couldn't cite the attacking dog's owner because they did not witness the attack. He said pet owners are not protected and wants something done about it.

**Presentations:**

Mayor Fellows introduced Holly DeArmond, Associate Director of University Marketing, who made a presentation about the 14<sup>th</sup> annual Maryland Day.

Mayor Fellows then introduced Peggy Higgins, who introduced the four graduate students who interned at Youth, Family and Senior Services during the past year: Nicole Bryan, Kerry Campbell, Rachel Rosenberg and Jan Ulrich. The interns made comments.

Ms. Higgins then discussed the Lakeland STARS Program and presented certificates to the tutors and the students who participated in the tutoring-mentoring partnership at Paint Branch Elementary School during the past year. Special recognition was given to Sarah Willy, the program coordinator.

[Councilmembers Wojahn and Kabir arrived during the Lakeland STARS presentation.]

The Council took a short recess and reconvened at 8:46 p.m.

**Consent Agenda: A motion was made by Councilmember Kabir and seconded by Councilmember Afzali to adopt the Consent Agenda which consisted of the following item:**

**12-G-54 Approval Of Driveway Variance Request For 4929 Hollywood Road**

**The motion carried 7 – 0 – 0 (Councilmember Wojahn was out of the Chamber).**

**Action Items:**

**12-G-55 Award of the Fiscal Year 2012 Community Services Grants**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Day to award the FY '12 Community Services grants as follows: Hollywood Elementary School, family instructional nights, \$1,310; The National Museum of Language, Inc., exhibit improvement and development \$1,550; Lakeland Community Heritage Project, Lakeland Heritage Weekend \$1,800; American Legion Auxiliary, College Park Unit 217, Scholarships for Miss College Park pageant participants, \$1,050; Pregnancy Aid Centers, Inc., food pantry program, \$2,050; Boy Scout Troop 298, leadership education for young men, \$1,050; Cub Scout Pack 298, subsidize cub scout program, \$1,050; College Park Woods Swim Club, senior summer day camp, \$1,550; College Park Church of the Nazarene, College Park community library, \$1,790; Embry Center for Family Life, Lakeland All-Stars basketball program, \$1,800; for a total of \$15,000.**

Councilmember Wojahn said this was the allocation approved by the subcommittee after one of the grant requests was withdrawn.

There were no comments from the audience.

**The motion carried 6 – 0 – 2 (Councilmembers Catlin and Dennis abstained).**

**12-G-56 Report from the City Attorney regarding two petitions (one entitled “Proposed Amendment to the City Charter adding the following language to the City Charter: Article XI. Sec. §C12-6 Non-Discrimination in Housing and Rental Laws” and the second entitled “Proposed Amendment to City Charter: Article X, Sec. §C10-12 Property Tax Limitation”) that were submitted to the City on March 22, 2012 and referred to the attorney on April 10, 2012**

City Attorney Suellen Ferguson said that at the April 10 meeting the City Council asked her to report on whether the two referendum petitions that had been submitted would be appropriate for the ballot. Ms. Ferguson asked the Council’s consent to provide her report verbally and publicly. Council concurred. In Ms. Ferguson’s opinion the petitions as submitted are legally insufficient for placement on the ballot. The form of the petitions does not comply with Section C5-1 of the City Charter. There are two referendum petitions. The one that seeks to amend Section C12-6 entitled “Non-discrimination in housing and rental laws” does not comply with state law because it does not “embrace but one subject, which shall be described in its title.” This petition involves two subjects but only one of the subject matters is reflected in the title. This law can be

interpreted to prevent the City from exercising powers granted to it by the public general laws of Maryland. This amendment is not proper charter material, because according to its proponents, it seeks to repeal the Rent Stabilization law, although it does not mention the rent stabilization law in the wording.

Regarding the petition that seeks to amend Section C10-12, "Property Tax Limitation:" The ability to set the real property tax rate and the personal property tax rate is given to the City Council by a public general law of Maryland. This petition seeks to transfer that ability to the voters, which is an unreasonable limit on the Council's legislative power. This limitation of the tax revenue would eventually hamper the City government's ability to perform the duties required by state law.

**12-G-57 Report from the Board of Election Supervisors regarding two petitions (one entitled "Proposed Amendment to the City Charter adding the following language to the City Charter: Article XI. Sec. §C12-6 Non-Discrimination in Housing and Rental Laws" and the second entitled "Proposed Amendment to City Charter: Article X, Sec. §C10-12 Property Tax Limitation") that were submitted to the City on March 22, 2012 and referred to the BOES on April 10, 2012**

Jack Robson, Chief, Board of Election Supervisors, read the report of the BOES. In summary, the BOES is required to report to the Council the total number of persons qualified to vote in a municipal general election and the total number of such voters determined by them to have signed the petition in accordance with Section C5-1 of the Charter, which says "in any case where a person signing the petition shall have failed to put his/her printed name, printed residence address and city election district number thereon, the Supervisors shall not determine if such person is qualified to vote." Neither petition contained a space for the City election district number. Therefore, in accordance with the Charter, there was no determination made as to the voter qualification of the signers as none indicated their City district. Thus, there were no qualified petition signers.

**12-O-03 Adoption Of Ordinance 12-O-03, 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 38-4, "Definitions", Article III, "Prohibited Acts", Section 38-11, "Conflicts Of Interest", And Article IV, Section 38-15, "Financial Disclosure – Local Elected Officials And Candidates", Section 38-16 "Financial Disclosure – Employees And Appointed Officials", Section 38-17 "Additional Conflict Of Interest Statements Required", And Section 38-19 "Public Records" To Amend The Ethics Code To Clarify The Definition Of Interest In A Business Entity, Remove Professional Sporting Event Tickets From Exempt Gifts, Require That The Commission Review Candidate Financial Disclosure Forms By A Certain Time, Clarify When A Newly Appointed Official Must File A Financial Disclosure Form And The Reporting Period, Require That Inaccurate Or Incomplete Filings Must Be**

**Corrected And When, And Authorize The City Clerk To Accept Documents On Behalf Of The Commission.**

**A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell to adopt Ordinance 12-O-03, 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 38-4, “Definitions”, Article III, “Prohibited Acts”, Section 38-11, “Conflicts Of Interest”, And Article IV, Section 38-15, “Financial Disclosure – Local Elected Officials And Candidates”, Section 38-16 “Financial Disclosure – Employees And Appointed Officials”, Section 38-17 “Additional Conflict Of Interest Statements Required”, And Section 38-19 “Public Records” To Amend The Ethics Code To Clarify The Definition Of Interest In A Business Entity, Remove Professional Sporting Event Tickets From Exempt Gifts, Require That The Commission Review Candidate Financial Disclosure Forms By A Certain Time, Clarify When A Newly Appointed Official Must File A Financial Disclosure Form And The Reporting Period, Require That Inaccurate Or Incomplete Filings Must Be Corrected And When, And Authorize The City Clerk To Accept Documents On Behalf Of The Commission.**

The City Attorney commented that there is no amendment proposed for this ordinance tonight.

Councilmember Catlin said that last August, the City Council adopted a revised Ethics ordinance in response to state law requirements. The State Ethics Commission, which is charged with reviewing municipal ethics codes, requested that the City make one change in its law. This ordinance adopts that change, and makes other changes designed to clarify the process of filing required forms.

Due to the earlier public hearing, no public comment will be taken at this time.

There were no comments from Council.

**The motion passed 8 – 0 – 0.**

**12-G-58 Letter to Maryland Governor Martin O’Malley about the state’s FY 2013 budget**

**A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn that the City send a letter to Gov. O’Malley asking him to call for a Special Session to pass a revenue package and the budget reconciliation and financing act to avoid a “doomsday” budget.**

There were no comments from the audience.

Councilmember Afzali said the University System of Maryland is especially concerned by the prospects of a doomsday budget.

Councilmember Mitchell said that MML has written a similar letter and she hopes that other municipalities will also express their concerns about this doomsday budget.

**The motion passed 8 – 0 – 0.**

**12-O-04 Introduction of 12-O-04, FY 2012 Budget Amendment #2 To Fund Public Works Modular Building Replacement And City Hall Expansion.**

**A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to introduce 12-O-04, an Ordinance to amend the 2012 Budget To Fund Public Works Modular Building Replacement And City Hall Expansion.**

Councilmember Catlin said the Public Hearing will be held on May 8 at 7:20 p.m.

**12-O-05 Introduction of 12-O-05, An Ordinance of the Mayor & Council of the City of College Park, Maryland to Adopt the Fiscal Year 2013 Operating and Capital Budget of the City of College Park, Maryland.**

**A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to introduce 12-O-05, an Ordinance to Adopt the Fiscal Year 2013 Operating and Capital Budget of the City of College Park, Maryland.**

Councilmember Catlin said the Public Hearing will be held on May 8 at 7:00 p.m.

**12-G-59 Appointments To Boards and Committees**

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to appoint Adele Ellis to the Noise Control Board. The motion passed 8 – 0 – 0.

**Council Comments:**

Councilmember Kabir said he testified at the Park and Planning Budget hearing earlier this evening in support of a feasibility study for a north College Park community center.

Councilmember Wojahn announced the first planning meeting for College Park Day would be held on Monday. College Park Day will be October 27.

Councilmember Mitchell said that she has been elected as the new president of the Prince George's County Municipal Association.

City Manager Joe Nagro called Council's attention to the "lay on the table" item from City Engineer Steve Halpern regarding "Stop Sign Acceptance Request at the intersection of Niagara

Road and Rhode Island Avenue” dated April 16, 2012. Councilmember Wojahn requested that the item be moved forward tonight without objection. There was no objection.

**Comments from the Audience:** None.

**Adjourn:** A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 9:09 p.m. with a vote of 8 – 0 – 0.

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Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 7:00 p.m. on April 17, 2012 in the Lower Level Conference Room of City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Day to enter into an Executive Session for the following reasons:

G: To Consult with Counsel on a legal matter

H: Consult with staff, consultants or other individuals about pending or potential litigation.

The motion passed 6 – 0 – 0 and the Executive Session convened at 7:00 p.m.

**Present:** Mayor Fellows; Councilmembers Kabir, Catlin, Dennis, Day, Afzali and Mitchell.

**Absent:** Councilmembers Wojahn and Stullich.

**Also Present:** Joe Nagro, City Manager; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services.

**Topics Discussed:** The City Attorney advised the Council about future rent stabilization legal issues and about the charter amendment petitions that were submitted to the City Clerk on March 22.

**Actions Taken:** None.

**Recess:** At 7:29 p.m., a motion was made by Councilmember Afzali and seconded by Councilmember Kabir to recess the Executive Session. With a vote of 6 – 0 – 0, Mayor Fellows recessed the Executive Session at 7:29 p.m.

**Reconvene:** At 8:19 p.m., with a vote of 8 – 0 – 0, the City Council reconvened the Executive Session in the Council Chambers of City Hall for the following reasons:

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

G: To Consult with Counsel on a legal matter

H: Consult with staff, consultants or other individuals about pending or potential litigation.

**Present:** Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stulich, Day, 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; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance.

**Topics Discussed:** The City Attorney advised the Council about future rent stabilization legal issues and about the charter amendment petitions that were submitted to the City Clerk on March 22. There was discussion about whether to consider a proposal for the use of the Calvert Road School.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Day and seconded by Councilmember Wojahn to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 8:43 p.m.