

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, January 24, 2012**  
**8:00 p.m. – 10:45 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stulich (arrived at 8:11 p.m.), 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; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner.

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

**Minutes:** A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adopt the minutes of the January 10, 2012 Regular Meeting. The motion passed 7 – 0 – 0.

**Announcements:** None.

**Acknowledgement of Dignitaries:** Mayor Fellows recognized Riverdale Park Mayor Vernon Archer.

**Newly Appointed Board Members:** Mayor Fellows acknowledged CBE members Stephen Brimer and Benjamin Mellman.

**Amendments to the Agenda:** Items 12-G-09, 12-G-10, 12-G-16 and 12-R-03 were moved to the Consent Agenda. New items added to the agenda were 12-G-16 (Letter to the Prince George's Property Owners Association) to consent, 12-G-17 (Bill PG 307-12) and 12-G-18 and 12-G-19 pertaining to Cafritz. There will be an Executive Session during the meeting, after which the Council will return to session.

**City Manager's Report:** Mr. Nagro reminded the Council that next week is the 5<sup>th</sup> Tuesday of the month and there will be no regular Council meeting. Instead, there will be a Four Cities meeting on Tuesday, January 31, and UMD President Dr. Wallace Loh is the guest. He and staff have met with police to discuss preparations for tomorrow night's UMD-Duke game.

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

**Matthew Popkin, SGA Senior Vice President:** He is attending on behalf of the SGA since we are in between Student Liaisons right now. He reported that students are returning for Spring

semester; classes begin tomorrow. He invited everyone to the SGA-IFC Community Forum next Tuesday at 7:00 p.m. Unfortunately that conflicts with the Four Cities meeting.

(Councilmember Stullich joined the meeting.)

**Mayor Vernon Archer, Riverdale Park:** Mayor Archer said that one of the unfortunate consequences of the fact that College Park and Riverdale Park voted differently on the Cafritz proposal is that the towns' legal representation is in conflict, because both cities are represented by the same firm. Mayor Archer requested a waiver of the conflict from the City of College Park to allow Mr. Sussman to continue to represent Riverdale Park on the Cafritz matter. He explained the benefits this waiver would bring to both cities.

Mayor Fellows said this would be discussed by the Council in Executive Session and the Council would return to vote on the matter in public.

**John Hawvermale:** The Prince George's Property Owners Association has been working with Chief Mitchell to remind tenants about the type of behavior that is expected after the Duke game.

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

- 12-G-07 Approval of the Maryland Stingers Women's Rugby Team Spring Field Use Request.**
- 12-G-09 Authorization For The City Manager To Send A Letter To The Board Of License Commissioners, And For Staff To Testify To The Board, Stating That The City Of College Park Does Not Object To, And Voices No Opposition To, The Renewal Of Liquor Licenses Held By Business Establishments Located In The City Of College Park.**
- 12-R-03 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Amend The Homeownership Grant Program.**
- 12-G-10 Adoption Of Amendments To The Rules And Procedures For The Mayor And City Council.**
- 12-G-16 Approval of a letter to the Prince George's Property Owners Association in response to their letter of January 5, 2012.**

The motion carried 8 – 0 – 0.

**Action Items:**

**12-G-08 Approval Of A Letter From The City Supporting The Release Of State Funds For East Campus**

**A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn that the Council approve a letter supporting the release of state funds for East Campus relocation projects.**

Councilmember Afzali said the City has supported the project in the past and this is the logical next step in the East Campus project.

Carlo Collela, Associate Vice President of Facilities Management, provided an update on the project.

**The motion carried 8 – 0 – 0.**

**12-G-11 Approval of a Letter In Support of PG 402-12 Prince George's County – Authority to Impose Fees for Use of Disposable Bags**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to approve a letter in favor of PG 402-12 entitled Prince George's County – Authority To Impose Fees For Use Of Disposable Bags.**

Councilmember Wojahn said this is a bill that enables Prince George's County to impose a fee for disposable bag usage in the County. The fee would apply to retail establishments that provide disposable bags to its customers. It excludes restaurant bags, medication bags, newspaper/dry cleaning bags, flower bags, and frozen, bulk and baked goods bags. Montgomery County and the District of Columbia currently operate successful plastic bag fee programs. The District reduced the total disposable bag usage by over 50% in the first year. With the passage of this legislation, Prince George's County will be able to further contribute to watershed cleanups in the region, especially since plastic bags make up the largest source of the millions of pounds of litter pollution in the Anacostia River. Virginia's legislature is currently contemplating similar legislation as well. If this legislation passes, the County would likely set the bag fee at \$0.05 per bag, similar to Washington, D.C. County Councilwoman Mary Lehman strongly supports this legislation and will ensure that it serves the best interests of the County.

**Comments from the Audience:**

**Kim Lugo, 4718 Muskogee Street:** She said she collects clean plastic bags to use throughout the year. Also, when she reuses plastic bags at the grocery store, she gets back 3-5¢ rebate per bag.

**Mary Joan Kashapata, 5002 Laguna Road:** All plastic bags aren't equal and she shouldn't pay the same amount for different bags. She shouldn't be charged for a plastic bag when she reuses it.

Councilmember Wojahn said this bill only authorizes Prince George's County to establish their own program. The details will be worked out when the County considers their own program so this feedback is valuable.

**Matthew Popkin, 6801 Preinkert Drive:** His experience in Montgomery County is that their law has changed behavior. It is important to reduce the use of plastic consumption overall.

Councilmember Kabir said when this program was started in DC, they gave out free reusable bags.

**The motion passed 8 – 0 – 0.**

**12-G-12 Motion in Support of PG 411-12 Prince George's County – Qualifying Municipal Corporations – Land Use Decisions**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to approve support for PG 411-12, Prince George's County – Qualifying Municipal Corporations – Land Use Decisions.**

The bill seeks to grant municipalities with populations of 20,000 people or more in Prince George's County including College Park the authority to exercise the powers of the Prince George's County Planning Board, the Zoning Hearing Examiner for the County, or the County Council sitting as District Council. The bill will allow the municipality to make land use decisions relating to any land within a qualifying city using the existing zoning code. We are approving support for this legislation and not yet submitting a letter because we would like to see where this bill goes once in committee and if any amendments are added to it in the coming weeks.

There were no comments from the audience or from the Council on this item.

**The motion passed 8 – 0 – 0.**

**12-G-13 Approval Of A Letter To The 21st Delegation Urging Support For The Letter To The U.S. Congress Which Calls For A Constitutional Amendment To Reverse The U.S. Supreme Court's 5-4 Ruling In The Citizens United V. Federal Election Commission (2010) Case**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to approve a letter to the 21<sup>st</sup> Delegation urging them to sign the Maryland General Assembly letter to the U.S. Congress which calls for a constitutional amendment to reverse the Supreme Court decision in the *Citizens United v. Federal Election Commission* case.**

Councilmember Wojahn said that the *Citizens United v. Federal Election Commission* (2010) case stated that political spending is a form of protected speech under the First Amendment and the government may not prohibit corporations or unions from spending money to support or denounce individual candidates in elections. While corporations or unions may not give money directly to campaigns, they may seek to persuade the voting public through other means, including ads. This Supreme Court decision impacts all levels of government, thus our delegation should support the submission of the letter. Senator Raskin is leading the charge to have supportive members of the Maryland General Assembly sign the letter. Through our letter, we are asking our 21<sup>st</sup> Delegation to sign the letter and encourage other members of the Maryland General Assembly to do the same. He read Senator Raskin's letter.

**Comments from the audience:**

**Adele Ellis, 4608 Beechwood Road:** Spoke in support of the motion – it is an important issue.

**Eugenia Kalnay, 56 Lakeside Drive, Greenbelt:** Greenbelt City Council voted in favor of this item at their meeting last night.

**Mark Hayes, 1009 Otis Place, Washington, DC, represents Public Citizen, a national advocacy group:** He said there is a current groundswell of interest at the local level to go on record about this issue and he believes it is the beginning of a national effort. In the next two weeks Sen. Raskin will look to gather signatures from his colleagues in the General Assembly so this is the time to make our voices heard.

**Carol Nezzo, 4600 Amherst Road:** She discussed the money that corporations spend to influence our elections, and how much they get in subsidies in return. In College Park, it is possible that in this environment the landlords could buy a city council seat.

**Tony Langdon:** He is concerned with the Citizens United decision and we have to speak up.

**The motion carried 8 – 0 – 0.**

**12-G-14 Approval of a Letter in Support of the Civil Marriage Protection Act**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adopt a letter in favor of the Civil Marriage Protection Act and a similar letter for the cross-filed bill once the bill numbers and committee assignments become available.**

Councilmember Mitchell said the legislation alters a provision of law establishing that only certain marriages are valid in the State of Maryland. It expands civil marriage to same-sex couples, thus allowing marriage licenses to be issued to all qualified couples in the State of Maryland, regardless of their gender. The City of College Park supported similar bills in the past and are hopeful this one will be successful this year.

**Margaret Kane, 9520 48<sup>th</sup> Avenue:** Thanked the Council for their past and future support of this bill. Some people object to this on religious grounds and say this violates the natural order of things, but a lot of wars are fought in the name of religion and in her opinion that violates the natural order of things. She doesn't know anyone who would voluntarily choose to be part of a minority group that even your own family doesn't belong to. People in the LGBTQ community are not looking for special rights, just for equal rights.

**Harriet McNamee, 9514 51<sup>st</sup> Avenue:** She is in support of this act. If we value civility, diversity, inclusiveness and tolerance, it is essential that all of us have the same rights and responsibilities. To disallow marriage on the basis of gender identification is discrimination. To provide that right does not mean forcing it on those who disagree with it. It is appropriate based on logic and fairness to send this letter to let the General Assembly know that we are a community that respects all of our members and we support marriage equality.

**Kim Lugo, 4718 Muskogee Street:** Expressed her support for the bill. She doesn't tolerate any type of discrimination and urges Council to continue their support.

**Christiane Williams, 3712 Muskogee Street:** Under the constitution, everyone has the right to be happy, and a lot of people do not have that, which is sad. The City should support people's right to be happy.

**Matthew Popkin, Senior VP, SGA:** Urges support – the SGA does support Marriage Equality.

**Lawrence Bleau, 4901 Niagara Road:** Is against the motion. It is not the proper domain of the City Council to be involved in hot button social issues. The City does not issue marriage licenses and has no control over who gets married – that is a state issue. If the Council starts considering matters like this, where will it stop? Abortion, assisted suicide? It could be a distraction to Council in the future. What study has been done on the impact that this measure would have on our society? This would impinge on others freedom; it is a slippery slope.

**Adele Ellis, 4608 Beechwood:** It is the concern of every level of government that all people are treated equally. She is in favor of the motion.

**Jane Hopkins, 9209 48<sup>th</sup> Avenue:** She is in favor of this bill. We need equality and it is time to move on and accept it.

**Mary Joan Kashapata, 5002 Laguna Road:** She has mixed feelings because she has many friends that are part of the community that would like to see this passed, and she belongs to a community that would object to its passage. She doesn't feel the City would represent her and some of her neighbors to say we as a city are in support of this bill. She submitted an open letter signed by a long list of religious leaders who are against this legislation.

**Stephen Brimer, 9732 52<sup>nd</sup> Avenue:** He appreciates living in a welcoming community, and also understands the concerns of those who disagree. These are civil marriages; members of the LGBT community just want to be treated like everyone else.

Councilmember Wojahn said it is a sign of a healthy community when we can debate this issue civilly. He said the City takes stances all the time on state issues, some of which are hot-button issues. He talked about what it was like for him growing up as a young gay man not having support from his community or from his government. He spoke about the personal consequences that he and many other people face. The well being of our community is a City issue and should be an issue for all of us.

Councilmember Kabir said he needs to be able to study this bill and share it with the residents of his community before he votes; it is unfair to vote on it tonight. We have received 20 pages of e-mails on this bill and everyone understands how important and how controversial it is. He doesn't think the City should send a letter for or against because the state is not asking us to take a position on this. We don't issue marriage licenses and this isn't related to any services we provide. If we want to take a position on this matter, we should put the question to the residents in a referendum.

Councilmember Afzali said if we only took a position when we were asked to do so we wouldn't be talking very much, and there isn't time to put this to a referendum. He read a quote from a member of the Maryland House of Delegates, Luke Clippinger. He said every College Park citizens deserve the same rights under state law.

Councilmember Stulich spoke in support of the bill. Supporting this effort does not take anyone's rights away.

Councilmember Day looked around the room at all the posters about Martin Luther King that were done by children and said he finds it hard to believe that we are discussing taking individual's rights away. He is fully supportive of the motion.

Councilmember Wojahn acknowledged that this might go against some religious beliefs, but not all. There are many churches that give full recognition to members of the LGBT community.

Mayor Fellows said that should he have the chance to vote on this, he would vote in favor of the bill.

**The motion passed 7 – 1 – 0 (Councilmember Kabir opposed).**

## **12-G-15      Appointments To Boards and Committees**

A motion was made by Councilmember Day and seconded by Councilmember Mitchell to appoint Clay Gump to the Advisory Planning Commission and to reappoint Mary King to the Education Advisory Committee. The motion passed 8 – 0 – 0.

**12-G-17 Support for PG 307-12 (City of Bowie – Alcoholic Beverage Licenses for Supermarkets) with an amendment**

**A motion was made by Councilmember Day and seconded by Councilmember Stullich to approve a letter supporting, with an amendment, PG-307-12, Prince George’s County -- City of Bowie – Alcoholic Beverage Licenses for Supermarkets.**

This bill authorizes the Prince George's County Board of License Commissioners to issue a Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises in the City of Bowie. A license applicant must present a copy of valid lease in Bowie for at least five years and have already occupied that premises for at least one year. A licensee may not have an ownership interest in more than one Class D beer and light wine license with an off-sale privilege issued to a supermarket in Bowie. The bill also increases, from 55 to 58, the maximum number of Class D beer and light wine licenses that may be issued in the county. JBG Rosenfeld, owner of the downtown property on the southwest corner of U.S. Route 1 and Hartwick Rd. (currently occupied by Applebee’s and Kinko’s) is trying to attract Harris Teeter to the site, and getting College Park added to this bill will increase our chances of getting the supermarket to College Park because they will be able to sell beer and wine. The Calvert Hills Citizens Association voted last week to ask the Mayor and Council to support this bill with the proposed amendment to add College Park to this bill.

**Comments from the audience:**

**Adele Ellis, 4608 Beechwood Road, Secretary of the Calvert Hills Citizens Association:**  
She read the association’s letter of support into the record.

Councilmember Afzali asked about Bowie’s feeling about this proposed amendment. Councilmember Day said there is concern that Bowie would not want College Park to amend their bill, but this is an opportunity to get in on it now. Councilmember Afzali wondered if it would be better not to amend the Bowie bill, but to ask the 21<sup>st</sup> to introduce our own bill.

Councilmember Stullich said it is too late to introduce a new bill just for College Park, and that this gives us the opportunity for further dialog now. She frequently hears from her constituents who want a high quality or specialty grocer in her district. She discussed the advantages of having a grocery store at this site: it is already zoned for mixed use, has good proximity to student housing and to US 1. She doesn’t know if it is possible to get College Park added to this legislation but she would like to give it a try.

An amendment was proposed by Councilmember Wojahn and seconded by Councilmember Afzali to remove the words “downtown portion of the” from the last paragraph of the letter, so that we are including all of the City of College Park.

Comments on the amendment: He appreciates the concern about the past controversy over the license at Shoppers Food Warehouse which caused Councilmember Stullich to specify the downtown portion of College Park in the draft letter. Everyone he heard from said we shouldn’t have different rules in different parts of College Park. He spoke to the owner of MOMs organic

market, who was concerned that another store would have the ability to serve beer and wine, and he wouldn't.

Councilmember Kabir said there was prior concern from residents about the Shoppers, and he has no idea how they would feel now.

Councilmember Wojahn said if this bill is approved, it only opens the door to the possibility that the BOLC could approve a liquor license. The issue could come before the North College Park Citizens Association if a specific license is requested.

Councilmember Stullich supports the amendment, and heard support for this concept during the November visioning session.

**The amendment passed 8 – 0 – 0.**

**Comments on the main motion as amended:**

Councilmember Catlin will oppose this bill because he doesn't want to incite the liquor lobby and sabotage Bowie.

Councilmember Kabir will abstain from the vote because he doesn't know how his residents feel.

Councilmember Afzali will support the bill but has similar reservations.

Councilmember Mitchell asked if Bowie understands that we are doing this?

Ms. Cotton said that Bowie said as long as adding College Park doesn't kill their bill, they don't have a problem with it.

Councilmember Day said we need to start the discussion somewhere.

**The motion passed 5 – 2 – 1 (Dennis and Catlin opposed; Kabir abstained).**

**Executive Session: At 9:48 p.m., a motion was made by Councilmember Mitchell and seconded by Councilmember Day to enter into an Executive Session to discuss a Personnel Matter. Mayor Fellows stated that the Council would return to regular session when it is over. The motion passed 8 – 0 – 0 and the Council meeting was closed.**

**At 10:34 p.m., the Council returned to regular session.**

**12-G-18      Legal Representation for the Town of Riverdale Park in the Cafritz Rezoning matter**

**A motion was made by Councilmember Stullich and seconded by Councilmember Catlin that the City Council approve the request of City Attorney Fred Sussman to waive the conflict of interest limitation to allow him to represent the Town of Riverdale Park on the Cafritz project up to February 24, 2012.**

Councilmember Stullich said the reason for including a specific date is that the Council has had very little time to consider this request and have done so without the benefit of legal counsel. This will provide the Town of Riverdale Park with legal representation at the Planning Board and will give the City of College Park the opportunity to take a long term position with the benefit of further study.

**Comments from the Audience:**

**Mayor Vernon Archer, Town of Riverdale Park:** Mayor Archer said this sounds reasonable and encouraged the City to take the time to think this through. He believes this is a joint interest.

**The motion passed 8 – 0 – 0.**

**12-G-19      Opposition To The Exclusion Of College Park From The Cafritz Boundary**

**A motion was made by Councilmember Stullich and seconded by Councilmember Afzali that the Council oppose the Cafritz applicant's request to remove the City of College Park portion of the Cafritz property from the rezoning request.**

Councilmember Stullich said that at the last Planning Board hearing the applicant requested that the College Park portion of the Cafritz property be removed from the rezoning application. She does not believe this will be in the City's best interest.

There were no comments from Council.

**The motion passed 8 – 0 – 0.**

**COUNCIL COMMENTS:**

Councilmember Catlin announced that a new restaurant, Sweet Green, has opened in his district.

Councilmember Dennis commented on the artwork on display in the Council Chambers that came from the Martin Luther King tribute held earlier this month.

**ADJOURN:** A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 10:45 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 10:29 p.m. on January 17, 2012 in the Council Chambers at 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
- I: To Consider matters that relate to collective bargaining negotiations.

The motion passed 7 – 0 – 0 and the Executive Session convened at 10:34 p.m.

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

**Absent:** Councilmember Stullich

**Also Present for Item G:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Elisa Vitale, Senior Planner; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services.

**Topics Discussed:** The City Attorney updated the Council on several legal matters and discussed legal strategies.

**Actions Taken:** None.

**Also Present for Item I:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance.

**Topics Discussed:** Collective bargaining negotiations.

**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 11:35 p.m. with a vote of 7 – 0 - 0.

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Pursuant to §C6-3 of the College Park City Charter, at 9:48 p.m. on January 24, 2012 in the Council Chambers at City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Day to enter into an Executive Session for the following reasons:

- 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 or more specific individuals.

The motion passed 8 – 0 – 0 and the Executive Session convened at 9:57 p.m.

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

**Absent:** None.

**Also Present for Item G:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Elisa Vitale, Senior Planner.

**Topics Discussed:** Legal representation on a zoning matter.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Dayl to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:34 p.m. with a vote of 8 – 0 - 0.