

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 12, 2012
7:30 p.m. – 9:30 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stulich (arrived at 7:38 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; Bob Ryan, Director of Public Services; and Steve Halpern, City Engineer.

Mayor Fellows opened the meeting at 7:30 p.m. He announced that there would be a Worksession following the meeting. Councilmember Dennis led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to adopt the minutes of the May 22, 2012 regular meeting. Councilmember Catlin noted two corrections: the restaurant name “Fishnet” is one word, and he stated that he recalled two retreats since he has been on Council, not one. The motion to adopt the minutes with the corrections passed 7 – 0 – 0.

Announcements:

Councilmember Kabir said that on Thursday at 7:30 p.m. the Prince George’s County Department of Public Works and Transportation will discuss pedestrian safety issues on Rhode Island Avenue. Friday at 7:00 p.m. there will be a neighborhood walk and talk with the community police officer beginning at Duvall Field.

Councilmember Wojahn said that he and Councilmember Kabir will hold a Q&A on Rent Stabilization for north College Park residents on Monday, July 2, at 7:00 p.m. at Davis Hall to address questions in the community.

Councilmember Catlin said on June 21 the Berwyn District Civic Association would have their monthly meeting at 8:00 p.m. at Fealy Hall. This will be the last regular meeting of the summer.

Councilmember Dennis said the Lakeland Civic Association will hold their regular monthly meeting on Thursday at 7:30 p.m. Prior to that, at 6:30 p.m., there will be a neighborhood walk and talk with the community police officer. Meet at the Community Center.

Councilmember Afzali said that June 7, 1945 was College Park’s birthday.

Councilmember Mitchell said that Thursday at 1:00 p.m. she and Dr. Donna Wiseman will attend the Prince George’s County school board meeting to give testimony in support of the College Park Academy.

Mayor Fellows told the audience that at tonight's meeting the rent stabilization ordinance will be introduced, but tonight is not the time to comment on it. Anyone in the audience who came to speak about the ordinance would have to do so at the end of the meeting. The vote on the rent stabilization ordinance will be July 10, and the public hearing is July 9.

Amendments to the Agenda: Councilmember Wojahn requested to remove 12-G-73, the adoption of the FY 2013 Action Plan, from tonight's agenda and defer until next month to allow more time for discussion.

City Manager's Report: Mr. Nagro said that the District Council hearing on the Maryland Book Exchange will be on Monday, July 9 at 1:30 p.m.

He received an e-mail on the Cafritz project stating that the District Council reopened the record through Friday of this week, so the District Council now has until July 16 to take action. He referenced a letter from Special Counsel Robert Manzi regarding Cafritz that is in the red folders.

Comments from the Audience on Non-Agenda Items:

Marcella Morris, 6903 Preinkert Drive, former Student Liaison, is back from her semester in Rome.

Charles Sarahan, Box E, College Park: He is bothered by what happened in Wisconsin. Vote according to your spine and not the politics of your NIMBY supporters. Vote first for what's best for America, second for what's best for your state, third for what's best for your area, and last for what's best for you. College Park has a lot of NIMBY supporters.

Consent Agenda:

A motion was made by Councilmember Catlin and seconded by Councilmember Day to adopt the consent agenda, which consisted of the following items:

12-R-11 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2012-01, 4917 Fox Street, College Park, Maryland, Recommending Approval Of A Variance Of 8 Feet From The Required 25-Foot Setback For Accessory Buildings Used For Housing Animals To Construct An 8-Foot By 10-Foot Dog Run In The Rear Yard

12-R-12 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-2012-01, 9501 50th Place, College Park, Maryland, Recommending Approval Of A Variance Appeal Of The Requirement Of City Code, §87-23.C To Permit The Construction Of A Fence In The Side Yard Where The Side Lot Line Is A Continuation Of The Front Yard Line Of The Adjacent Lot

12-G-70 Approval of a Property Use Agreement for Jean Pierre Haddad, Managing Member, Carey Scott Levin, Member for a Class B, Beer and Wine License for the use of CUC of College Park, LLC, t/a Cluckster's, 7415 B Baltimore Avenue, College Park, 20740, subject to the applicant entering into a Property Use Agreement with the City of College Park in substantially the form as attached, Authorization for the City Manager to sign the PUA, and Authorization for Staff to Testify at the BOLC hearing

12-G-71 Approval of a temporary parking permit for a trailer at 5910 Chestnut Hill Drive from June 16 – July 22, 2012

The motion passed 8 – 0 – 0.

Action Items:

12-G-72 Approval of the recommendations of the Education Advisory Committee for funding FY 2013 Education grants and clarification of procedural matters relating to grant awards.

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the Mayor & Council approve the recommendations submitted by the City's Education Advisory Committee (EAC) to provide public school education grants totaling \$60,000, as budgeted in the FY '13 adopted budget. The grants to be awarded are as follows:

- 1. Non-competitive grants of \$7,500 each would be awarded to Hollywood Elementary, Paint Branch Elementary, Greenbelt Middle and Parkdale High School, based on an approved application. Upon EAC grant recommendation, these grants totaling \$30,000 would be awarded by Mayor & Council at a regular meeting.**
- 2. Competitive grants of up to \$2,500 each would be awarded to boundary schools outside of the City that educate at least 14 College Park youth in their school, based on an approved application. The schools currently meeting this criterion are Cherokee Lane Elementary, Berwyn Heights Elementary, University Park Elementary, Frances Fuchs ECC, Hyattsville Middle, Buck Lodge Middle and High Point High School. Upon EAC grant recommendation, these grants totaling up to \$17,500 would be awarded by Mayor & Council at a regular meeting.**
- 3. Scholarships totaling \$6,600 for UM summer educational camps for elementary, middle and high school College Park students. Scholarships would be awarded in spring 2013 following an EAC application and review process.**
- 4. Additional educational initiatives of up to \$5,900 would be provided for new initiatives to be developed by the EAC that would benefit the public schools and College Park youth. EAC may designate expenditures to be funded in this category.**

Councilmember Mitchell stated that in an effort to encourage school participation, the FY '13 public school education grant applications will be released in September 2012 with a return

deadline in October so that they can be reviewed and submitted to Council for award in November. This time frame allows each school to plan for use of its funds in the second semester. City staff will explore with appropriate UM staff the possibility of getting a reduction in fees for UM summer camp costs for College Park youth to allow for more participation. The EAC is granted flexibility of categories so that if monies are not expended in one category, they can be moved to another education category.

There were no comments from the audience.

Councilmember Wojahn said he missed last week's Worksession and wanted to ask about Eleanor Roosevelt High School. He understands that it is not a boundary school but would still like the EAC to consider making the competitive grant available to that school because a lot of College Park students attend. Mr. Nagro clarified that the only way a City resident gets into Roosevelt is through a voluntary testing and admission process. Councilmember Mitchell said we can ask the EAC to give some consideration to this and come back to the Council at a future Worksession.

The motion passed 8 – 0 – 0.

**12-G-74 Award Of FY '13 Miscellaneous Concrete And Asphalt Maintenance
Contract CP-13-01 to NZI Construction Corporation, Inc. for \$497,550.**

A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell that the City Manager be authorized to enter into a contract with NZI Construction Corporation, Inc., of Beltsville, Maryland for repairing the City's concrete infrastructure, curbs, sidewalks, aprons, etc., and resurfacing those streets as recommended in the City's FY 2013 Pavement Maintenance Plan, in the amount of \$497,550. This project is funded in the City's FY 2013 Capital Improvement Program, Project number 045008.

Councilmember Afzali stated that on Thursday May 24, 2012, sealed bids were opened for the Miscellaneous Concrete Maintenance and Asphalt Resurfacing contract, CP-13-01. Eight bids were received. All bids were reviewed for compliance with project documentation, and their unit prices were checked for mistakes. The low qualified bidder was NZI Construction Corporation, Inc., of Beltsville, Maryland. This is less than what was budgeted in the FY '13 budget.

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

The motion passed 8 – 0 – 0.

12-O-06 Introduction of 12-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code Chapter 127 “Rent Stabilization”, Sections 127-4 “Establishment Of Rent Ceiling”, 127-5 “Registration”, 127-7 “Individual Adjustment Of Rent Ceiling”, And 127-13 “Expiration Date” To Extend The Effective Date Of The Rent Stabilization Law Through September 1, 2017, To Clarify The Criteria To Be Considered In Determining Individual Adjustment Of Rent Ceilings And To Make Certain Other Changes For Clarification And Efficiency Of Enforcement.

A motion was made by Councilmember Stullich and seconded by Councilmember Day to introduce Ordinance 12-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code Chapter 127 “Rent Stabilization”, Sections 127-4 “Establishment Of Rent Ceiling”, 127-5 “Registration”, 127-7 “Individual Adjustment Of Rent Ceiling”, And 127-13 “Expiration Date” To Extend The Effective Date Of The Rent Stabilization Law Through September 1, 2017, To Clarify The Criteria To Be Considered In Determining Individual Adjustment Of Rent Ceilings And To Make Certain Other Changes For Clarification And Efficiency Of Enforcement.

She stated that the Public Hearing will be held on Monday, July 9, 2012 at 7:00 p.m. in the Council Chambers.

12-G-75 Appointments To Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to appoint Lindsay D’Ambrosio to the Committee for a Better Environment, Nicholas Hardee to the Sustainable Maryland Certified Green Team (as a representative of the Business Community), and to reappoint Helen Long to the College Park Housing Authority and Sarah Araghi to the Recreation Board. The motion passed 8 – 0 – 0.

12-G-76 Appointment to College Park City University Partnership

A motion was made by Councilmember Stullich and seconded by Councilmember Catlin to appoint Maxine Gross to the College Park City University Partnership. The motion carried 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Wojahn commented on the dedication of the Sunnyside Skate Park which took place earlier this evening. There was a demonstration by skaters from Palace Five. He also attended a ribbon cutting on a new program available in the County for wheelchair accessible taxicabs which offers a new level of freedom and independence for wheelchair-bound individuals. These are some of the first in the area.

Councilmember Dennis commented on the Youth, Family and Senior Service's 40th anniversary celebration which took place last Saturday. Mayor Fellows and Councilmember Mitchell echoed those sentiments.

COMMENTS FROM THE AUDIENCE:

Dave Dorsch, 4607 Calvert Road: He wants the City to appoint a committee to see if Code Enforcement is meeting all the goals and working as efficiently as it can. Any good business does this kind of review.

Andrew Foose, 5426 27th Street, NW, Washington DC 20015: He is concerned by the lack of reasoned, thoughtful discussion about rent stabilization. He offered ideas on how to structure the discussion. He distributed a handout of questions: what are the real goals, are they being met, is rent stabilization a useful tool going forward?

Ryan McCulley, 4904 Osage Street: He read from the Sage Policy report. He said some students avoid living in the high rises because the rents are too high. If we are trying to address student behavior issues in the neighborhoods through rent stabilization, we should address those problems directly through code enforcement. The City should not try to shut him down by limiting the amount of rent he can charge while allowing the high rises to charge whatever they want. Owner occupiers are not the only constituents. Students should not be herded into housing they can't afford.

Paul Carlson, 203 Long Trail Lane, Rockville, MD 20850: This is an opportunity for a new partnership to set up an infrastructure to develop strategies to address quality of life issues. He believes rent stabilization is in the way of this progress. It lowers property values for everyone, creates a disincentive to landlords to invest in their properties, and alienates the landlords from the discussion. He wants to be part of the solution to make College Park better, but wouldn't be willing to help if the Council continues rent stabilization.

Lyle Magnuson, 4608 Hartwick Road: Owns a rental property next to his home and is opposed to rent stabilization. When he moved here his wife, an employee at the UMD, was told by her colleagues not to live in the City or even in the County. He wants the money spent on rent stabilization to go toward something that is beneficial to the City. He is appalled with all the stakeholders who are fighting with one another. Get everyone to the table, identify the goals, and work together. Rent stabilization is discriminatory and a waste of time and resources for the city to try to implement, enforce and litigate.

Gina Marie L. Hathaway, 10850 Meadow Pond Lane, Oakton, VA: They bought their 2008-built property in 2009 in the mid-300s as a long-term investment. The owner did not disclose about the rent stabilization program. Had they known, they would not have bought the property. The numbers don't work for this to be an investment. They are in a bind because their rent is capped at \$2,552 which makes them lose money.

Dave Morrison, 7003 Dartmouth: He is a lifelong resident. The original report in 2005 said one purpose of rent stabilization was to push out landlords to solve the problem of noise and litter. It doesn't make sense to try to solve a human behavior problem by putting an economic cap on the rents. There are many stakeholders that could work together to try to solve those problems. Trying to eliminate students from a college town doesn't make sense. In many other places rent stabilization has reduced the standard of living. If you want your city to be good you should encourage, not discourage, investment.

Jim Donley, 14605 Locuswood Lane, Silver Spring, MD 20905: Owns several rental properties, charges reasonable rates, is a local realtor. Landlords pay extra fees: \$180 for trash, \$235 for inspection, and an extra \$1,200 - \$1,500 in taxes because the homes are not owner-occupied. Based on the large amount of trash he sees at some rental homes he wonders how many people really live there. Many owner occupied homes that are not inspected are in worse condition. He believes his property rights have been violated by this law – let the free market prevail. Rent control should be on all or none.

Tim Miller, 5119 Niagara Place: The 2003 Housing Plan said homeownership needs to be increased and rentals reduced. It is hard to get a tenant evicted through the courts. People who are facing foreclosure might want to rent their house out. Rent stabilization is ridiculous.

John Hawvermale, 1342 Excaliber Lane, Sandy Spring, MD 20860: He distributed a newspaper article about Georgetown University. He was jealous of the fact that in Georgetown, all the stakeholders are working together to solve problems, but in College Park we fight. Continuing the rent control legislation sends the message that you want to continue to harm the landlords. Good people like himself will not continue to work on these issues if they perceive that you are trying to harm them. We need to get together with the University about extending the student code of conduct to deal with behavior issues.

Alan Rahimi, 5 Grey Pebble Court, Darnestown, MD 20874: This ordinance is not about protecting students from high rents because look at the prices being charged in the high rises. It is about living together in the community. This is a college town and a melting pot; it is the people who make the community. Not all students are bad. This ordinance is about isolating a group of students into one area, whether it benefits them or not. By removing them from the neighborhood you are removing the energy and vitality from the neighborhood. This ordinance kills the spirit of the City by taking the melting pot away, and the City will be worse off.

Eddie Germino, 5001 Quebec Street: He is against rent control as it now exists. He has been a renter and is now a homeowner and rents out two rooms so he has seen both sides of the rental market. He thinks the rent cap is arbitrary and won't allow him to make sufficient profits to want to continue to invest. He agrees that landlords have a responsibility to maintain their properties, but this could be accomplished through actions other than rent control, such as stricter code enforcement. There should be an honest assessment about how far quality of life issues can be pushed through rent control in a college town. Rental houses can't be legislated away. Maintaining a healthy working relationship with landlords in College Park is essential, and rent control is harmful to that effort.

Bryan Mack, 12736 Knoll Road, Mt. Airy, MD, 21771: “Nothing’s so bad that it’s not good for something.” Think about something that is your real passion. When somebody attacks that issue from the other side, you get mad. He realizes that Council is not trying to hurt landlords. This is a complex issue. Remember that the other side is not out to get you, they just have a difference of opinion. Rent stabilization is that issue for the landlords. It is a deal breaker for many of the landlords, creates an unpleasant environment, and is counter-productive.

Mary Ayers, 3562 So. River Terrace, Edgewater, MD: As home sale prices continue to drop, the \$2,500 rent level will be more interesting to investors, and may entice additional conversions of owner occupied homes to rentals. More kids want to rent in the neighborhoods because high-rise rental prices are so high.

Donald Kirsch, 3562 So. River Terrace, Edgewater, MD: Consider what rent control has done to the City so far. Since 2007 the cost of houses in this county has dropped about 38%, from \$290,000 to \$180,000. College Park has dropped from \$370,000 to \$180,000, a 52% drop in price, more than has occurred in the country. He attributes it to rent control. Consider the impact rent control has on old people who want to retire and move out – they are hit first by the economy and also by rent control. People who have bought their house in the last 8 years are under water. As the prices go down, more investors are getting interested because they can rent for \$2,542 which is enough to make a profit.

Jesse Warren, 4615 Norwich Road: He is a student renter. Students should retain the ability to have a choice of where they live; not everyone wants to live in a high rise. Not all students cause problems. He agrees that everyone deserves to sleep undisturbed and not see trash and red cups in the yards but there are better ways to address these issues. It is everyone’s goal to see a stronger College Park.

Bob Baer, 4701 Calvert Road: He is an owner-occupant and a landlord. Through this ordinance the city has created a protected class of landlords in the high rises; that allows them to charge a lot of money. As a result, more students are seeking more affordable housing in his neighborhood. He has learned through rent stabilization that he can charge his renters more than he does now. Because of the drop in housing prices it is more attractive now to buy houses in College Park and rent them out. This ordinance has not proven to improve anything or to have the desired impact on the goals of the City. He believes the ordinance needs to sunset.

Dwight Cody, 4721 Muskogee Street: He is a new landlord. The university has a burden to try to stop or solve the problems here and he doesn’t understand why they are not capable of controlling the problems the City is facing. Putting a cap on the rent in the single family homes and not the high rises seems hypocritical. If you’re not careful you could end up with empty homes. Students might want to live in a community and not a high rise, and it is important for them to learn how to live in a community responsibly. He is against rent stabilization and thinks it has a negative impact when you are trying to solve a specific problem.

Ken Blumenstock, 4400 West Virginia Avenue, Bethesda, MD 20814: Owns several rental properties here. Rent control was instituted to make it less desirable for investors to invest in College Park real estate to reduce the number of students in neighborhoods and to increase the number of homeowners. He has had few complaints from neighbors and sees no reason why students should be excluded from neighborhoods. Quality rental properties are needed for people who can't afford to buy. The City should not be at war with landlords but should embrace and encourage investors to be part of College Park. With real estate prices as low as they are, investors will still invest here, but rent control will result in a market of low end properties and discourage improvement and upkeep of properties. He hopes this law will sunset.

Andrea Hawvermale, 1342 Excaliber Lane, Sandy Spring, MD 20860, President, PGPOA: You know us as a group of people who come to fight because we always have to defend ourselves against the actions the City imposes. This is what you don't know about us: we had seminars on egress windows, mold, lead paint, proper curb appeal and lighting. We are doing a service to the community. You have to be reasonable in how you enforce in order to get the outcomes you desire. It is not just college students that cause problems. There are good landlords in the PGPOA – there are 140 members of PGPOA but they mail to 657 people when they have an issue they want everyone to know about. They want to be engaged and want to help, but are being portrayed as a monster.

Adjourn: A motion was made by Councilmember Catlin and seconded by Councilmember Kabir to adjourn from the regular Council Meeting and to enter into a Worksession. The motion passed 8 – 0 – 0 and the regular meeting was adjourned at 9:30 p.m.

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

Pursuant to §C6-3 of the College Park City Charter, at 10:10 p.m. on June 5, 2012 in the Council Chambers of City Hall, a motion was made by Councilmember Afzali and seconded by Councilmember Mitchell 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 10:22 p.m.

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

Absent: Councilmembers Wojahn and Catlin.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Chantal Cotton, Assistant to the City Manager.

Topics Discussed: The City Attorney advised the Council about future rent stabilization legal issues and strategies.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Stulich and seconded by Councilmember Afzali to adjourn the Executive Session, and with a vote of 6 – 0 – 0, Mayor Fellows adjourned the meeting at 11:50 p.m.