

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 9, 2014
7:30 p.m. – 8:01 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Brennan, Dennis, Stullich, Day, and Hew. Councilmember Mitchell arrived at 7:56 p.m.

ABSENT: Councilmember Wojahn

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Sue Ford, City Attorney; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Manager; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 7:30 p.m. Councilmember Dennis led the pledge of allegiance.

Minutes: A motion was made by Councilmember Stullich and seconded by Councilmember Dennis to approve the minutes of the August 6, 2014 Special Session; August 12, 2014 Regular Meeting; August 12, 2014 Public Hearing on 14-CR-01; and the transcript in lieu of minutes for Oral Argument in Case CPV-2014-05. The motion passed 6 – 0 – 0.

Announcements:

Councilmember Dennis announced the Lakeland Civic Association meeting on Thursday, September 11, at 7:00 p.m. at the College Park Community Center.

Councilmember Brennan said the Berwyn District Civic Association would meet on Thursday, September 18, at 8:00 p.m. at Fealy Hall.

Councilmember Kabir said the North College Park Civic Association would meet at 7:30 p.m. on Thursday, September 11.

Amendments to the Agenda: A motion was made by Councilmember Dennis and seconded by Councilmember Stullich to amend the agenda by adding a closed session to discuss a personnel matter at the end of the agenda. The motion carried 6 – 0 – 0.

City Manager's Report: Mr. Nagro said Rossburg Lane will be shut down as of Monday, September 15, to make way for the Toll Brothers development. He gave the weekend party report. Since school started, there have been 8 referrals to the Student Code of Conduct, 5 Municipal Infractions issued for noise, and 39 warning letters. There is a home game on Saturday; hopefully the on-campus tailgate will cut down on neighborhood disturbances. SHA has asked the City for a letter stating the City's interest in maintaining a retaining wall on US 1 – this will be added to a future Worksession.

Student Liaison's Report: Mr. Holocker said the pedestrian crossing signal on US 1 @ Fraternity Row was malfunctioning but has now been resolved. UMD is hosting WVU on Saturday; parking permits are almost sold out. Be prepared for increased traffic.

CONSENT AGENDA: A motion was made by Councilmember Brennan and seconded by Councilmember Day to adopt the Consent Agenda which consisted of the following:

- 14-G-90** Award of a contract to M. T. Laney Company, Inc., in an amount not to exceed \$270,000, for milling and paving the other half of certain streets where WSSC is providing half-width milling and paving on streets disturbed during the water main replacement project in the Hollywood and Berwyn neighborhoods. This award is subject to the approval of a contract by the City Attorney and rides, pursuant to §69-2(B) of the City Code, WSSC's competitively bid Contract No. 5986, which has been extended for a second option year. The City Manager is authorized to sign the contract.
- 14-R-30** Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Reconsideration Of Variance CPV-2013-02 (Reconsideration Case Is Identified As CPV-2013-02/R), 3533 Marlborough Way, College Park, Maryland, Recommending Validating Existing Conditions Subject To The Applicant Providing An "As-Built" Site Plan.

The motion carried 6 – 0 – 0.

ACTION ITEMS

- 14-O-07** Adoption of 14-O-07, An Ordinance Of The Mayor and Council of the City of College Park Amending Chapter 184 "Vehicles And Traffic", By Repealing And Reenacting Article VII "Speed Monitoring Systems", Section 184-45 "Systems In School Zones And Within One-Half Mile Of An Institution Of Higher Education" To Amend The Section To Conform To State Mandated Changes.

A motion was made by Councilmember Kabir and seconded by Councilmember Day to adopt Ordinance 14-O-07, amending Chapter 184, "Vehicles and Traffic", Section 184-45, "Systems in School Zones and Within One-Half Mile of an Institution of Higher Education" to conform the section to State mandated changes.

Councilmember Kabir explained that the State legislature in the last session adopted numerous amendments to the speed camera law. Most of these changes do not require amendment of the City code. However, two matters are already addressed in the City Code and so require amendment to conform to the State requirements. The changes in the ordinance reflect a 15-day

waiting period before citations may be issued when cameras are moved or placed in position where not previously placed, and additional signage requirements.

Due to the earlier Public Hearing, no audience comments were taken.

There were no comments from Council.

The motion passed 6 – 0 – 0.

14-O-08 Adoption of 14-O-08, An Ordinance of The Mayor and Council of the City of College Park Amending Chapter 184, “Vehicles And Traffic”, By Repealing And Reenacting §184-9, “Permit Parking In Restricted Residential Zones” To Better Define Where Visitor Parking Permits May Be Used And To Provide An Enforcement Mechanism.

A motion was made by Councilmember Kabir and seconded by Councilmember Dennis to adopt Ordinance 14-O-08, amending Chapter 184, “Vehicles and Traffic”, Section 184-9, “Permit Parking in Restricted Residential Zones” to better define where visitor parking permits may be used and to provide an enforcement mechanism.

Councilmember Kabir said that during previous Council discussion it became apparent that different types of misuse of a parking permit may be occurring. One is consistent use of a visitor permit to park some distance from the house to which the permit is issued, with a parking pattern that suggests the permit is being used by a non-resident for commuter parking purposes. The second instance is when an actual resident at an address for which a parking permit is available routinely uses the visitor permit instead of a resident parking pass. Revocation of a residential parking permit is not one of the enforcement mechanisms currently available under the City code. It is probable that a letter notifying the residents of a household that the resident and visitor permits may be revoked due to improper use would gain more compliance. In addition, there are a number of references in the law that, based on current practice under Chapter 151, should be deleted. The ordinance addresses resident concerns by defining a limited area for use of a visitor permit in proximity to the address of the host resident, and providing for revocation of residential parking permits and visitor permits when misused. The City will continue to suspend enforcement in an area to allow social events, such as reunions, birthday parties, weddings, etc. without the need to purchase additional visitor permits, if Parking is notified beforehand.

Due to the earlier Public Hearing, no audience comments were taken.

There were no comments from Council.

The motion passed 6 – 0 – 0.

14-O-09 Adoption of 14-O-09, An Ordinance of the Mayor and Council of the City of College Park Amending Chapter 38, “Code Of Ethics”, By Repealing And Reenacting Article I, “General Provisions”, Section 38-4, “Definitions”, Article II, “Ethics Commission”, Section 38-8, “Procedures For Adjudicating Alleged Violations”, And Article IV, “Required Disclosures”, Section 38-15, “Financial Disclosure Of City Elected Officials And Candidates To Be City Elected Officials”, Section 38-16, “Financial Disclosure Of Employees And Appointed Officials” And Section 38-17 “Additional Conflict Of Interest Statements And Correction Of Inaccurate Or Incomplete Filings Required”, To Amend The Ethics Code To Clarify The Definition Of Interest That Must Be Reported, Including A Procedure For Dismissal Of A Complaint, Clarifying The Requirements For Elected Officials, Candidate, Appointed Official And Employee Disclosure And Providing A Remedy For Failure Of A Candidate To File The Required Disclosures

A motion was made by Councilmember Hew and seconded by Councilmember Day to adopt Ordinance 14-O-09, amending Chapter 38, “Code of Ethics”, Sections 38-4, “Definitions”, 38-8, “Procedures for Adjudicating Alleged Violations”, 38-15, “Financial Disclosure of City Elected Officials and Candidates to Be City Elected Officials”, 38-16, “Financial Disclosure of Employees and Appointed Officials”, and 38-17, “Additional Conflict of Interest Statements and Correction of Inaccurate or Incomplete Filings Required”, to clarify the definition of interest that must be reported, including a procedure for dismissal of a complaint, clarify the requirements for elected official, candidate, appointed official and employee disclosure and provide a remedy for failure of a candidate to file the required disclosures.

Councilmember Hew said that the Ethics Commission recently provided Mayor and Council with recommended revisions to the City’s Ethics Code. These recommendations were made based for the most part on the experience of the Ethics Commission with respect to the election process and their required review of the financial disclosure form and also include the State mandated revision with respect to mutual funds. The amendments also help to align the Ethics Code with the City elections process.

Due to the earlier Public Hearing, no audience comments were taken.

There were no comments from Council.

The motion passed 6 – 0 – 0.

14-G-91 Approval of a Letter to the District Council with comments on the College Park – Riverdale Park TDDP

A motion was made by Councilmember Stulich and seconded by Councilmember Brennan to approve a letter with comments and recommendations on The Adopted College Park-

Riverdale Park Transit District Development Plan (TDDP). The letter shall serve as the City's written testimony for the public hearing before the Prince George's County District Council on September 16, 2014 at 7:00 p.m.

Councilmember Stullich explained that the process for updating the 1997 College Park-Riverdale Park TDDP began last May and involved several community workshops and a series of stakeholder group meetings. On May 29, the Planning Board held a public hearing where the city provided verbal and written testimony. The Planning Board subsequently adopted the TDDP on July 17, and that version was responsive to many of the city's comments. The next step in the process is for the District Council to approve the TDDP after holding one or more public hearings, one of which is scheduled for next Tuesday. The vision for the metro area is for a transformation from an auto and suburban-oriented office and industrial area into a vibrant, walkable, mixed-use center. It includes new residential neighborhoods and a revitalized M Square Research Park that capitalize on public transit, existing recreational amenities, historic features and affiliation with the University of Maryland. In general, the City supports this vision and the TDDP, but continues to have a few concerns and recommendations for improving the plan which are contained in the letter. Councilmember Stullich summarized and commented on the concerns listed in the letter.

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

The motion passed 6 – 0 – 0.

14-O-10 Introduction of 14-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending The College Park Code By Repealing Chapter 15, "Boards, Commissions And Committees", Article IX, "Rent Stabilization Board", §§15-39 Through 15-54, And Chapter 127 "Rent Stabilization", §§127-1 Through 127-13, In Their Entirety; And By Repealing An Re-Enacting Chapter 110, "Fees And Penalties", §110-1, "Fees And Interests" And §110-2, "Penalties", To Delete Those Sections That Comprise The Rent Stabilization Law

A motion was made by Councilmember Day and seconded by Councilmember Dennis to introduce Ordinance 14-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending The College Park Code By Repealing Chapter 15, "Boards, Commissions And Committees", Article IX, "Rent Stabilization Board", §§15-39 Through 15-54, And Chapter 127 "Rent Stabilization", §§127-1 Through 127-13, In Their Entirety; And By Repealing An Re-Enacting Chapter 110, "Fees And Penalties", §110-1, "Fees And Interests" And §110-2, "Penalties", To Delete Those Sections That Comprise The Rent Stabilization Law. The Public Hearing is scheduled for October 14, 2014 at 7:25 p.m.

(Councilmember Mitchell arrived)

COUNCIL COMMENTS:

Councilmember Mitchell commented on the groundbreaking ceremony she attended today for the new operations building at the College Park Aviation Museum.

Mayor Fellows discussed last night's meeting of the Neighborhood Quality of Life Committee. He is excited about the participation of all the members and it promises to be a strong year.

Councilmember Brennan discussed the weekend Free Adult Dental Clinic sponsored by Catholic Charities and UMD School of Public Health. Hundreds of people were treated.

COMMENTS FROM THE AUDIENCE: None

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Day to adjourn into a Closed Session to discuss a personnel matter. The Council will not be returning into public session tonight. The motion passed 7 – 0 – 0. Mayor Fellows adjourned the regular meeting at 8:01 p.m.

Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 8:01 p.m. on September 9, 2014, in the Council Chambers of City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Day to enter into an Executive Session to "Discuss a Personnel Matter."

The motion passed 7 – 0 – 0 and after a brief recess the closed session convened at 8:15 p.m.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

Absent: Councilmember Wojahn

Also Present: None.

Topics Discussed: Mayor Fellows and the City Council discussed the process for the City Manager's evaluation.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to adjourn the Executive Session, and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the Executive Session at 8:24 p.m.