

MINUTES
Regular Meeting of the College Park City Council
Tuesday, May 26, 2015
Council Chambers
7:30 p.m. – 9:33 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich (arrived at 7:37 p.m.), Day, Hew and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Peggy Higgins, Director of Youth, Family and Senior Services; 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 Dennis and seconded by Councilmember Brennan to adopt the minutes of the Public Hearing on May 12, 2015 on the FY 2016 Budget and the Regular Meeting of May 12, 2015. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Mitchell discussed today's Special Olympics Torch Relay segment sponsored by the City of College Park.

Councilmember Wojahn announced the next "Live Smart, Eat Local" event will be held at Hanami Japanese Restaurant on June 22 with guest speaker, Dr. Kevin Maxwell.

Councilmember Kabir said that there will be a community clean-up in the Sunnyside neighborhood on Saturday, June 6. Meet at 8:30 a.m. at the skate park.

Councilmember Day congratulated the graduating class of Parkdale High School which included his son.

Mayor Fellows congratulated the University of Maryland Women's lacrosse team on winning the championship, and the Men's lacrosse team, who are the runners-up.

Proclamations: Mayor Fellows read the proclamation in recognition of Hollywood Elementary School Principal Barbara Caskey upon her retirement.

[Councilmember Stulich arrived.]

Amendments to the Agenda: Item 15-G-61 was moved to the Consent Agenda.

City Manager's Report: Mr. Nagro announced the M-NCPPC Trails Master Plan Open House which will occur on June 10 from 6 – 8 p.m. He reminded everyone that free Saturday parking in the downtown parking garage begins this weekend. The Aging-In-Place survey will run in the

June 11 Municipal Scene. He discussed the June 3 Administrative Session with Mr. Mercer, who is conducting the City Manager search.

Student Liaison's Report: Mr. Holocker reported on end-of-semester matters and congratulated the Women's and Men's lacrosse teams on their seasons.

Presentations:

Mayor Fellows recognized the Outstanding Essayists in the Maryland Municipal League "If I Were Mayor, I Would..." Essay Contest: D'Airra Wyatt of Berwyn Christian School – MML Semi-Finalist; Abe Cutler of Holy Redeemer – MML Semi-Finalist; Zahra Shamrez – Al Huda School Winner; Haneef Ali Rodriguez – Al Huda School Winner; Yolanda Sukhu – Berwyn Christian School Winner; Trent Badrak – Holy Redeemer School Winner; Yakeen Alzarough – Paint Branch Elementary School Winner; Ashley Thompson – Hollywood Elementary School Winner. Each fourth grade student read their outstanding essay, received a certificate, and took pictures with the Mayor.

Mayor Fellows presented the "Key to the City" to Barbara Caskey, who is retiring as principal of Hollywood Elementary School, and spoke about her many achievements. Several students and Hollywood staff also made remarks. Mrs. Caskey thanked the City and commented on her career.

CONSENT AGENDA

A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to adopt the consent agenda, which consisted of the following item:

15-G-61 Motion to voice no objection to the application for a new Class B, (BLX) Beer, Wine and Liquor License for the use of Nando's of College Park, LLC t/a Nando's Peri Peri, 7400 Baltimore Avenue, College Park, subject to the applicant entering into a Property Use Agreement with the City in substantially the form as attached, authorization for the City Manager to sign the PUA, and for staff to testify at the BOLC hearing.

The motion passed 8 – 0 – 0.

[Council took a five minute recess.]

ACTION ITEMS:

15-O-03 Adoption of Ordinance 15-O-03, an Ordinance of the Mayor and Council of the City of College Park, Maryland to Adopt the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland

A motion was made by Councilmember Mitchell and seconded by Councilmember Brennan to adopt Ordinance 15-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland To Adopt The Fiscal Year 2016 Operating And Capital Budget Of The City Of College Park, Maryland.

Councilmember Mitchell said the budget Ordinance was introduced on April 28th and a public hearing was held on May 12th. The Ordinance reflects the combination of the FY 2016 City Manager's requested budget and budget changes made by Mayor and Council during budget Worksessions. Total General Fund revenues of \$16,317,988 include operating revenues of \$16,060,596 and an interfund transfer from the Parking Debt Service Fund of \$257,392. Total General Fund expenditures are \$16,317,988. In the Parking Debt Service Fund, total revenues are \$250,000 and total expenditures are \$257,392. There will be no change in property tax rates, fines or fees. The tax rates for real and personal property tax will be set at 33.5 and 83.8 cents per \$100 of assessed valuation, respectively. The total 5-year Capital Improvement Program is \$48,679,358. By adoption of this Ordinance, the FY 2016 Pavement Management Plan and Pay Plan are hereby adopted. Also, by adoption of this Ordinance, the City includes its employees in the Reformed Contributory Pension Plan of the Maryland State Retirement and Pension System (MSRP) and authorizes payment of retirement benefits into the said pension system, on the terms and conditions set forth in State law. The budget ordinance will be effective July 1, 2015.

Councilmember Wojahn said he received a request for funds for the Citizens Corps Council CERT program. He asked staff to work with Mr. Kobrias to see what can be accommodated with existing funds. Mr. Groh said there are funds budgeted in Public Safety.

Councilmember Kabir discussed the low balance of the City's undesignated reserve fund – it will be about 17% which is lower than the 25% mandated in the Charter – and cautioned against unnecessary spending. Mr. Groh responded that there is one large item – the purchase of prior service for the Maryland State Retirement – which we will repay to ourselves at a rate of \$250,000 per year. In addition, FY 2015 budget surplus will be returned to the reserve fund on June 30 at the end of the fiscal year. So the City can come out of that hole very quickly.

The motion passed 8 – 0 – 0.

15-R-04 Adoption of 15-R-04, A Resolution Regarding Tax-Exempt Parking Garage Refunding Bond Of 2015

A motion was made by Councilmember Mitchell and seconded by Councilmember Kabir to adopt Resolution 15-R-04, A Resolution Of The Mayor And Council Of City Of College Park Providing For The Issuance And Sale By City Of College Park (The "City"), Upon Its Full Faith And Credit, Of A General Obligation Installment Bond In The Aggregate Principal Amount Of Seven Million Seventy-Five Thousand Dollars (\$7,075,000.00), The Proceeds Of The Sale Thereof To Be Used And Applied For The Public Purpose Of Providing The Funds Needed To Prepay The Outstanding Principal Amount Of The City's Tax-Exempt Parking Garage Bond Of 2011 And, Together With The Use Of Other Non-Borrowed Funds, To Thereby Effect A Current Refunding Of Such 2011 Bond, As More Particularly Described Herein; Prescribing The Terms Of The Refunding Bond, The Form And Tenor Of The Refunding Bond, And The Terms And Conditions For The Issuance And Sale Of The Refunding Bond At A Private Sale, Without Soliciting Bids, To STI Institutional & Government, Inc., And Authorizing Certain Officials Of The City To Make Certain Final Determinations In Connection With Issuance Of The Refunding Bond; Providing For The Disbursement And Application Of The Proceeds Of The Refunding Bond; Providing For The Levy And Collection Of Ad Valorem Taxes Sufficient For, And

Pledging The Full Faith And Credit And Unlimited Taxing Power Of The City To, The Prompt Payment Of Principal And Interest On The Refunding Bond; Providing That The Principal Of And Interest On The Refunding Bond Also May Be Paid From Any Other Sources Of Revenue Lawfully Available To The City For Such Purpose; Making Or Providing For Certain Representations And Covenants Relating To The Tax-Exempt Status Of The Refunding Bond; Providing For Certain Actions To Be Taken And Determinations Made In Connection With A Reissuance Of The Refunding Bond As Described Herein; Providing That The Provisions Of This Resolution Shall Be Liberally Construed In Order To Effectuate The Transactions Contemplated Hereby; And Generally Relating To The Issuance, Sale, Delivery And Payment Of And For The Refunding Bond.

Councilmember Mitchell said this resolution authorizes the refunding of the Tax-Exempt Parking Garage Bond of 2011 with the Tax-Exempt Parking Garage Refunding Bond of 2015 in order to lower the bond interest rate by approximately 26% over the remaining 16-year life of the bond. The new bond of \$7,075,000 is in the same principal amount as the current balance of the old bond. The City's financial advisor and bond counsel have participated in negotiations with SunTrust Bank in order to secure this refinancing on favorable financial terms for the City. Debt service savings over the life of the bond total \$676,438. By adoption of this resolution, the Mayor, City Manager, City Clerk, Director of Finance and Deputy Director of Finance are authorized to execute the Refunding Bond and related documents on behalf of the City in connection with the closing of this bond, scheduled for June 16, 2015.

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

The motion passed 8 – 0 – 0.

15-R-05 Adoption of 15-R-05, A Resolution Regarding Post-Issuance Tax Compliance Procedures For Non-Conduit Tax-Exempt Obligations

A motion was made by Councilmember Mitchell and seconded by Councilmember Hew to adopt Resolution 15-R-05, A Resolution Of The Mayor And Council Of The City Of College Park Approving The Substantially Final Form Of, And Authorizing And Directing Certain Officials To Finalize And Execute, On Behalf Of The City Of College Park, Written Post-Issuance Tax Compliance Procedures For Non-Conduit Tax-Exempt Obligations That Are Designed To Ensure Compliance With Applicable Post-Closing Provisions Of The Internal Revenue Code Of 1986, As Amended, And Related U.S. Treasury Regulations; And Determining Various Matters In Connection Therewith.

Councilmember Mitchell said in the previous action, the Council approved a resolution authorizing the refunding of the Tax-Exempt Parking Garage Bond of 2011. The Internal Revenue Service strongly recommends that issuers of tax-exempt obligations adopt written procedures designed to address post-issuance compliance with provisions of the Internal Revenue Code and the related U.S. Treasury Regulations. The City's bond counsel drafted these procedures which apply to the Tax-Exempt Parking Garage Refunding Bond of 2015 and all current and future tax-exempt obligations of the City and comply with the IRS guidelines. By adoption of this resolution, the City Manager and Director of Finance are authorized to execute the Post-Issuance Tax Compliance Procedures on behalf of the City.

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

The motion passed 8 – 0 – 0.

15-G-63 Letter to WMATA regarding installation of Metro test track and sound barrier wall in north College Park

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to send a letter to the Washington Metropolitan Area Transit Authority (WMATA) expressing two requests relating to the construction of the test track between the Greenbelt and College Park metro stations.

Councilmember Wojahn said that WMATA representatives presented information about construction of the test track at a recent North College Park Citizens Association meeting and residents expressed concern about the placement of the sound barrier being rebuilt between the Metro and CSX tracks – that it might reflect sound from the CSX and MARC trains into the neighborhood. They want Metro to work with CSX to place the sound wall between the CSX tracks and the neighborhood. They also want Metro to refrain from using the test track during hours when Metro is not in operation.

Comments from the audience:

James Thompson, 9511 49th Place: He wanted to know what Council was requesting to be relocated – the tracks or the sound barrier? Mr. Wojahn clarified it is the sound wall.

Councilmember Kabir thinks we should send another letter to CSX asking for their cooperation in this project. We should also thank Metro for their consideration in the operation of the test track.

Councilmember Dennis thinks we are mixing WMATA issues with CSX issues. He is in favor of addressing the noise and test track issues with WMATA but thinks the issue of relocating the sound barrier should be addressed with both WMATA and CSX.

Councilmember Day agrees with Councilmember Dennis and said we should separate the two issues and address CSX separately.

Roll Call Vote:

Yes: Kabir, Wojahn, Brennan, Stulich, Hew, Mitchell

No: Dennis

Abstain: Day

The motion passed 6 – 1 – 1.

15-G-64 Letter to Prince George’s County Council with comments on proposed tax increase in FY 16 budget

A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to send a letter to the Prince George’s County Council regarding the County Executive’s proposed 15% tax increase.

There were no comments from the audience.

Councilmember Brennan said that the Berwyn District Civic Association talked about this and voted that Council request “the issue” be taken to referendum, but it is not clear to him what that particular issue is: whether the 15% increase or any increase go to referendum.

Councilmember Kabir would prefer stronger language because 15% is a large increase, but he understands his colleagues’ concerns. Residents can contact their County Council Members individually.

Councilmember Mitchell reminded residents that if they want to contact their County Council Members they should do so before May 28 which is when the budget will be voted on.

The motion passed 8 – 0 – 0.

15-G-65 Appointments to Boards and Committees

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to appoint Nick Brennan to the Animal Welfare Committee, Susan Keller to the Committee for a Better Environment and to reappoint Thelma Lomax to the College Park Housing Authority. The motion passed 8 – 0 – 0.

15-G-62 Discussion of a response to the letter dated May 18, 2015 from State Highway Administration regarding City funding of US Route 1 utility undergrounding

Mayor Fellows said this item will be discussed at next week’s meeting to allow staff to have time to reach out to SHA for clarification about the letter.

COUNCIL COMMENTS:

Councilmember Mitchell said she was principal for the day at Cherokee Elementary.

Councilmember Brennan said the Route 1 Pedestrian Safety Group is meeting on Friday, May 29 at City Hall.

Councilmember Wojahn asked for a future Worksession discussion on the “Safer People and Safer Streets” challenge by Secretary of Transportation Anthony Foxx.

Councilmember Kabir asked about the process for the upcoming City Manager search. Mayor Fellows said that would be discussed during the meeting with Mr. Mercer on June 3.

COMMENTS FROM THE AUDIENCE:

James Thompson, 9511 49th Place: Mr. Thompson is a Boy Scout with Troop 740 and is working on his Communications Merit Badge so he attended tonight's meeting.

Mary Thompson, 9511 49th Place: Asked if the new development on Route 1 (Monument Village) is student housing? Mr. Hew said it is market rate apartments.

ADJOURN: A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to adjourn the regular meeting. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 9:33 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved