

MINUTES
Regular Meeting of the College Park City Council
Tuesday, April 12, 2016
Council Chambers
7:30 p.m. – 10:27 p.m.

PRESENT: Mayor Pro Tem Dennis; Councilmembers Kabir, Nagle, Brennan, Stullich (arrived at 7:44 p.m.), Day, Cook (arrived at 7:35 p.m.) and Kujawa (arrived at 7:36 p.m.).

ABSENT: Mayor Wojahn.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Jill Clements, Director of Human Resources; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

Mayor Pro Tem Dennis opened the Regular Meeting at 7:30 p.m.

Announcements:

Councilmember Kabir said that the North College Park Civic Association would hold their monthly meeting at 7:30 p.m. at the Youth and Family Services building. Councilmembers from Districts 1, 2 and 4 will host a Budget Town Hall meeting on Friday April 29 at 7:00 p.m. at the Youth and Family Services building.

Councilmember Brennan discussed the Litter Logo Competition, which is running during the month of April. The purpose is to raise awareness of litter issues in our community.

Councilmember Dennis said that the Lakeland Civic Association will hold their monthly meeting on Thursday, April 14 at 7:00 p.m. in the College Park Community Center.

City Manager's Report: Mr. Somers announced that the second FY '17 Budget Worksession will take place on Saturday at 9:00 a.m. On Thursday, April 28 the Four Cities will meet in New Carrollton. He mentioned the red folder item: a request from the CPCUP for reappointments to the Board.

Proclamations And Awards: Mayor Pro Tem Dennis read the Earth Day Proclamation and the Arbor Day Proclamation.

Amendments To And Approval Of The Agenda: 1) (Somers) Add a closed session at the end of tonight's meeting to consult with Counsel on a legal matter, to consider matters that relate to collective bargaining, and to discuss matters related to a negotiating strategy; 2) (Day) Move 16-G-49 and 16-G-50 to the Consent Agenda; 3) (Kabir) Move 16-G-52 to the April 19 Worksession and list as a possible Special Session; 4) (Stullich) Move 16-G-38 to the end of tonight's agenda. Motion by Councilmember Nagle and seconded by Councilmember Day to approve the agenda as amended, passed 8 – 0 – 0.

Public Comment on Consent and Non-Agenda Items: None.

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

- 16-R-08** **A Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Support The Mayor's Challenge For Water Conservation**

- 16-G-49** **Approval of dumpster permits for periods of 30 days each until completion of the renovation of 4617 Norwich Road, and authorization for the Public Services Department to issue such permits**

- 16-G-50** **Letter of support for The Partnership's application for funding of the Milkboy + ArtHouse project to the County Redevelopment Authority's Community Impact Grant Program**

The motion passed 8 – 0 – 0.

ACTION ITEMS:

- 16-G-51** **Transfer of a Class B+, Beer, Wine, and Liquor License from J&G Inc. t/a Town Hall Restaurant to Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor**

Public Services Director Bob Ryan gave a presentation: This item was discussed at last week's Worksession. There are two items for Council's consideration tonight: 1) status of the fence; 2) food to alcohol ratio. Regarding 1: The Property Use Agreement (PUA) states that the new owners will complete the \$50,000 of property improvements agreed to by the current owners that were a condition of the Sunday off-sale permit, if the current owners do not complete those improvements by the time of sale. Those include a new sign in front of the store, painting the exterior, and repairing or replacing a fence at the rear of the store. The applicants instead have offered to remove that fence – this is one of the items for Council to decide tonight. Regarding 2: This liquor license is unique in that it does not require food service, however the applicants have agreed to serve light fare food. Most of our PUAs include a food to alcohol ratio, but in this case Council will need to decide if it wishes to establish a ratio.

Councilmember Brennan asked if staff had a position on the ratio. Ms. Ferguson said since there is no obligation to provide food with this license, staff had not proposed a food to alcohol ratio.

Mr. Bob Kim, Attorney for the applicant: He submitted to Council tonight the original list of improvements submitted to the BOLC, and a batch of invoices for work done to-date by the current owners. They just obtained the sign permit from DPIE so the sign should be completed in the next month or two. His client will accept responsibility for the sign and the fence if those have not been completed by closing. He also submitted a list of additional work that his clients intend to do to improve the building if the sale goes through.

Councilmember Brennan asked at what point the license holder has to prove they have met the \$50,000 requirement. Ms. Ferguson stated that the BOLC requires that proof at the one-year

renewal period, which is September of 2016. He asked if transfer of the license to the new owners constitutes an acceptance of the investment of the \$50,000? Mr. Kim said this investment requirement is a new process; the BOLC will verify the expenditures at the one-year renewal, or the license is subject to revocation.

Councilmember Brennan said the Council is not in a position to require a food to alcohol ratio in the PUA, and that removal of the fence is acceptable. He then clarified that Ms. Tandon is the actual applicant, not her husband, and assumed that she agrees with the statements made by her husband last week about the future investment in the property per the list they provided. He then asked if the body shop is also transferring. Mr. Kim said the Tandons will own that property and the auto glass shop will remain as a tenant. They have no plans to do anything with that business.

Councilmember Cook said it would be wise to have something in the PUA about the food to alcohol ratio to save some problems down the road. Ms. Ferguson said that the menu is included as an exhibit to the PUA. Mr. Kim stated that the entire menu will be served the entire time the business is open, and that the applicant is bringing in special equipment to prepare these menu items because the business does not have a full kitchen.

A motion was made by Councilmember Brennan and seconded by Councilmember Day that the City Council support the transfer of a Class B+, Beer, Wine, and Liquor License from J&G Inc. t/a Town Hall Restaurant to Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor subject to the applicant Mrs. Ashuta Tandon entering into a Property Use Agreement (PUA) with the City, in substantially the form as attached, with these amendments: remove reference to the food to alcohol ratio, and remove the obligation to replace the fence, and authorize the City Manager to sign the PUA and authorize City staff to testify to the Council's position at the BOLC hearing.

There were no comments from the audience or the Council.

The motion passed 8 – 0 – 0.

16-G-37 Approval of an Amendment to the contract with NZI for construction of Randolph Macon Avenue

City Attorney Suellen Ferguson gave a presentation: This is part of the effort to develop the Randolph-Macon unimproved right-of-way which Council has discussed previously. It has been determined through the plans provided by Mr. Kidwell what portions of the work would be done by him and what would be done by the City's contractor, NZI, because the City already has a competitively bid contract with NZI for the work included in the CDBG grant received by the City for \$127,000, which includes curb, gutter, sidewalk and paving. This proposal is to expand the scope of work in the NZI contract to include this work. The contract would not go forward until all of the other agreements necessary for this project are signed.

Councilmember Cook asked why this work wasn't taken out to bid. Ms. Ferguson said the contract that the City has with NZI did go out to competitive bid which set the unit prices. This proposal is to keep the same unit pricing, and to add this project to the scope of work. She added that this grant will close out in June, so the work needs to go forward.

A motion was made by Councilmember Day and seconded by Councilmember Stullich to authorize an amendment to the existing City contract with NZI, to perform paving, curb, gutter, and sidewalk work in connection with the improvement of the Randolph-Macon right-of-way.

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

The motion passed 8 – 0 – 0.

16-R-09 A Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Extend The Homeownership Grant Program To Buyers Of Newly Constructed Detached Single Family Homes.

City Attorney Suellen Ferguson gave a presentation: The City has funded a homeownership grant program for a number of years whose overall purpose is to support home ownership in the City. At times the eligibility criteria have changed. Current criteria include being a fire fighter or EMT, being an employee of the City, or buying a house in foreclosure. The proposal here is to include buyers of newly constructed single family homes with occupancy by the homeowner for a period of five years. This will encourage building of these houses and the buying of them.

A motion was made by Councilmember Stullich and seconded by Councilmember Day to adopt Resolution 16-R-09 to support the amendment of the City's Homeownership Grant Program to include purchasers of newly constructed single family housing who agree to the Grant requirements.

Comments from the audience:

Mr. Robert Kidwell, 1005 Nora Drive, Silver Spring, MD, the developer: Mr. Kidwell said these homes are intended to be transformative by providing nice houses in the upper \$500,000 range with the goal of repopulating Old Town with homeowners.

The motion passed 8 – 0 – 0.

16-R-06 A Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Adopt A Complete & Green Streets Policy

Planning Director Terry Schum gave a presentation: 16-R-06 will adopt a complete and green streets policy for the City that seeks to implement public rights-of-way that are safe and convenient for all modes of transportation and for all users. When this policy was discussed at the last Worksession, Council requested some revisions that addressed drainage issues, which have been incorporated in both the Resolution, and in policy sections B4, C4, and E6.

A motion was made by Councilmember Nagle and seconded by Councilmember Kujawa to adopt Resolution 16-R-06 to approve a Complete and Green Streets Policy for the City of College Park, Maryland.

There were no comments from the audience.

Councilmember Nagle said it is fitting that the City is adopting this policy on the same night as doing proclamations for Earth Day and Arbor Day.

Councilmember Cook expressed concerns about the map that appeared in the consultant's report that showed certain connectivity in the Cherry Hill and north Autoville neighborhoods. She hopes that residents' desires will be respected in the future.

The motion passed 8 – 0 – 0.

16-G-53 Appointments to Boards and Committees

Mayor Pro Tem Dennis called Council's attention to the request from the College Park City University Partnership to make reappointments to their Board of Directors.

A motion was made by Councilmember Kujawa and seconded by Councilmember Stullich to appoint Melissa Avery to the Committee for a Better Environment, Marilyn Morin to the Citizens Corps Council, and Senator Rosapepe and Richard Wagner to the Board of the CPCUP. The motion passed 7 – 1 – 0 (Cook opposed).

MAYOR AND COUNCILMEMBER REPORTS/COMMENTS:

Councilmember Cook said that she, Councilmember Kujawa and residents met with the developers of Towne Place Suites next to the EconoLodge. She requested that this presentation be put on a Future Agenda.

Councilmember Stullich requested a future Worksession on the Calvert Hills Community Garden. She had 20 responses from residents of Calvert Hills who are interested in participating.

STUDENT LIAISON'S REPORT/COMMENTS:

Mr. Holocker said he will send further information on the tailgates to Council. He and the Mayor judged the hacker submissions on Sunday at Bitcamp. They awarded a \$1,000 prize to College Park Toitles which is a scheduling and notification app for community events; he hopes they can present at a future Worksession. He saw some new renderings of the Iribe building for Computer Science and it looks amazing – he hopes the architect can present to Council.

GENERAL COMMENTS FROM THE AUDIENCE:

Mr. Robert Kidwell, 1005 Nora Drive, Silver Spring, MD: He had previously suggested that the new road that is being built in Old Town be renamed to represent an historically black college – Howard Lane. He noticed on the University's football schedule that their opening game is against Howard University. He thinks it would be an opportunity to dedicate the road or do a ribbon cutting on Saturday morning before the game to draw attention to the project.

At 8:50 p.m., a motion was made by Councilmember Cook and seconded by Councilmember Stulich to recess into a closed session for the reasons stated earlier. The Council will return to open session tonight after the closed session. The motion passed 8 – 0 – 0.

Council returned to open session at 10:19 p.m.

16-G-38 Approval of an Amendment to the Declaration of Covenants with Robert Kidwell

A motion was made by Councilmember Stulich and seconded by Councilmember Day to approve an amendment to the Declaration of Covenants with Robert Kidwell and others in a form to be approved by the City Attorney, and to authorize the City Manager to sign the amendment. The amendment will authorize the City to contract with Mr. Kidwell for the remaining portions of the road that are not covered in the NZI contract in an amount up to \$250,000, to revise the owner occupancy period from 20 years to 10 years, to remove the LEED certification requirement, but require that a scorecard would be completed that would commit the builder to specific green building practices, and that the City will be repaid the \$250,000 within 3 years through the sale of the lots, and that the debt will be secured by a deed of trust that names the City as first in line for each property.

Councilmember Nagle asked if Mr. Kidwell is going to own all the lots and sell them to the home buyers, or if the builder will sell them? Mr. Kidwell said there is one builder who will design a portfolio of homes and market them to prospective owners. The homes would be customized to meet the buyer's requirements. The builder is working with a bank that will issue a construction loan to the buyer. That loan would be used to purchase the lot. When they go to settlement on the lot the City would be repaid a pro-rated share of the cost of the road at that point, and the construction loan would be used to build the house. Once the house is built the construction loan would be converted to a regular long term mortgage.

Councilmember Stulich said Mr. Kidwell, residents of the Old Town community and staff have been working on this project for a number of years. The Old Town neighborhood faces particular challenges due to the high use of single family homes as rentals and this project is designed to help change that trend by creating a group of owner occupied single family homes and should become part of the solution to help stabilize the neighborhood.

Councilmember Kujawa asked if there is anything that could hold this up? Mr. Kidwell said the County has issued their permits and WSSC has approved the plan. They just need to submit a check to pay for the inspections, list the name of the contractor, and obtain insurance certificates naming the City and others as insured. He hopes to begin in May. He added that his family grew up in Old Town and they view this project as their legacy to College Park and hope it improves the quality of life in Old Town.

Councilmember Nagle will vote in favor of this but is cautious without actually seeing the final document.

The motion carried 8 – 0 – 0.

ADJOURN: A motion was made by Councilmember Nagle and seconded by Councilmember Day to adjourn the meeting. With a vote of 8 – 0 – 0, the meeting was adjourned at 10:27 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 8:50 p.m. on April 12, 2016, a motion was made by Councilmember Cook and seconded by Councilmember Stullich to enter into a Closed Session to 1) consult with Counsel on a legal matter, 2) discuss a negotiating strategy before a contract is awarded, and 3) consider matters related to collective bargaining negotiations. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 8:57 p.m.

Present: Mayor Pro Tem Dennis; Councilmembers Kabir, Nagle, Brennan, Stullich, Day, Cook and Kujawa.

Absent: Mayor Wojahn.

Also Present: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney. Planning Director Terry Schum and Human Resources Director Jill Clements each attended for a portion of the closed session.

Topics Discussed: 1) The City Manager and Human Resources Director updated the City Council on the status of collective bargaining negotiations. 2) The City Attorney provided advice to the City Council about a change to a development agreement that had been requested by a developer.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Stullich and seconded by Councilmember Day to adjourn the closed session, and at 10:11 p.m. with a vote of 8 – 0 – 0, Mayor Pro Tem Dennis adjourned the meeting.