

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 10, 2015
7:30 p.m. – 8:46 p.m.

PRESENT: Mayor Fellows; Councilmembers Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

ABSENT: Councilmember Kabir.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 7:30 p.m. Councilmember Stullich led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Day to approve the minutes of the Special Session on January 20, 2015 and the Regular Meeting of January 27, 2015. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Dennis announced that the Lakeland Civic Association would hold their monthly meeting on Thursday at 7:00 p.m. at the College Park Community Center.

Councilmember Wojahn announced that the North College Park Citizens Association would also meet on Thursday, beginning at 7:30 p.m. at Davis Hall.

Acknowledgement of Newly Appointed Board Members: Mayor Fellows acknowledged Judy Blumenthal who was recently appointed to the Aging-In-Place Task Force and thanked her for her service.

Amendments to the Agenda: Item 15-G-10 has been moved to the Consent Agenda.

City Manager's Report: Mr. Nagro said the City is re-opening the business recycling grant program to commercial and multi-family properties; microgrants of up to \$500 are available for community events; City offices will be closed on Monday for the Presidents Day holiday and trash collection will be delayed one day next week.

Student Liaison's Report: Mr. Holocker said the SGA is supporting HB 229/SB 604 which fixes a loophole in the law to provide protections against harassment to unpaid interns. He has been working with the Athletic Department to increase their engagement with the community. He is also working with the Neighborhood Quality of Life Committee.

Comments from the Audience on Non-Agenda items:

Suchitra Balachandran, 9320 St. Andrews Place: Urged Council's support for Del. Peña-Melnyk's bill which will affect the way municipal charter amendments would be handled. It

would allow a municipality to send a charter amendment to referendum and to set the threshold for the number of voters between 5% and 20%. They analyzed the City's voter rolls and were surprised to find so many people who no longer live in the City, so they met with the County election supervisor to discuss the problem.

Mary Cook, 4705 Kiernan Road: She learned a lot from their meeting with the County election supervisor about how many people we have on the rolls that no longer live here. It is especially bad in a college town like College Park because it stops people from putting a referendum on the ballot. Names don't come off the rolls very easily – they need return mail to confirm that someone has moved out. She urged Council's support for Del. Peña-Melnyk's bill.

CONSENT AGENDA

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

- 15-G-07 Approval Of A Letter To The Board Of License Commissioners That The City Voices No Objection To The 2015 Annual Renewal Of Liquor Licenses For Establishments In The City Of College Park**
- 15-R-02 Adoption of 15-R-02, A Resolution of the Mayor and Council of the City of College Park approving A Settlement Agreement With Comcast Of Maryland, LLC**
- 15-G-10 Approval of a letter of support for MC/PG 106-15 WSSC-Independent Review Board-Refunds**

The motion carried 7 – 0 – 0.

ACTION ITEMS

- 15-O-01 An Ordinance Of The Mayor And Council Of The City Of College Park To Repeal And Re-Enact Chapter 161, "Recycling" In Its Entirety, To Require Source Separation Of Recyclable Materials For All Owners And Residents Utilizing City Solid Waste Collection Services**

A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to adopt Ordinance 15-O-01, An Ordinance Of The Mayor And Council Of The City Of College Park To Repeal And Re-Enact Chapter 161, "Recycling" In Its Entirety, To Require Source Separation Of Recyclable Materials For All Owners And Residents Utilizing City Solid Waste Collection Services

Councilmember Wojahn said that Chapter 161, "Recycling" was last amended December 10, 1991, and provides only for the mandatory separation of used newspaper from municipal solid waste in the City of College Park. Used newspaper is the only commodity the City is recycling according to the Code. It is past time to update the Code with what we are actually recycling

today. We have gone from used newspapers to dual stream recycling to single stream recycling of many commodities. Therefore, this change to the Chapter 161 simply indicates in writing the current recycling policy now in effect.

There was an earlier public hearing so no audience comments were taken at this time.

There were no comments from Council.

The motion passed 7 – 0 – 0.

15-G-08 Approval of the City's co-sponsorship of a Mother's Day 5K Race in north College Park, co-sponsored by the College Park Community Foundation

A motion was made by Councilmember Mitchell and seconded by Councilmember Day that the City co-sponsor, along with the College Park Community Foundation, a Mother's Day 5K Run on Sunday May 10, 2015, authorize the expenditure of a \$500 grant from Recreation funds to the College Park Community Foundation to be used for this event, authorize City Public Works and Public Services staff to support this event, and authorize the use of City Contract Police Officers as needed.

Councilmember Mitchell said that the College Park Community Foundation has proposed and is planning a Mother's Day 5K run in north College Park on Sunday, May 10, 2015. Former Councilmember Mark Shroder, CPCF Board Chair Tricia Homer and CPCF Board Member Nick Brennan discussed this event with the Council at the work session on February 3. Last year the first College Park Mother's Day 5K was hosted by the Prince George's County Runners Club. The College Park Community Foundation has proposed hosting this year's event. Proceeds would go to the CPCF. The CPCF will be responsible for all race related logistics including route certification, registration, event timing, runner's shirts, etc. City staff will work with CPCF to plan community notification, route safety, etc. The Recreation Board voted for the City to support the event with a \$500 grant again this year. The City Attorney has advised that Council approval is necessary for the City to be an official co-sponsor of this event so that City insurance would cover it. The commitment the City will make as co-sponsor of this event is to provide the following: \$500 grant as recommended by the Recreation Board, Event-day City contract police support for safety and traffic control, Event-day placement of traffic cones (borrowed from UMPD) at cross streets for runner safety and coverage under the City's insurance to include Carrollton Enterprises / Hollywood Shopping Center as location of runner staging area, start and finish lines, and after race awards event

Comments from the audience:

Ms. Tricia Homer and Ms. Jackie Pearce Garrett, CPCF: Thanked the Council for their support of this event.

Councilmember Wojahn recused himself from the vote because he is on the Board of the College Park Community Foundation.

Councilmember Brennan recused himself from the vote because he has a family member who is on the Board of the CPCF.

The motion passed 5 – 0 – 2 (Wojahn and Brennan abstained)

15-G-09 Approval of an amendment to the Declaration of Covenants and Agreement Regarding Land Use with 7401 Realty, LLC to allow the National Green Building Standard in addition to LEED Standard for the multi-family development at 4700 Berwyn House Road.

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan to approve an amendment to Section 10 a. and b. of the Declaration of Covenants and Agreement Regarding Land Use between 7401 Realty LLC and the City of College Park dated August 15, 2014. This amendment will give the owner of 4700 Berwyn House Road the option to pursue National Green Building Standard (NGBS) bronze level certification using the ENERGY STAR path for energy performance as an alternative to Leadership in Energy and Environmental Design (LEED) certification.

Councilmember Dennis stated that 7400 Berwyn House Road is being sold to Wood Partners who is seeking this change to the agreement. NGBS is a green building rating system designed to address residential buildings. It offers bronze, silver, gold and emerald certification using third-party verifiers. Based on staff research and review of policies in other jurisdictions, staff determined that the two rating systems have similar requirements except that NGBS is less stringent in verifying energy performance and relies more heavily on energy modeling than site verification. The conclusion is that NGBS bronze certification combined with Energy Star certification would be a comparable standard to the basic level of LEED certification.

Comments from the audience;

Andy Shuckra, Keane Enterprises, original applicant for 4700 Berwyn House Road in the DSP process in 2014: He addressed what it would mean for them to add Energy Star certification to NGBS standard. They are proposing a high quality building and worked to orient the building to Route 1 with high quality visual elements. They requested an amendment to expand flexibility to include the NGBS standard. Staff recommended coupling that with Energy Star certification, which is not what they anticipated. They don't think the Energy Star piece would result in a significantly better project, and it would add unnecessary expense, time and redundancy for them. He provided information about Energy Star and detailed the problems they see with it. They view Energy Star as more onerous than LEED and would cost an additional \$200,000. LEED does not require compliance with Energy Star. They want to move this forward and believe their original proposal is best.

Scott Zimmerlee, Wood Partners: Most residential projects use NGBS. NGBS and Energy Star have similar requirements, but you can't certify two different standards with two different consultants. They are doing a lot of the things that are on the Energy Star scorecard. Mr. Shuckra said each unit will be individually metered, which is a large factor in reducing energy consumption. Ongoing monitoring and testing is expensive and onerous.

Chris Hatcher said the applicant is providing funds so the City could hire a consultant out of those funds to do some type of monitoring.

Ms. Ferguson said the wording in the agreements now says, “the owner shall make every effort to achieve a project that can obtain” either certification; it does not require that the certification be obtained, just that it could. The agreement later states that if by a certain date the applicant cannot show documentation that it has been certified, they could submit a scorecard and the City could retain a consultant to determine if the scorecard was correct. That is what the \$50,000 was for. There never was an absolute requirement that the builder have the LEED certification – just that they be certifiable.

Mayor Fellows said since staff and the applicant are in disagreement about the proposed amendment, there could be further discussion about the language; it does not need to be decided tonight.

Ms. Schum said last week Council asked staff if NGBS Bronze level certification is equivalent to basic-level LEED certification. Staff has researched the question and provided a response, but staff is not making a recommendation to Council about whether they should accept this amendment because the language in the current agreement does not require this owner to get any certification whatsoever. She checked with other jurisdictions that have green building codes to answer Council’s question and there is agreement that LEED meets or exceeds Energy Star requirements at its most basic level. Certification is not required at any level in the current agreement.

Councilmembers Wojahn, Hew and Dennis requested more time to address this question.

Mr. Hatcher advised that this decision need not have a precedential value for future decisions. The applicant is amenable to providing more time for Council to weigh the issues but noted that they are in the middle of negotiations on the deal, so he asked when Council would take this issue up next. Mayor Fellows said there is a possibility this could be decided in Special Session next week.

A motion was made by Councilmember Dennis and seconded by Councilmember Hew to table this matter until next week’s Worksession. The motion passed 7 – 0 – 0.

Mayor Fellows said this project is important to the City, so regardless of the precedential value of this decision, the greener and more sustainable it is, is good for the City.

15-G-11 Approval of letters of appreciation to the University of Maryland and Maryland-National Capital Park and Planning Commission for their support of the 24th Annual Tribute to Dr. Martin Luther King, Jr.

A motion was made by Councilmember Dennis and seconded by Councilmember Day to authorize the Mayor to send letters of appreciation to the University of Maryland and the Maryland-National Capital Park and Planning Commission for their continued support of the annual Martin Luther King, Jr. Tribute program co-sponsored by the City, University, Park and Planning and the Lakeland Civic Association.

Councilmember Dennis said the City's annual tribute to Dr. Martin Luther King, Jr has benefited from the long-standing support provided by the University of Maryland and Maryland-National Capital Park and Planning Commission for planning and logistics. The University has often been a source of prominent Keynote speakers, and the Office of Community Engagement participates in planning the program and printing the program brochure. Our Martin Luther King Jr. tribute program will celebrate its 25th anniversary in 2016. Beginning as a grass roots program in our Lakeland community, the program has grown in participation and attendance, and the venue has changed to accommodate growth of this program. This tribute has been presented at The Kay Theatre of The Clarice for over 10 years. Staff there provide exceptional stage management and technical support every year. Our use of the Kay Theatre is supported financially by M-NCPPC. The success of our annual tribute to Dr. King is possible with the help of our partners, and the attached letters express our appreciation for this support. Councilmember Dennis mentioned that the one-hour video of the January tribute is being played on the City's cable channel during Black History Month.

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

The motion passed 7 – 0 – 0.

15-G-12 Approval of additional FY '15 funds for Mayor and Council Travel and Training estimated at \$7,250

A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn that the City Council authorize up to \$8,000 in additional funds from the FY '15 budget for Mayor and Council Travel and Training.

Councilmember Stullich said that when the City Council prepared their FY '15 Travel and Training budget last spring, we made our best effort to anticipate the conferences that we would want to attend in the coming fiscal year. In recent weeks, however, additional conferences have come to light. One is the US Conference of Mayors annual convention which will be held in San Francisco in June. In addition, two of our Councilmembers are on the NLC Policy Committee which meets in Salt Lake City in June. The total estimated cost is \$7,250. Funds to cover this additional travel will be transferred into the account 1010.12-11 (Mayor and Council Travel and Training) from FY '15 surplus funds at the end of the fiscal year.

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

The motion passed 7 – 0 – 0.

15-G-13 Appointments to Boards and Committees

Mayor Fellows said the Council has been asked to reappoint the existing Class B and Class C Directors to the City-University Partnership to conform the terms to the Partnership’s by-laws, so tonight’s appointments will include a list of Partnership appointments that were made previously.

A motion was made by Councilmember Dennis and seconded by Councilmember Stulich to reappoint Charlene Mahoney to the Education Advisory Committee, to reappoint Taimi Anderson to the Animal Welfare Committee, and to forward a letter to the Historic Preservation Commission recommending the appointment of Bob Schnabel to the Old Town Local Advisory Committee. In addition, the following CPCUP appointments are made:

Andrew Fellows	Class B Director	06/30/17
Maxine Gross	Class B Director	06/30/18
Senator James Rosapepe	Class B Director	06/30/16
Stephen Brayman	Class B Director	06/30/17
David Iannucci	Class C Director	06/30/17
Dr. Richard Wagner	Class C Director	06/30/16

The motion passed 7 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Wojahn reminded everyone about the event on February 25 at Kangnam BBQ with Sen. Rosapepe. He has talked with the event planner about College Park Day and said there is increased interest from performers so we may want to consider a second stage.

Councilmember Mitchell asked about House Bill 271 Quarterly Audits for Speed Monitoring Systems and its impact on us. She asked if anyone from the City is attending tomorrow’s meeting about municipal tax write-offs. There was a discussion about Highway User Revenues.

COMMENTS FROM THE AUDIENCE: None.

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to adjourn the regular meeting, and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting at 8:46 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved