

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 13, 2016
Council Chambers
7:30 p.m. – 9:54 p.m.

PRESENT: Mayor Pro Tem Dennis; Councilmembers Kabir, Nagle (arrived at 7:33 p.m.), Brennan, Stullich, Day, Kujawa and Cook

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; Leo Thomas, Jr., Deputy Director of Finance; Bob Stumpff, Director of Public Works; Steve Halpern, City Engineer; Steve Beavers, Community Development Coordinator; Ryna Quiñones, Communications Coordinator; and Chris Keosian, Student Liaison.

Mayor Pro Tem Monroe Dennis opened the Regular Meeting at 7:30 p.m. He asked everyone to remember the family of Parkdale High School principal, Ms. Tanya Washington, who passed away suddenly over the weekend.

Announcements:

Councilmember Day, whose son attended Parkdale under Ms. Washington's leadership, said her loss is deeply felt by all.

Councilmember Stullich announced the Calvert Hills Citizens Association would meet tomorrow night at 7:00 p.m. in the Council Chambers.

Councilmember Brennan announced several events on Thursday, September 15: Third Thirsty Thursday at Ledo's Original Restaurant, a community solar workshop, and the Berwyn District Civic Association at Fealy Hall.

Councilmember Kabir announced a safety walk with COPS officer Cpl. Lobin on Friday night; meet at Duvall Field at 6:30 p.m. He commented on the bravery displayed by PGCPS bus driver Renita Smith who evacuated 20 children to safety when her bus caught fire in north College Park on Monday afternoon and said the City Council will plan a recognition event.

Councilmember Dennis announced the Prince George's County Police Coffee Club at Jason's Deli tomorrow at 9:00 a.m. He also took a moment to recognize the 90th birthday of a special resident, his mother.

City Manager's Report: Mr. Somers reviewed the items in the red folder; the annual Resident Information Guide is being delivered now; Fall Cleanup Days at Public Works are October 22 and 29; College Park Day is Saturday, September 24 from 11 – 4 at the College Park Aviation Museum. The Senior Social Center at Youth and Family Services will open on Wednesday, September 28; events will be held Wednesday and Friday mornings from 10:30 a.m. – 12 noon until December 16.

Awards: Councilmember Brennan presented awards to the winners of the Litter Logo Competition in three categories:

- 3rd Place, \$50 "Keep CP Green, Keep CP Clean": Michelle Delabrer, (University Student Category)
- 2nd Place, \$100, "Green Today, Here Tomorrow": Girl Scout Troop 1734 CP United Methodist Church, Leader: Donna Weene, (Elementary/ High School Student Category)
- 1st Place, \$250, "Together We Can Stop Litter": Gina & Kathy Tomko-Everett, (CP Resident / Non-Student Category)

Amendments To And Approval Of The Agenda:

- Add the three Field Use Requests in the red folder to Consent as item #16-G-117 (Day/Kujawa)
- Move item 16-G-92 up to the 2nd action item (Stullich/Day)
- Move item 16-G-112 to consent and note the revised letter in the red folder (Kujawa/Stullich)
- Agenda adopted with amendments (Stullich/Day) 8 – 0 – 0.

PUBLIC COMMENT ON CONSENT AND NON-AGENDA ITEMS:

Nancy Rexrode, 9507 50th Avenue: She is a member of the Hispanic Parent Support Group sponsored by Youth and Family Services and expressed how much they appreciate the City's support for the group – it benefits both the parents and the children. They contacted Gov. Hogan when funding was at risk (see attached letter) and now funds have been reinstated.

CONSENT AGENDA:

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adopt the Consent Agenda, which consists of the following:

- 16-R-21 Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2016-09, 4709 Guilford Road, College Park, Maryland, Recommending Approval Of A Variance From Sec. 27-442(C) Table II Of The Prince George's County Zoning Ordinance, Which Prescribes A Maximum Lot Coverage At 30 Percent**
- 16-G-109 Approval of funding for the Old Parish House 200th anniversary celebration in an amount not to exceed \$10,000 to be taken from an FY '17 budget amendment to be introduced on 10/25/2016**
- 16-R-22 Adoption of 16-R-22, A Resolution Of The Mayor And Council Of The City Of College Park Prohibiting Certain Through Truck Traffic On Designated City Streets**
- 16-G-110 Approval of Minutes: April 5, 2016 Worksession; April 19, 2016 Worksession; May 3, 2016 Worksession; May 17, 2016 Worksession; June 7, 2016 Worksession; July 5, 2016 Worksession; August 3, 2016 Worksession; August 9, 2016 Regular Meeting. Approval of Confidential Minutes of January 19, January 26, March 1, March 22, April 12, May 3, May 10, May**

17, June 14, July 5, July 12, August 3 and August 9, 2016 (provided separately).

16-G-114 Approval of the City's participation in the Wyland Foundation's 2017 National Mayor's Challenge for Conservation

16-G-116 Approval of a letter for continued support of the Purple Line

16-G-112 Approval of a letter of support for the joint UMD-City FY '17 Our Town Grant Application to the National Endowment for the Arts

16-G-117 ADD: Three Field Use Requests:

- **Berwyn Baptist Church – Sundays 09/18, 09/25 and 10/02; 4:30p until 6p; Game time for children. *Approved as submitted***
- **M&M Learning Center – Monday through Friday; 11:00a until 3p; lunch breaks, [daily] physical activity for students of learning center. *Amend dates to September 2016 through winter closing; Spring opening 2017 through June 15, 2017***
- **MD Stingers Women's Rugby – Tues. & Thurs. 08/26 -11/03; 7:30p until 9:30p; Twice weekly practices for Senior Women's Rugby team. *Approve as submitted.***

The motion carried 8 – 0 – 0.

ACTION ITEMS:

16-G-111 Approval of a resident request to replace four Zelkova street trees on Wichita Avenue

Mr. Somers reviewed the staff report and the history. He said if the item moves forward, staff, Councilmembers and the residents should meet to address the type of replacement tree.

A motion was made by Councilmember Nagle and seconded by Councilmember Cook to direct staff to replace four Zelkova street trees on Wichita Avenue with trees more conducive to the desires of the residents along Wichita Avenue.

Comments from the audience:

Dave Turley, Wichita Avenue: Spoke in favor of the motion. He is only opposed to these trees at these locations; other trees would be fine.

Councilmember Nagle reminded Council about the petitions that were submitted at last week's Worksession and said these are not native trees.

Councilmember Cook said we all hate to see trees removed but this is a quality of life issue; let's move forward and find a tree everyone can agree on.

Councilmember Kabir echoed that this is a quality of life issue and we should put the residents first and replace the trees with better ones.

Councilmember Stulich is skeptical that the species of tree is the issue and feels that if the trees are removed we shouldn't replace them right now. We should only plant trees in locations where they are unequivocally desired.

A motion was made by Councilmember Stulich and seconded by Councilmember Brennan to amend the motion to delete the reference to replacement the trees, and only to remove the trees at this time.

The amendment passed 6 – 2 – 0 (Councilmembers Kujawa and Cook opposed).

Councilmember Kujawa thinks we should replace a tree for a tree somewhere nearby.

Councilmember Stulich generally is not in favor of removing trees, but in consideration of resident support and passage of her amendment she will vote in favor.

Councilmember Nagle said the conditions on this block are extreme.

The amended motion passed 8 – 0 - 0.

16-G-115 Approval of Contract of Sale for the purchase of 9814 47th Place for the Hollywood Gateway Park project

Ms. Schum provided an overview: This contract will allow the City to purchase two vacant lots that adjoin the Hollywood Gateway Park to provide ADA accessibility to the proposed park. The terms have been negotiated and once approved will be officially presented to the seller. The contract is contingent on the City receiving approval from the Maryland Board of Public Works for the Program Open Space funds, which are being used to fund the majority of the cost. The project has been in the planning stages for several years. The City has spent \$705,500 to date to reach this point (\$475,500 to acquire the main lot; \$123,000 in survey, design and engineering; \$22,000 to raze the structure; \$85,000 for the current sales contract). There is \$605,000 in the CIP for construction. Funding has come from various grant sources.

Councilmember Cook asked if all City parks comply with ADA regulations; Ms. Schum said yes. She asked about the costs going forward. Ms. Schum said the \$605,000 in the CIP was enough to cover the estimated cost of construction, but we won't be sure until we bid the project and award the construction contract.

Councilmember Kujawa asked about the risk of losing grant funds. Ms. Schum said when you leave Program Open Space funds unencumbered there is the risk that the state will recapture them, but nothing is imminent. The Chesapeake Bay Trust grant funds (approximately \$150,000) expire in May of 2017. The funds are promised to us as long as we fulfill the terms of the grant agreement.

A motion was made by Councilmember Kabir and seconded by Councilmember Kujawa that the Contract of Sale between Shu Chin Lai and Ta Cheng Yang and the City of College Park in substantially the form attached be approved.

Councilmember Kabir said this will provide much needed ADA access to the park and the residents in the area will benefit. He understands the concerns about the cost but it would be unwise to kill the project at this point. It will be a wonderful gateway to the City.

Councilmember Nagle does not think there is a lot of resident support for this project. Capital Improvement Projects should be fully developed before moving forward with any funding. In 2008 Council moved to purchase 4703 Edgewood without fully understanding the cost of the park. With so much Program Open Space money being spent on this project, District 1 will not be in a position to ask for more POS money in the future for what residents really want. She would prefer to remove the house, plant trees, install a welcome sign and some art.

Councilmember Kujawa suggested a working group to discuss the future of this park.

Councilmember Cook agrees with Councilmember Nagle and feels this park should be as simple as possible.

Roll Call Vote:

Aye: Brennan, Stulich, Day, Kabir, Kujawa

Nay: Nagle, Dennis, Cook

Abstain: None

The motion carries 5 – 3 – 0.

16-G-92 Consideration and possible action on the Terrapin Row proffer/pedestrian safety improvements around Toll development (delayed from July 12 and August 3)

Ms. Ferguson gave an overview: This started as a request by Toll Brothers to be relieved of a condition in the Declaration of Covenants (DOC) regarding traffic improvements at a certain intersection to improve pedestrian safety. Toll proffered an alternative design using bollards, but upon further review, now say that the turning radii of certain vehicles (long trucks or buses) would encroach on the pedestrian safe zone. They have offered instead to provide \$25,000 to the City in lieu of making the improvements so that the City would address the pedestrian flow at this intersection. Prince George's County is planning improvements to the culvert on Guilford Road which could involve intersection improvements but that project is years away, so we need a short term solution. The question for the Council is if the proffer of \$25,000 from Toll will fulfill Paragraph 11 of the DOC. Staff supports this recommendation. The agenda item later tonight to prohibit through trucks on this road will increase pedestrian safety here, but buses will still transit the very complicated intersection.

A motion was made by Councilmember Stulich and seconded by Councilmember Day to accept \$25,000 from Toll Brothers, Inc., as being in substantial compliance with their obligations under paragraph 11 of the Declaration of Covenants and Agreement Regarding Land Use.

Comments from the Audience:

Thomas Haller, attorney for the applicant: They support the staff recommendation. The intersection is tight and difficult to maneuver and adding the pedestrian improvements is challenging. Limiting truck traffic will help but there is still bus traffic. They are concerned that whatever improvements they make will expose them to liability if someone is hurt. The City can use the funds to pursue other alternatives.

Rev. Ray Ranker, 5706 Vassar Drive, representing Hope Lutheran Church and the Catholic Student Center on Guilford Drive: They are concerned about the increase in pedestrian traffic with the opening of Terrapin Row and believe a study needs to be done now to find a safe, reliable and permanent resolution.

Mr. Somers said we can send a letter to Prince George's County asking them to expedite the work they are planning due to these concerns. Councilmember Kujawa asked if the City's letter can request a partnership to merge the projects. He said yes.

Councilmember Cook asked if we can take some temporary measures, and if we can ask the UMD to partially fund the improvements.

Ms. Ferguson said we don't have any traffic engineers on staff so we can't do anything temporary without a further study. We will continue to work on the issue and can ask the UMD to be involved but we will need to bring in experts.

Councilmember Stullich said it would be useful to receive the full report from Toll's traffic engineers. Mr. Haller said there is no written report besides the turning radius diagrams that were provided but he can ask them to prepare a letter addressing their findings. Ms. Stullich said that would be helpful and also wondered if this issue could be added to the Route 1 pedestrian safety team or if collaborating with our state and county representatives would get a quicker resolution.

The motion passed 8 – 0 – 0.

16-O-08 Introduction of Ordinance 16-O-08, An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #3)

Leo Thomas provided an overview: In June the Council approved the purchase of five pay stations for the new Terrapin Row area and the funds were encumbered. The contract was approved in July, and we received the pay stations and associated bills in August. This is part of the FY 16 budget because the expense was encumbered in June, and now a budget amendment is needed.

A motion was made by Councilmember Day and seconded by Councilmember Kujawa to Introduce Ordinance 16-O-08, an Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #3).

Mayor Pro Tem Dennis announced that the Public Hearing will be September 27 at 7:30 p.m.

16-G-113 Appointments to Boards and Committees

A motion was made by Councilmember Day seconded by Councilmember Brennan to reappoint Alan Stillwell to the Noise Control Board. The motion passed 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Kujawa wants to see the current Field Use Rules for Duvall Field. Staff will provide her with the adopted Field Use Rules and Regulations. She asked for a future Worksession to figure out what to do with the Hollywood Gateway Park space. Ms. Schum said this project has been designed, and those designs were the basis for the grants we received and for the stormwater management permits that we obtained. We stopped short of going out to bid on construction until we purchased the property approved tonight. We now have to reengage the parties but she wasn't envisioning a redesign because the grant funds we obtained were based on the designs that we submitted. It might need minor tweaks for cost purposes, but if we were to significantly change the nature of the project that would require a conversation with our funders. Ms. Schum will review the current design plans with Councilmember Kujawa.

Councilmember Cook discussed her tour of the Rosenwald School that was part of the Lakeland Community Heritage Weekend. She had the opportunity to hear stories of people who went to school there.

Councilmember Dennis also discussed the Rosenwald School, which is on 54th Avenue facing the railroad tracks. Many people feel the building should be preserved.

STUDENT LIAISON COMMENTS:

Sunday's Clean City Project had 36 students. Because of new construction on campus close to 3,000 parking spaces will be lost by this time next year.

Councilmember Cook said the CPCUP Transportation Committee will do a comprehensive parking study which needs to include the neighborhoods.

COMMENTS FROM THE AUDIENCE: None.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn into a closed session to discuss a matter related to a negotiating strategy, the acquisition or sale of real property for a public purpose and the proposal for a business to locate in the County. Mayor Pro Tem Dennis adjourned the Regular Meeting at 9:54 p.m. with a vote of 8 – 0 – 0.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 11:13 p.m. on September 6, 2016, a motion was made by Councilmember Dennis and seconded by Councilmember Day to enter into a Closed Session to 1) consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale, 2) discuss a negotiating strategy before a contract is awarded, 3) Discuss a personnel matter. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 11:19 p.m.

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

Absent: None.

Also Present: Scott Somers, City Manager, attended the entire closed session. Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Planning Director attended for topics 1 and 2.

Topics Discussed:

- 1) Review and discussion of potential properties for acquisition.
- 2) Update on contract to purchase a specific property
- 3) The form/criteria to be used for an individual's evaluation

Actions Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Kujawa to adjourn the closed session, and at 12:00 a.m. with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the meeting.

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Pursuant to §C6-3 of the College Park City Charter, at 9:54 p.m. on September 13, 2016, a motion was made by Councilmember Brennan and seconded by Councilmember Day to enter into a Closed Session to consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale, consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County, and discuss a negotiating strategy before a contract is awarded. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 9:57 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; Terry Schum, Planning Director; Bob Ryan, Director of Public Services and Chris Keosian, Student Liaison. Senator Jim Rosapepe and consultant Eric Smart attended for portions of the closed session.

Topics Discussed: 1) Council discussed a proposal that would involve City property and discussed the City's options. Council was advised by a consultant on matters relating to the proposal.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Kabir to adjourn the closed session, and at 11:47 p.m. with a vote of 8 – 0 – 0, Mayor Pro Tem Dennis adjourned the meeting.
