

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, January 29, 2019**  
**Council Chambers**  
**7:30 p.m. – 10:09 p.m.**

**PRESENT:** Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg and Mitchell.

**ABSENT:** Councilmember Kujawa

**ALSO PRESENT:** Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Jill Clements, Director of Human Resources; Terry Schum, Director of Planning; Kacy Rohn, Community Development Coordinator; Alex Tobin, Student Liaison.

Mayor Wojahn opened the Regular Meeting at 7:30 p.m.

**ANNOUNCEMENTS:**

Councilmember Kabir announced the monthly community police meeting on Thursday at MOM's café.

Councilmember Brennan announced the College Park Community Foundation event on Saturday.

Councilmember Dennis said Coffee Club is cancelled tomorrow and challenged his colleagues to determine which animal they are for Chinese New Year.

Councilmember Mitchell asked her colleagues to wear red in February for women's heart health.

**CITY MANAGER'S REPORT:** Mr. Somers referred to the Lay-On-The-Table item, discussed the cold temperatures and the slick roads.

**AMENDMENTS TO AND APPROVAL OF THE AGENDA:**

- ADD: Discuss unfreezing appointments to Boards and Committees (Kennedy/Rigg) 7-0
- ADD: Appointments to Boards and Committees (Brennan/Kennedy) 7-0
- ADD: Letter to UMD Board of Regents re President Loh (Day/Rigg) 7-0
- ADD: Letter to M-NCPPC regarding acquisition of WMATA property south of Albion Road (Rigg/Day) 7-0
- Remove Presentations 10A and 10B from tonight's agenda (Dennis/Brennan) 7-0
- The agenda was unanimously adopted as amended.

**PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:**

**Stuart Adams, resident:** Spoke in support of a letter to M-NCPPC regarding acquisition of the WMATA property; it is part of our green infrastructure network and important to preserve. Spoke in support of 19-G-11 and asked the City to encourage a County property tax credit for residents who buy flood insurance. The City should look at the connectivity from Rhode Island Avenue to Campus Drive; because of the alignment of the Purple Line, Rossborough Lane could become much more heavily travelled.

**Billy Bruno, resident, Service Chair, Phi Kappa Psi:** Discussed the Phi Psi Friends service program. Residents may submit requests to PhiPsiservice@gmail.com or PhiPsiUMD.Com/Service.

**Dave Dorsch, resident:** Older folks don't always do everything on the web; advertise things like this in the newsletter using phone numbers. Extend the safety rail on US 1. Open up Rhode Island Avenue to Campus Drive before the Purple Line construction begins.

**PRESENTATION:** Mr. Somers presented the Annual State of the City Report (attached).

**PUBLIC HEARINGS:**

**A. Public Hearing on Ordinance 19-O-01 – Amendments to Chapter 4, Administrative Organization and Chapter 62, Personnel and Employee Benefits**

Ms. Clements made comments in response to the questions that have been raised since the Ordinance was introduced in January. These revisions were undertaken to clarify, simplify and update the items that have been changed with Council's approval over the years. The recommendations regarding the hiring of the Assistant City Manager were made to place the Assistant City Manager position under the same terms and conditions of employment as a Department Director. The proposed revisions do not change the duties and authority of the City Manager or the Mayor and Council. The section on the Conduct of Employees is now included in the Personnel Regulations and political activities are expressly prohibited during work time. We can post the Personnel Regulations on the City website.

Councilmember Kennedy asked how the Assistant City Manager is hired. Ms. Clements said the process will not change. The City Manager has the duty to hire the Assistant City Manager through the normal recruitment process. The only thing changing are the terms and conditions of his employment.

Councilmember Brennan asked if the City Code will refer people to the Personnel Regulations for the information that is being removed. Ms. Clements said no. He asked where the City Manager's authority is stated. Ms. Clements replied it is in Chapter 9 of the Charter. He noted there is a redundancy in sections B & K under the City Manager's duties.

Councilmember Mitchell asked for clarification that this would mean that the City Manager does not have to bring the hiring of the Assistant City Manager forward to the Mayor and Council for approval. Ms. Clements confirmed that is correct.

**Public Comment:**

**Dave Dorsch, resident:** The Council should have the final say on the hiring of the Assistant City Manager because when the City Manager is absent, the Assistant City Manager fills in. The ACM is not just another department head; he is the Number 2 person. Keep the City Council's oversight over the hiring of the ACM.

There being no further public testimony, the Mayor closed this Public Hearing.

**B. Public Hearing on Ordinance 19-O-02 – Amendments to Chapter 54, Local Government Insurance Trust**

Ms. Clements said the information in this Chapter of the Code was required once long ago, but most of the language is no longer needed. This ordinance updates the City Code to keep only the currently required language.

There were no questions from Council.

No one testified on the Ordinance. Mayor Wojahn closed the Public Hearing.

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

**19-G-09 Approval of Fire Department Capital Equipment Grants of \$25,000 each to Berwyn Heights Volunteer Fire Department and Rescue Squad, Branchville Volunteer Fire Company and College Park Volunteer Fire Department.**

**19-G-10 Approval of a letter to Prince George’s County expressing interest in acquisition of Rhode Island Avenue**

**19-G-11 Approval of a letter to the County Executive requesting that the County accelerate completion of the Calvert Hills Drainage project**

**The motion carried 7-0-0.**

**ACTION ITEMS:**

**19-G-12 Approval of 1) a Memorandum of Agreement with the Maryland Historic Trust, the City and the University regarding 4601 Calvert Road, and 2) the Site Plan and final design of University of Maryland Childcare Center at 4601 Calvert Road– Scott Somers, City Manager and Terry Schum, Director of Planning**

Ms. Schum said this discussion is about the conversion of the Calvert Road School to a child day care center by the University of Maryland under a term sheet agreed to in 2018. At that time the City Council asked that the plans be presented at a community meeting, which was done. In 2015 the City received grant funds from the Maryland Department of Housing and Community Development (DHCD) for hazardous material remediation in the building. Under the grant agreement, the Maryland Historic Trust (MHT) reviewed the project to determine whether it would negatively impact the building, which is considered a historic resource. In 2018 MHT found that the proposed plans constitute an “adverse effect” to the 1938 school building and to the Calvert Hills National Register Historic District. Several aspects of the proposed plan were found to be incompatible with preservation standards. This finding triggered a legally mandated consultation process. Meetings were held between the parties (the City, the University, DHCD and MHT) and other stakeholders to develop a Memorandum of Agreement (MOA) regarding mitigation of the adverse impacts of the project. The attached draft represents consensus reached through these

meetings and attempts to minimize impacts to the main block of the historic structure and mitigate the loss of other original features, while remaining sensitive to the financial and time constraints of the project. The signatories to the agreement are the City, the University, the DHCD and the MHT. The final language has not yet been agreed to, and MHT has not yet approved the draft MOA.

Ms. Ferguson said we received comments last night from the University indicating some disagreement with the terms that are included in the draft in the packet. We are continuing to discuss these matters; MHT has also not approved the language. We expect that the open issues will be resolved. She said the Council is being asked to approve what is in the packet generally and allow her to complete the negotiation and resolve the remaining issues. The University is asking that we move as quickly as possible so they can begin work on their end. She said we believe we will reach resolution and asked the Council to approve the MOA subject to reaching a final negotiation that would have to be approved by the Maryland Historic Trust.

Mr. Somers said we are very close to reaching agreement and we are recommending moving forward with approval of the MOA tonight.

Councilmember Rigg asked if had we not accepted the \$100,000 grant from DHCD, would there have been a review of this project by the MHT? Ms. Schum didn't know the answer and said that since MEDCO is involved, a review might have been triggered anyway. Councilmember Rigg asked how "consensus" is being defined in the staff memo – are all parties in agreement that the MOA presented tonight alleviated their concerns? Ms. Schum said the City and University are substantially in agreement, and that the things left on the table are the windows in the two-story building, the type of replacement windows, language regarding salvaging materials, mitigation through signage, and the front door. The City and state parties are interested in seeing the original two-story building preserved including the front entrance, which won't be used any longer as entry into the child care, but there is an historic door, transom and sidelight. Without DHCD and MHT signing off on the MOA, it won't happen.

Councilmember Brennan asked for clarification about whether we would have to go through this process if the \$100,000 grant was returned to the state. He said there is a line between expediency and cost savings, and while the Council has an appreciation for historic preservation, they are also very eager to see this project proceed.

Ms. Schum said the MOA does not make any changes to the proposed new construction.

**A motion was made by Councilmember Day and seconded by Councilmember Rigg move that the City Council approve the Memorandum of Understanding (MOA) prepared by the Maryland Historic Trust for the former College Park Elementary School in generally the form attached and authorize the City Attorney to continue negotiations, and to approve the site plan and final design for a Childcare Center at 4601 Calvert Road subject to the terms of the MOA.**

**Comments from the audience:**

**Dave Dorsch, resident:** This whole building is historic, not just the front end. He thinks the proposal looks like hell and is the cheapest kind of building you can build. When the University supposedly asked for our input, they didn't care; they said this is the way we're doing it whether

you like it or not. He is surprised that the Council hasn't spoken up; only one person at the community meeting agreed with the design. It is not necessary to tear down the entire building.

**Stuart Adams, resident:** The consensus at the community meeting was that there were opportunities to salvage more of the historic building, but there was also interest in the purpose of the building and getting the project done. They just want to make sure it's done right. Can they incorporate any of the salvaged material into the new design such as using the brick for fencing? Can they amend the MOA to keep the salvaged material either on-site or nearby?

Councilmember Rigg said this is something the community asked for and the University came forward with this proposal. The community pushed back on other proposals, but they are ready to move forward with this one.

**The motion passed 7-0-0.**

**19-O-01 Adoption of Ordinance 19-O-01, An Ordinance Of The Mayor And Council Of The City Of College Park Amending Chapter 4, "Administrative Organization" By Repealing And Re-Enacting §4-2, "General Form Of Organization", §4-3, "Departments", §4-4, "Finance Department", Enacting §4-9, "Human Resources Department", Renumbering §§4-9 Through 4-11, And Deleting 4 Attachment 1, City Of College Park Table I, Organization Chart; And Amending Chapter 62 "Personnel And Employee Benefits" By Deleting Article I, "Employee Recognition Program", §62-1 "Operation Of Program", Renumbering Article II, "Personnel System" As Article I, And Article IV, "Local Government Health Benefits Trust" As Article III, Renumbering And Renaming Article III, "Pension Plan" As Article II, "Pension And Retirement Plans" Repealing And Reenacting §§62-2 "Establishment; Applicability", §62-3 "Implementation" §62-4 "Responsibilities Of City Manager", §62-5 "Responsibilities Of Mayor And Council", §62-8 "Adoption By Reference", §62-9 "Plan To Be Legal And Binding", §62-12 "Participation Approved", And Deleting §62-4.1 "Responsibilities Of The Assistant City Manager", §62-6 "Conduct Of Employees", §62-7 "Effective Date", §62-10 "Statutory Authorization", §62-11 "Determination", §62-13 "Execution And Delivery Of Trust", §62-14 "Payment Obligations" And §62-15 "Responsibilities Of City Officials, Employees And Agents" To Make Certain Changes In The Personnel Code, Including To Remove Outdated Or Unnecessary Provisions, Change Certain Requirements With Respect To The Assistant City Manager, Reflect The Human Resources Department As A City Department And Update Code References.**

**A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to adopt Ordinance 19-O-01 to update and change Chapters 4 and 62 of the City Code to reflect current practice and code references, to incorporate changes that have been approved by the Council, and to incorporate changes requested by the City Manager.**

Mayor Wojahn said that the public hearing was held earlier this evening so no further public comment would be taken at this time.

**A motion was made by Councilmember Brennan and seconded by Councilmember Day to amend section 62-3 (K) by removing the words “and assisting in the preparation of the agenda for Mayor and Council” because it is redundant with a portion of 62-3 (B).**

**The motion to amend passed 7-0.**

Councilmember Kabir wants to keep the Council involved in approving the City Manager’s choice of the Assistant City Manager in 4-2 (3) and asked if there is support among his colleagues.

Councilmember Mitchell concurred and said the concern is about the process because the Assistant City Manager position is a higher-level staff position and could be the next face of the City.

Mr. Somers offered to add back in the language in 4-2 (3) “subject to the approval of the Mayor and City Council.”

**A motion to amend Section 4-2 (3) was made by Councilmember Brennan and seconded by Councilmember Kennedy to add back in “subject to the approval of the Mayor and City Council.”**

**The motion to amend passed 7-0.**

**The main motion as amended passed 7-0.**

**19-O-02 Adoption of Ordinance 19-O-02, An Ordinance Of The Mayor And Council Of The City Of College Park Amending Chapter 54, “Local Government Insurance Trust” By Repealing And Re-Enacting Article I, “Findings”, §54-1, “Statutory Authority” And Repealing In Their Entirety Article I, §54-2 “Establishment Of Trust”, §54-3 “Authority To Enter Into Agreement”, §54-4 “Additional Capital Provided”, §54-5 “Documents”, §54-6 “Effect Of Agreements”, §54-7 “Determination To Participate”, §54-8 “Capital Contribution”, And Article Ii, “Participation In Trust”, § 54-9 “Program And Participation Approved”, § 54-10 “Contribution Authorized”, § 54-11, “Agreements Approved”, § 54-12, “Execution Of Program”, And § 54-13, “Declaration”, To Delete Unnecessary Provisions And Continue To Authorize The Participation By The City In Insurance Pools, Including The Local Government Insurance Trust, For The Purpose Of Purchasing Casualty, Health Or Property Insurance Or Self-Insuring Casualty, Health Or Property Risks.**

**A motion was made by Councilmember Dennis and seconded by Councilmember Day to adopt Ordinance 19-O-02 to amend Chapter 54, Local Government Insurance Trust, to continue the authorization for the City to participate in the Trust and its commitment to funding, and to confirm the Trust Agreement as amended and to delete unnecessary provisions.**

Mayor Wojahn said that the public hearing was held earlier this evening so no further public comment would be taken at this time.

There were no comments from Council.

**The motion passed 7-0.**

**DISCUSSION ITEM:**

**1. Discussion of an amendment to Section C4-3 of the City Charter, Supervisors of Elections, to increase the number of Election Supervisors from five to six, with anticipated introduction at next week's meeting.**

Ms. Miller discussed the memo from the Chief of the Board of Election Supervisors with a request to increase the number of Supervisors from five to six to add additional capacity to the Board. This is requested in anticipation of moving to three polling locations, which would provide two Supervisors per poll. The question before Council is how the sixth Supervisor would be appointed. Mr. Robson's recommendation is that the sixth Supervisor be appointed by the Mayor.

Council asked why six was the magic number or if seven supervisors would allow two per poll plus a 7<sup>th</sup> as the Chief, about the difference between a volunteer pollworker's and a Supervisor's duties, and if people overseeing things on Election Day have to be on the Board of Supervisors. The Board of Election Supervisors will attend the Worksession next week to discuss these matters further.

Council directed staff to prepare a draft amendment for discussion next week.

**ADDED TO THE AGENDA:**

**19-G-14 Unfreezing appointments to certain Boards and Committees/Appointments to Boards and Committees.**

Councilmember Kennedy said the Committee on Committees has been meeting and now recommends unfreezing appointments to all but two committees: the Cable Television Commission and the Citizens Corps Council. The COC will recommend that those two committees be disbanded.

**A: A motion was made by Councilmember Kennedy and seconded by Councilmember Brennan to unfreeze appointments to the remaining committees except the Cable Television Commission and the Citizens Corps Council. The motion passed 7-0.**

**B: A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy to appoint Stacy Currie to the Education Advisory Committee as the UMCP appointee. The motion passed 7-0.**

**19-G-15 Letter to University System of Maryland Board of Regents regarding the UMCP President**

**A motion was made by Councilmember Day and seconded by Councilmember Rigg to send a letter to the University of Maryland Board of Regents expressing support for President**

**Wallace Loh and stating that if he does not continue in his role as President, the City wants to be part of the search process for his replacement.**

There were no comments from the audience.

Councilmember Dennis made suggestions for the terminology we use in the letter.

Councilmember Kabir commented on the unfortunate circumstances behind Dr. Loh's decision to leave the University.

Councilmember Brennan discussed the risks to the City if Dr. Loh does not stay and the importance of finding a new president who will carry forward the commitments that are in process.

**The motion carried 7-0.**

**19-G-16 Letter to the Maryland-National Capital Park & Planning Commission re acquisition of the WMATA property south of Albion Road**

**A motion was made by Councilmember Rigg and seconded by Councilmember Day that the City send a letter to the Maryland-National Capital Park & Planning Commission re acquisition of the WMATA property south of Albion Road.**

Councilmember Rigg said this area of wooded property is for sale and it is important to have it preserved for greenspace. The City does not have the resources to purchase it, but it could fit in with M-NCPPC's interests.

**The motion carried 7-0.**

#### **COUNCIL COMMENTS**

Utility work on US 1 is starting next month and will cause lane closures; Four Cities meeting in College Park tomorrow night; Spencer Harris Award breakfast last Friday.

#### **COMMENTS FROM THE AUDIENCE**

Ms. Evans, newly appointed to the Seniors Committee, thanked the Council for the invitation to attend the meeting, found it interesting, and looks forward to serving on the Committee.

Mr. Patterson, who is on the Housing Authority, thanked Council for the Seniors Trips they fund.

#### **ADJOURN:**

**A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the Regular Meeting, and with a vote of 7-0-0, Mayor Wojahn adjourned the Regular Meeting at 10:09 p.m.**

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Janeen S. Miller, CMC  
City Clerk

Date  
Approved