

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 12, 2019
Council Chambers
7:30 p.m. – 9:09 p.m.

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

ABSENT: Councilmember Mitchell.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Gary Fields, Director of Finance; Jill Clements, Director of Human Resources; Bob Ryan, Director of Public Services; Alex Tobin, Student Liaison; Serena Saunders, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir announced the North College Park Community Association meeting and the Women's Self Defense Class.

Councilmember Dennis announced tomorrow's Coffee Club and Thursday's Lakeland Civic Association meeting.

Councilmember Rigg announced the Calvert Hills Citizens Association meeting.

CITY MANAGER'S REPORT: Mr. Somers said Bike to Work Day is May 17; Public Works has screened compost on sale; the Metro bus relocations have been postponed; and the Budget Worksessions are March 23 and March 30.

PROCLAMATIONS: Mayor Wojahn read the proclamation for Woman's History Month.

AMENDMENTS TO AND APPROVAL OF THE AGENDA:

- Add 19-G-48, letter to WMATA re the purchase of the Albion Road Parcel (Rigg/Day 7-0) to Consent
- Add discussion of the budget Worksession schedule (Rigg/Day 7-0)
- Approve the agenda as amended (Kennedy/Brennan) 7-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Oscar Gregory, resident: He conducted a survey about the ordinance on illegal dumping fines and the majority are in favor of keeping the fines the same.

PUBLIC HEARINGS:

- A. Public Hearing on Charter Resolution 19-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Increase The Number Of Supervisors Of Elections To Six, And To Make Provision For Appointment**

Ms. Miller explained that the Charter Amendment will increase the number of Election Supervisors to six, which was a request of the Board of Election Supervisors, so that each poll would have two Supervisors on Election Day.

Public Comment:

Oscar Gregory, resident: Institute neighborhood election centers, no excuse balloting and same day registration for increased voter flexibility.

There being no further public comment, Mayor Wojahn closed the Public Hearing.

B. Public Hearing on Ordinance 19-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 110 “Fees And Penalties”, By Repealing And Reenacting §110-1 “Fees And Interests” To Increase Fees For Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, And For Vehicle Immobilization Release.

Mr. Fields reviewed the cost of fee study that was presented in January. Four out of about 50 fees are recommended for increase. He reviewed the proposal.

Public Comment:

Oscar Gregory, resident: We are not in it for profit. Instead of increasing fees, the Council should lower or eliminate fees and add money and staffing to the animal control department.

Carol Nezzo, resident: We should pay people to take care of animals. We want to attract people so why chip away with these fees.

There being no further public comment, Mayor Wojahn closed the Public Hearing.

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

19-G-43 Approval of a contract with Fireworks Extravaganza for 2019 fireworks display, with options to renew for 2020 – 2022, at \$18,000 per year

19-G-47 Approval of a one-year Market Manager contract with Julie Beavers for \$150 per market day

19-G-44 Approval of Minutes from the February 12, 2019 Regular Meeting, the February 19, 2019 Worksession and the February 19, 2019 Special Session

19-G-48 ADDED: Letter to WMATA requesting they remove the Albion Road property from the competitive bid process.

The motion carried 7-0.

ACTION ITEMS:

19-G-45 Annual Review/Renewal of Insurance Contracts – Jill Clements, Director of Human Resources

Ms. Clements reviewed the staff report.

Councilmember Rigg asked about the health insurance increase of 6.9%. Ms. Clements said the average increase is 6.2%, the medical trend is 4.5%, the prescription trend is 12%, and the actuaries are using an 8% trend. We are in a self-insured consortium which gives us rebates when we have a good year.

Councilmember Kennedy asked about the increase in workers compensation. Ms. Clements said the rate is based on 3 years of claims. We had a really good year drop off and a bad year was added. We have an excellent safety program. Employees were involved in 3 accidents last year where they were hit, but our experience rating suffers until the claims are subrogated.

A motion was made by Councilmember Dennis and seconded by Councilmember Day to award the contracts for health, dental, workers' compensation, and property and liability insurances for FY 2020 as presented.

The motion passed 7-0.

19-CR-02 Adoption of Charter Resolution 19-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Increase The Number Of Supervisors Of Elections To Six, And To Make Provision For Appointment

A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adopt Charter Resolution 19-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Increase The Number Of Supervisors Of Elections To Six, And To Make Provision For Appointment.

Councilmember Kennedy is excited to see this move forward especially in the context of HR 1 and pro-voter momentum.

Councilmember Kabir clarified that this item is not about adding voting centers, it is about adding an election supervisor.

The motion passed 7-0.

19-O-06 Adoption of Ordinance 19-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 110 "Fees And Penalties", By Repealing And Reenacting §110-1 "Fees And Interests" To Increase Fees For

Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, And For Vehicle Immobilization Release

Mr. Somers clarified some items. The City will continue to hold free microchip clinics. This fee is for when the Animal Control Officer goes to someone's house to install an animal microchip. Compost fees are still the same – there is no proposal to increase those. The immobilization fee is to boot someone's vehicle, which has a high cost associated with it. Increasing the fee to \$100 only boosts the cost recovery fee to 6.1%. This shouldn't impact the community at large.

Councilmember Kabir asked about Chapter 102 fees: how many cases of animal impound redemption we have, how many times an impound occurs, and what the total fees are. Staff will provide.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adopt Ordinance 19-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 110 "Fees And Penalties", By Repealing And Reenacting §110-1 "Fees And Interests" To Increase Fees For Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, And For Vehicle Immobilization Release.

Councilmember Rigg remarked on the low recovery rate for some of these services and supports these increases, otherwise the rest of our taxpayers are bearing the burden of what amounts to chronic rule breaking by a few people.

Councilmember Kabir disagrees with increasing the fees related to Chapter 102 because those are fees for services, not for wrongdoing. **He made a motion to amend the ordinance to remove the fees related to Chapter 102, the animal impound redemption fee. The motion failed for lack of a second.**

The main motion passed 7-0.

19-O-07 Discussion of, and possible introduction of, an ordinance on dumping fines

Mr. Somers said this is an ordinance to increase illegal dumping fees. He provided the definition used in the ordinance for "litter." The proposal would increase the fee that would be imposed on someone who illegally places litter on someone else's property or on public property. The intention is to provide a disincentive by increasing the fine to \$1,000. This would not affect most people. If introduced tonight, a public hearing will be scheduled on March 26.

Ms. Ferguson noted the revisions to the ordinance in the red folder, some of which were general clean-up to code references. Regarding the abatement question that was raised last week, Chapter 132 already authorized the City to fine and seek abatement for nuisances on private property after going through the process spelled out in the Code (providing notice, allowing the person to appeal the notice through a hearing before the Advisory Planning Commission). This is an explanatory amendment that states that same appeal option is not available for a violation for depositing litter on public property or rights-of-way.

Councilmember Brennan asked what evidence is needed before bringing forth this type of violation. Ms. Ferguson said if the litter is on private property the first goal is to seek compliance and only after the owner is not responsive would the City take the next steps. He asked if we can go after corporations when trash accumulates on their property, such as near railroad track areas that are not safe for volunteer clean-ups. Ms. Ferguson said yes, it is the responsibility of the landowner. She added that some of these are criminal violations that the police can enforce under state law.

Councilmember Kabir asked about the number of infractions we have cited in the last year. Staff said the first goal of the ordinance is to discourage the behavior, which is why we will install additional signage and are considering cameras in certain areas. Mr. Ryan clarified Code Enforcement officers enforce the City Code, and police officers enforce state law.

A motion was made by Councilmember Kennedy and seconded by Councilmember Brennan to introduce Ordinance 19-O-07, An Ordinance Amending Chapter 132, “Litter And Graffiti”, By Repealing And Re-Enacting Article II, “Littering”, §132-8, “Violations And Penalties”, And §132-9, “Notice Of Violation; Cost Of Removal To Become Lien”; And Chapter 110, “Fees And Penalties”, By Repealing And Re-Enacting §110-2, “Penalties”, To Increase The Penalty For First And Subsequent Violation Of §132-3, “Littering”, Clarifying The Conditions Under Which Litter May Be Removed From Public Property And Updating Code References.

Mayor Wojahn said the Public Hearing would be held on March 26 at 7:30 p.m. in the Council Chambers.

Mr. Somers gave a status update on the bulk trash ordinance. Staff has meetings scheduled with CBE and the Property Owners Association. After those discussions, they want to meet again with the consultant to raise the concerns we have heard. Then it will come back to the Council. Mr. Somers proposed to delay the Public Hearing on 19-O-05 until this work can be done. He estimated it would take about a month, and that he would want to schedule another Worksession first. Council agreed.

19-O-08 Discussion of an amendment to Small Cell Ordinance – Suellen Ferguson, City Attorney

Ms. Ferguson said this is an area that keeps developing. The proposed ordinance updates the current law to add a definition, allows the city to hold a public hearing, sets additional standards for installation and maintenance of an installation, prevents spooling or coiling of cables on poles, requires additional information on the application, and sets a deadline for consideration of the application. The FCC has allowed until April 15 to implement aesthetic standards. She contemplates returning with a set of regulations. She added that the current ordinance states that commercial areas are preferred over residential areas, that collocation is preferred, and that the cabinets that are installed are supposed to blend in with the surroundings. She said the installations need to actually see each other. She added that the City will work with a provider to accommodate their request with the least disruption, and that we will become more educated about this as time goes on.

A motion was made by Councilmember Kennedy and seconded by Councilmember Dennis to introduce Ordinance 19-O-08, an Amendment to Chapter 172 Article II Wireless Telecommunications Facilities in Public Rights-Of-Way, to add a definition, allow the City to Hold a Public Hearing with Respect to the Proposed Installation of Wireless Facilities, Set Additional Standards for Installation, Set Standards for Identification and Maintenance, Prevent Spooling or Coiling of Cables on Poles, Require Additional Information to be submitted as part of the application, set a consideration deadline for applications not otherwise set by federal law, and add a fee provision.

Mayor Wojahn said the Public Hearing would be held on March 26 at 7:30 p.m. in the Council Chambers.

19-G-46 Appointments to Boards and Committees

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan to make the following appointments:

To the Supervisors of Elections: Mayoral-John Robson (designated the Chief), District 1-Lisa Williams, District 2-Diane Ligon, District 3-John Payne, District 4-Maria Mackie.

Compensation shall be set at \$720 per fiscal year for each supervisor and \$960 per fiscal year for the Chief Supervisor, each to be compensated for the full two year term.

To appoint Andrea McNamara and Pablo Regis de Oliveira to the Committee for a Better Environment.

To appoint Robert Thurston to the Seniors Committee.

The motion passed 7-0.

ADD: Discussion of Budget Worksession dates:

Council is scheduled to meet in Budget Worksession on Saturday March 23 and Saturday, March 30. Councilmember Rigg has a personal conflict with the budget Worksession on Saturday, March 30 and asked if Council would consider options to reduce or eliminate the March 30 date. Council agreed to schedule a slightly longer day on March 23 and to finish up after the regular meeting on March 26.

MAYOR AND COUNCIL REPORTS/COMMENTS:

Councilmember Brennan discussed the art feature at the LIDL project and the input that his neighbors had in the project. He mentioned the meetings facilitated by the CPCUP and the Children's Guild for a child care option in the City.

Councilmember Dennis discussed traffic congestion on US 1 near the new Alloy apartment building and the LIDL development. The work on Berwyn House Road near Alloy is finishing up.

Councilmember Rigg announced College Park Scholars In Action is hosting a technology event for seniors at City Hall on April 6.

Mr. Tobin discussed Spring Break and said Dan Alpert will be sitting in for the Student Liaisons next week. Vacation premise checks were discussed.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Rigg to adjourn the Regular Meeting, and with a vote of 7-0, Mayor Wojahn adjourned the meeting at 9:09 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved