

MINUTES
Regular Meeting of the College Park City Council
Tuesday,
Tuesday, March 23, 2021
7:30 p.m. – 9:19 p.m.

Due to the COVID-19 Pandemic, this was a virtual meeting.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Dennis, Esters, Day, Rigg, Mackie and Mitchell.

ABSENT: None.

ALSO PRESENT: Bill Gardiner, Interim City Manager; Janeen S. Miller, City Clerk; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Teresa Way-Pezzuti, Director of Human Resources; Adam Rosenbaum, Student Liaison.

Mayor Wojahn opened the virtual Regular meeting at 7:30 p.m. and asked for a moment of silence in observance of the mass casualty events in Georgia and Colorado this week, and in opposition to hate crimes against the Asian American/Pacific Islander community.

ANNOUNCEMENTS:

Councilmember Kabir remarked on the Districts 1 and 4 Budget Town Hall, and the socially distant community clean up over the weekend.

Councilmember Dennis announced the PGPD District 1 Virtual Meeting tomorrow morning.

Councilmember Mitchell also commented on the Budget Town Hall and announced the community meeting on the possible relocation of students attending the Cherokee Lane Elementary School.

Councilmember Mackie encouraged residents to preregister for COVID-19 vaccine.

Mayor Wojahn announced a vigil on campus tomorrow night in solidarity of members of the Asian American and Pacific Islander community.

CITY MANAGER'S REPORT:

Mr. Gardiner said the budget Worksession begins at 8:00 a.m. on Saturday. If we don't finish we will continue on Tuesday night, March 30. A community meeting with WSSC on the claims process will be held on Monday, March 29 at 7 p.m. There will also be a community-wide meeting about the future use of the Stone Straw property in north College Park on April 5 at 7 p.m.

AMENDMENTS TO AND APPROVAL OF THE AGENDA:

21-R-07: A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to add a Resolution denouncing the recent rise of violence against the Asian American/Pacific Islander community. The motion passed 8-0. This will be added to the Consent Agenda.

21-G-59: A motion was made by Councilmember Mitchell and seconded by Councilmember Mackie to add a letter to Prince George's County School Board opposing the relocation of Cherokee Lane Elementary students to a south county school while Cherokee Lane is being renovated. The motion passed 7-1 (Rigg opposed).

A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to approve the agenda as amended. The motion passed 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Mary King, resident: She reviewed the criteria of the revitalization tax credit and said there is no definition of high-quality development. What does the City want to incentivize? The Council should discuss how to target our tax credit. Student housing is successful without this incentive.

Peter King, resident: In researching the City's Economic Development policies, he reviewed the City website, the Revitalization Tax Credit page and application, the Real Estate Opportunities and Business organization webpage, and found them to be outdated or blank. He asked when the annual economic development report will be scheduled.

PUBLIC HEARING:

A. Charter Resolution 21-CR-01: A Charter Resolution Amending Article III, "Mayor And Council", §C3-5, "Election" And §C3-6, "Vacancies", And Article IV, "Voting And Elections, §C4-5, "Petitions For Candidacy; Employees" And §C4-6, "Runoff Elections", To Require That On Or Before March 31 Of A General Election Year (Except In 2021, When The Date Is On Or Before May 31), The Mayor And Council Will Set By Motion The Date In November For The General Election, That If The Mayor And Council Fail To Set The Election Date, The General Election Will Be Held On The First Tuesday Following The First Monday In November, That Withdrawal As A Candidate For A Vacancy Must Be Filed No Later Than Noon On The 20th Calendar Day Before The Election, To Allow More Flexibility In Setting The Date Of Any Run-Off Election Within A 45 Day Time And To Change Certain Filing Deadlines To Accommodate The Additional Time Required To Vote By Mail And Make Conforming Changes.

Ms. Miller reviewed the staff report and said this Charter Resolution was amended to allow for a change to the date of the election to be made until May 31 in this calendar year because the Charter Resolution won't be effective until the third week of May. Therefore, staff will return in May with a motion to set the date of this year's election.

There were no comments from the audience for this public hearing. Mayor Wojahn declared the public hearing as having been held.

B. Ordinance 21-O-04: Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 34, "Elections", Article I, "General Provisions" §34-3, "Definitions"; Article II, Conduct Of Elections, § 34-5, "Polling Places; Hours Of Voting; Early Voting", §34-6, "Absentee Balloting", And §34-7, "Runoff Elections"; And Article III, "Fair Election Practices", §34-15, "Campaign Finance Reports; Independent Expenditure Report"; To Include Electronic Posting And Messaging In The Definition Of Political Matter, Change The Dates For Filing Of An Application For An Absentee Ballot And A Late Filing For An Absentee Ballot, Removing The Requirement That The Notice To Candidates And Treasurers Under § 34-15a(2) And (3) Concerning Filing Of Finance Reports And Independent Expenditure Reports Be Given By Ordinary Mail, And Make Certain Clarifying, Conforming And Numbering Changes.

Ms. Miller said this ordinance makes mostly housekeeping changes and alters the timeline for absentee ballots to allow time for ballots to move through the US Mail.

Councilmember Mackie asked where voters can receive applications for absentee ballots. Ms. Miller said in addition to those being mailed, they can be downloaded from the City website or picked up at any City building.

Mr. Rosenbaum asked if absentee ballot requests can be submitted on the internet. Ms. Miller said the City does not have that capability at this time.

There were no comments from the audience for this public hearing. Mayor Wojahn declared the public hearing as having been held.

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

21-G-41	Approval of an amended contract with Volta Inc. for IT services in the amount of \$5,455 per month, and for services outside the contract scope of work to be billed at \$175 per hour. The contract term shall be 12 months, and there will be an option to extend the contract for two additional terms.
21-G-42	Approval of minutes from the February 16, 2021 Worksession and the February 16, 2021 Special Session.
21-R-07	Resolution of the City of College Park condemning Asian American and Pacific Islander Hate.

The motion passed 8-0.

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to suspend the rules to move 21-G-27 to front of the action agenda. The motion passed 8-0.

ACTION ITEMS

21-G-27 Award of contract for Hollywood Streetscape Construction

A motion was made by Councilmember Kabir and seconded by Councilmember Kennedy to approve a contract, in substantially the form attached, to Olney Masonry in the amount of \$2,802,300 for construction of the Hollywood Commercial District Streetscape Project.

Councilmember Kabir said this project has been in the works for ten years and thanks to the staff and the community it is now at the construction stage. The project will bring many amenities to the area and will invite quality businesses to the area.

Comments from the audience:

Rachel Ortiz, resident: Has small children. Streetscape will benefit kids who are desperate to play and help them know the diversity of the area.

Mary Cook, President, NCPCA: This project goes back to 2012. They are in strong support of the proposal. She is personally excited about the project and thinks it will bring more private investment.

Jeff Howard, resident: Very excited about the project. It will help with community pride and help the pedestrians in the area.

Councilmember Kennedy expressed her support for the project.

Councilmember Kabir acknowledged the emails he received from residents and businesses that are in support of this project.

Mayor Wojahn said when we put funds in the capital budget for this project many years ago, we weren't exactly sure what it would be. He appreciates the community engagement and the investment in Hollywood.

The motion passed 8-0.

21-G-43 Recommendation of approval, with conditions, of Detailed Site Plan 20031 for Aspen/Maryland student housing project, and approval of a Declaration of Covenants

Ms. Schum reviewed the Aspen student housing project on Knox Road at Guilford Drive: This DSP is for a 129 unit, 418 bed student housing project with a small amount of retail, and parking under one of the two buildings. The Planning Board hearing is on April 8. There is agreement

between the applicant and staff on the conditions and on the Declaration of Covenants. Staff recommends approval with conditions.

Matt Tedesco for the applicant: Mr. Tedesco introduced the applicant and confirmed that the applicant is in full agreement with the proposed conditions and the Declaration of Covenants.

A motion was made by Councilmember Rigg and seconded by Councilmember Day that the City Council recommend approval of DSP-20031 with conditions per the City staff recommendation and subject to a Declaration of Covenants and Agreement to be provided by the City Attorney.

Comments from the audience:

Mary King, resident: Question about traffic study and concern about amount of traffic: If additional traffic causes the need for a traffic device, who will bears the cost?

Ms. Schum explained that tonight the Council is reviewing the DSP. It was at a prior meeting when the Preliminary Plan of Subdivision was approved that adequate public facilities were reviewed, and those conditions were imposed by the Planning Board. If this project is not built and a different type of project goes in, a new traffic analysis would be required.

Mr. Tedesco added that the Planning Board will analyze the proposed development against the trip cap condition, and P&P transportation staff will make a determination if this development is in keeping with the trip cap that was imposed at the time to subdivision. He believes that it is.

The motion carried 7-0-1 (Councilmember Mackie abstained because she can't support another highrise in the area).

21-G-44 Approval of proposed parameters for permit-restricted parking on Pontiac Street between Osage and 49th Avenue, and on Osage Street, and to set a public hearing.

Jim Miller gave an overview of permit restricted parking in the Berwyn area. There have often been problems in this neighborhood with non-resident parking. The parameters proposed for this zone are the same as the surrounding streets.

A motion was made by Councilmember Esters and seconded by Councilmember Dennis to approve the proposed parameters for the consideration of permit-restricted parking on Pontiac Street between Osage Street and 49th Avenue, and on Osage Street, and to set a public hearing. The parameters are M - F 7 a.m. – 7 p.m., Saturdays and Sundays 12 a.m. – 6 a.m. with a 2-hour allowance for non-permit holders.

Councilmember Esters said it will be helpful to hear from residents to know how to move forward.

Councilmember Dennis said there should be a long-term goal to provide uniform on-street permit parking.

The motion passed 8-0.

21-O-04 Adoption of Ordinance 21-O-04 to amend Chapter 34, Elections, ", Article I, "General Provisions" §34-3, "Definitions"; Article II, Conduct Of Elections, § 34-5, "Polling Places; Hours Of Voting; Early Voting", §34-6, "Absentee Balloting", And §34-7, "Runoff Elections"; And Article III, "Fair Election Practices", §34-15, "Campaign Finance Reports; Independent Expenditure Report"; To Include Electronic Posting And Messaging In The Definition Of Political Matter, Change The Dates For Filing Of An Application For An Absentee Ballot And A Late Filing For An Absentee Ballot, Removing The Requirement That The Notice To Candidates And Treasurers Under § 34-15a(2) And (3) Concerning Filing Of Finance Reports And Independent Expenditure Reports Be Given By Ordinary Mail, And Make Certain Clarifying, Conforming And Numbering Changes.

A motion was made by Councilmember Mackie and seconded by Councilmember Mitchell to adopt Ordinance 21-O-04.

Councilmember Mackie thinks staff, the BOES and this Council has worked hard to implement safe election practices that meet the challenges of COVID-19 and are equitable to all residents.

The motion carried 8-0.

21-CR-01 Adoption of Charter Resolution 21-CR-01 to Amend and then Adopt Charter Resolution 21-CR-01, Amending Article III, "Mayor And Council", §C3-5, "Election" And §C3-6, "Vacancies", And Article IV, "Voting And Elections, §C4-5, "Petitions For Candidacy; Employees" And §C4-6, "Runoff Elections", To Require That On Or Before March 31 Of A General Election Year (Except In 2021, When The Date Is On Or Before May 31), The Mayor And Council Will Set By Motion The Date In November For The General Election, That If The Mayor And Council Fail To Set The Election Date, The General Election Will Be Held On The First Tuesday Following The First Monday In November, That Withdrawal As A Candidate For A Vacancy Must Be Filed No Later Than Noon On The 20th Calendar Day Before The Election, To Allow More Flexibility In Setting The Date Of Any Run-Off Election Within A 45 Day Time And To Change Certain Filing Deadlines To Accommodate The Additional Time Required To Vote By Mail And Make Conforming Changes.

A motion was made by Councilmember Mackie and seconded by Councilmember Mitchell to adopt Amended Charter Resolution 21-CR-01.

Councilmember Mackie repeated her earlier comments.

The motion passed 8-0.

21-G-45 Approval of a motion to set the polling location and hours of the 2021

Ms. Miller said the Mayor and Council are allowed by motion to set the location and hours of the 2021 General Election. This motion will set the location as the College Park Community Center, and the hours as 9 a.m. – 6 p.m. We will come back in late May to set the date of the election, and are working on the assumption that it will be Sunday, November 7, as previously discussed. Council has agreed not to have Early Voting this year due to COVID, and has discussed mailing absentee ballot applications to all registered voters.

Mr. Rosenbaum asked if the Council makes a motion to adopt this recommendation tonight, can they make another motion up until May 31. Ms. Miller said there is no deadline on when the Council sets the hours or location of the election; there is a deadline on setting the date of the election. She added that there are practical considerations in delaying these decisions. Mr. Rosenbaum followed up by asking about setting an Early Voting date. Ms. Miller added that Early Voting is in the City Code, not the Charter, but we would need to know about any Early Voting plans soon.

Councilmember Kabir expressed concern about the College Park Community Center as the only polling location and said it has raised concern about accessibility to voters. He said the County has relaxed health regulations in the last month and asked if Davis Hall could be reconsidered in the near future a second polling location on Election Day. Ms. Miller said having two polling locations on the same date would require twice the number of pollworkers and equipment, which would change the budget that had been approved, and requires advance planning. She added that no one can predict what the occupancy guidelines in Davis Hall will be in November. She said there would be operational considerations.

Councilmember Mitchell said we don't know what the restrictions will look like in November and that the BOES recommended the safest approach for everyone involved.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to approve the recommendation of the Board of Election Supervisors that the 2021 Municipal Election be held from 9 a.m. – 6 p.m. in the College Park Community Center, with the understanding that the date of the election will be set in May, and is expected to be November 7, 2021.

Councilmember Rigg said elections have so many moving parts, and with the added public health emergency, we need to make the best decision that we can at this time.

Comments from the audience:

Mary King, resident: Spoke of reasons against having two poll locations and added people are more amenable now to vote by mail.

Mr. Rosenbaum referred to the SGA letter. They believe Early Voting is critical. A large population of the City moves around and their addresses change from year to year. He and Dan Alpert want to speak with the BOES. Regarding COVID: students are willing to volunteer and staff the polls. Regarding the monetary concerns about having additional polling locations: the unassigned balance is the largest it has ever been, so he doesn't understand why such a small amount of money compared to the City's overall budget would impact accessibility to voting.

The motion passed 8-0.

ADDITION TO AGENDA: Mayor Wojahn requested to suspend the rules to add an item to the agenda. The Prince George's County Municipal Association sent a request for support on a legislative matter – SB 953 – to establish a state taskforce on domestic terror. Mayor Wojahn added that there is a hearing on Thursday and that Hyattsville has made this request.

A motion was made by Councilmember Kennedy and seconded by Councilmember Esters to suspend the rules to add this item to the agenda. The motion passed 8-0.

21-G-60 Support for SB 953 State Taskforce on Domestic Terror

A motion was made by Councilmember Kennedy and seconded by Councilmember Esters to send the letter in support of this bill.

Comments from the audience:

Mary King, resident: She asked for more information: what is this, how will it be set up, does it cost money.

Mayor Wojahn read the draft letter that was circulated by Hyattsville. This legislation will better enable the state to prosecute individuals who commit acts of insurrection along the lines of what took place on January 6 at the U. S. Capitol.

The motion passed 8-0.

21-G-59 Letter to Prince George's County School Board in opposition to relocation of Cherokee Lane Elementary School children to Middleton Valley Elementary School in Clinton MD.

A motion was made by Councilmember Mitchell and seconded by Councilmember Day to send a letter in opposition to this proposal.

Councilmember Mitchell said the proposal is to bus elementary school children 38 miles to another school so they can do construction. The school system didn't reach out to the Mayor and Council, to the 21st Delegation, or the County Council, regarding the proposal. They did not

respond to the concerns of the parents or the PTSA president. They could consider St. Marks elementary which is closer and was previously used for College Park Academy. The School Board should reach out to us partners.

There were no comments from the audience.

Councilmember Mackie added that these are elementary school children; the bus ride can be close to an hour; having the school that far away can cause a hardship. There are other alternatives close by so she doesn't know why a location so far away was chosen. As a child she was bussed 17 miles to her school and it was a hardship for her family. The parents are unified in opposition to this proposal and we should support our parents.

Councilmember Rigg said it is a complicated issue with a lot of moving parts and asked what are the other parts of this equation? What other schools will this decision impact?

Councilmember Mitchell said we didn't find out about this until Thursday at 12:00 when a County Council member told us. It is only about this one school going to another location that is currently unoccupied. The 21st delegation is on board with this as well.

The motion passed 8-0.

GENERAL COMMENTS FROM THE AUDIENCE:

Peter King, resident: He asked when the economic development update will be given. Mr. Gardiner said possibly in June.

CITY MANAGER COMMENT: Mr. Gardiner said we were contacted by our federal representatives about a Federal Community Needs earmark. Mayor Wojahn said congress is bringing back earmarks for specific projects that would provide great benefit to the community. Mr. Gardiner said we considered College Park Meals on Wheels or the College Park Community Food Bank. If there are other suggestions, please provide them by end of this month.

Councilmember Mackie asked if we should have a small workgroup to develop ideas. There is concern about the short timeline.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adjourn into a closed session. Mayor Wojahn read the closing statement: Pursuant to the statutory authority provided under the Maryland Annotated Code General Provisions Article § 3-305(b), the Mayor and Council of the City of College Park are providing notice that they will meet in a Closed Session after the meeting on March 23 to discuss the appointment of an employee over whom this public body has jurisdiction. The Mayor and Council will not return to public session tonight. Specifically, the Mayor and Council will discuss City Manager Recruitment.

The motion passed 8-0, and the regular meeting was adjourned at 9:19 p.m.

Janeen S. Miller	Date
City Clerk	Approved

CLOSED SESSION
March 23, 2021

On Tuesday, March 23, 2021, at 9:19 p.m., at the conclusion of the Regular Meeting, a motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adjourn into a Closed Session. Mayor Wojahn read the closing statement:

Pursuant to the statutory authority provided under the Maryland Annotated Code General Provisions Article § 3-305(b), the Mayor and Council of the City of College Park are providing notice that they will meet in a Closed Session after the meeting on March 23 to discuss the appointment of an employee over whom this public body has jurisdiction. Specifically, the Mayor and Council will discuss applicants for the City Manager position. The Mayor and Council will not return to public session tonight.

The motion passed 8-0.

At 9:24 p.m., the Mayor and Council reconvened in a Closed Session. Due to the COVID-19 Pandemic, the meeting was held virtually. Mayor Wojahn was the Open Meetings trainee.

Mayor Wojahn and Councilmembers Kabir, Kennedy, Dennis, Esters, Day, Rigg, Mitchell and Mackie were in attendance. In addition, the meeting was attended by Interim City Manager Bill Gardiner; Human Resources Director Teresa Way-Pezzuti; and Anne Lewis from Baker Tilley.

The Mayor and Council discussed applicants for the City Manager position. No action was taken.

At 11:30 p.m., a motion was made by Councilmember Day and seconded by Councilmember Mitchell to adjourn from the Closed Session, and with a vote of 8-0, the meeting was adjourned.
