

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, March 26, 2019**  
**Council Chambers**

**PRESENT:** Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg (arrived at 7:33 p.m.) 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; Terry Schum, Director of Planning; Ryan Chelton, Economic Development Coordinator; Gary Fields, Director of Finance; Alex Tobin, Student Liaison; Serena Saunders, Deputy Student Liaison (arrived at 8:30 p.m.).

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

**ANNOUNCEMENTS:**

Councilmember Kabir announced a budget Town Hall meeting on Friday, April 12 at Davis Hall and a community police meeting at MOMs café on Thursday.

Councilmember Kennedy announced she just attended a rally at the Supreme Court with the League of Women Voters regarding gerrymandering.

Councilmember Rigg announced a senior's technology literacy event happening at City Hall.

Councilmember Mitchell announced a meeting with County Council Member Dernoga on April 3.

**CITY MANAGER'S REPORT:** Mr. Somers reviewed highlights from the Weekly Bulletin: Good Neighbor Day Food Drive; mosquito season is upon us; April is spring clean-up month at Public Works; 1<sup>st</sup> Thirsty Thursday; Brunch with the Bunny and Spring Egg Hunt; Crystal Springs playground; and free passes to ride the Shuttle-UM.

**AMENDMENTS TO AND APPROVAL OF THE AGENDA:** Add item 19-G-54, letter to Sen. Rosapepe in response to letter he received from the North College Park Community Association (Kennedy/Day 7-0). Remove item 19-G-49 (Dennis/Rigg 7-0). Approve the agenda as amended (Rigg/Day) 7-0.

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

**Sarah D'Alexander, Office of Community Engagement, UMD:** Discussed the 8<sup>th</sup> annual Good Neighbor Day to be held on April 13.

**Mary King, resident:** Made recommendations on the City's bulk trash program: separate electronics and charge per item; tell people the charge remains even if the item is not there when the truck comes; is against charging bulk trash per item – use cubic yards instead.

**Stephanie Stulich, resident:** The cost has increased on the Calvert Road School day care project and the University of Maryland says they are not able to pay the \$130,000 it would take to replace the historic windows in the main building. Would the City be willing to contribute the incremental cost of replacing the windows?

#### **PRESENTATIONS:**

- A. Annual Economic Development Report – Ryan Chelton, Economic Development Coordinator:** Mr. Chelton presented the Annual Economic Development Report (attached).
- B. Annual Anacostia Trails Heritage Area Update:** Aaron Marcavitch, Executive Director, presented the annual ATHA/Maryland Milestones report.

#### **PUBLIC HEARINGS:**

- A. Public Hearing On Ordinance 19-O-07, 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**

Mr. Somers stated that this ordinance will increase litter/dumping fines for a first violation to \$1,000 which is the maximum allowable.

**Oscar Gregory, resident:** The penalty doesn't fit the crime. Have violators pick up the trash instead.

**Carol Nezzo, resident:** This represents a huge increase; what is the history of developing this plan. She doesn't want cameras and metal signs in the forest. Consider alternatives.

- B. Public Hearing On Ordinance 19-O-08, Amending 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.**

Ms. Ferguson said this is a follow-up to the original ordinance and is intended to make our law more complete and easier to administer. She noted two corrections to §172-9 on pages 5 and 7: change “Small Cell” to “Small Wireless.”

**Carol Nezzo, resident:** She is excited to see this; she did her dissertation on this topic. Where did we study it? Do we know the health impact on the people?

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

**19-G-50** Award of contract for on-call engineering services in substantially the form attached to Rummel, Klepper & Kahn, LLP using the hourly billable rates from Montgomery County, Maryland contract number 1011773, subject to approval of the City Attorney

**19-G-51** Approval of Minutes: February 26, 2019 Regular Meeting; March 5, 2019 Worksession; March 5, 2019 Special Session.

**The motion passed 7-0.**

#### **ACTION ITEMS:**

**19-O-07** Adoption of Ordinance 19-O-07, 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

**A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adopt Ordinance 19-O-07.**

Councilmember Rigg said this is less about the person littering and more about dumping at certain hot spots around the City.

Councilmember Mitchell said normally she would oppose such a large fine, but thinks we need this incentive to try to rein-in illegal dumping.

Councilmember Brennan said there is evidence in our City that we have a problem with illegal dumping. He supports the idea of allowing a person to render community service instead of paying a fee.

Councilmember Kabir sees the problem as identifying the violators. Mr. Somers said the primary goal is to discourage the illegal dumping in the first place. The second goal is to identify who it is. We will target those areas where we know dumping occurs.

**The motion passed 7-0.**

**19-O-08 Adoption of Ordinance 19-O-08, Amending 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**

**A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adopt Ordinance 19-O-08.**

Councilmember Rigg said the City is well positioned to address the applications that will now come forward, and that we are not allowed to say ‘no.’ We can lean-in by having these measures in place that give us some control.

**The motion passed 7-0.**

**19-G-53 Consider a position of support for HB 1091, Public-Private Partnerships – Reforms.**

Mr. Gardiner said this legislation requires the state to issue a report when it proposes to enter into a public-private partnership for transportation projects to provide greater transparency. Although it is not stated, this seems to apply to the I-270 and I-495 widening projects.

**A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to send a letter in support of HB 1091 to Sen. King and the Budget and Taxation Committee.**

Councilmember Dennis said this is about the public-private partnership involved in the I-495 and I-270 widening projects. The County Council has expressed concerns that this is going forward without input from County residents and that not all of the activity is being done transparently.

Councilmember Rigg said this is a tug-of-war between the Executive and Legislative branches of the state and has nothing to do with the governance of the City. Why are we interjecting ourselves? A PPP for large transportation projects is becoming common.

Mayor Wojahn said we have been asked by environmental groups to weigh in on this.

**The motion passed 7-0.**

**19-G-54 Letter to Sen. Rosapepe in response to letter he received from the North College Park Community Association**

Councilmember Kennedy said a letter went from the NCPCA to Sen. Rosapepe asking for support for funding for a community center in north College Park. She looks forward to having that discussion and appreciates the efforts of the NCPCA. The City is doing a city-wide survey to assess recreation needs, and there are a lot of other projects on the City’s agenda at this time. She

proposes the letter to District 21 and the County Council to: 1) clarify the use of the \$50,000 funding we received from the M-NCPPC in FY 19, which is not for a community center; 2) clarify that the study we are doing is not for the possibility of a community center, it is to assess the City's recreational programming; and 3) encourage conversations with City staff before they act on the NCPCA letter.

**A motion was made by Councilmember Kennedy and seconded by Councilmember Day to send a letter as described above to the 21<sup>st</sup> District delegation, and copy the County Council member and NCPCA.**

Councilmember Brennan said the City Council should make measured decisions on how funding is spent city-wide based on real demand and that we shouldn't put our state and county officials in the position of earmarking funding for a certain neighborhood.

Councilmember Kabir said for many years the City has sent a letter to M-NCPPC requesting they build a community center in north College Park, so the City has taken this position. He is disappointed we are in a public meeting approving a letter that we haven't seen and without providing notice to the residents or the NCPCA. He believes the NCPCA could have worded their letter better, but they are frustrated there has been no action on their request. He asked the Council to table this tonight to let the residents to respond. He suggested instead the City can ask the NCPCA to send the clarifying letter. He will likely abstain if this is decided tonight.

Councilmember Mitchell suggests we have a discussion with the leadership of the NCPCA about why we are going this way and send a letter. This has been going on and on, and we need to close the loop and move forward. She thinks coming to the table and having a discussion is the best way to resolve this.

Councilmember Kennedy has had several conversations with them but perhaps the Mayor can join in the next one on how to move forward.

Councilmember Day asked about the Park and Planning study mentioned by Councilmember Kabir. He said they allocated \$50,000 for a feasibility study, then removed it, and the study was never done.

Mayor Wojahn said our proposed letter is not taking a contrary position to what NCPCA said in their letter; it is just clarifying. The NCPCA letter suggested the City may have misdirected funds, so it is important from our perspective to confirm that the City is using the funds for what they were intended. He thinks it is important to have open communication between the elected officials, residents and City staff to ensure we are all on the same page.

**Roll Call Vote:**

**Aye: Kennedy, Brennan, Dennis, Day, Rigg, Mitchell**

**Nay:**

**Abstain: Kabir**

**The motion carried 6-0-1.**

## **19-G-52 Appointments to Boards and Committees**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to appoint Matt Dernoga to the CBE, Kennis Termini to the Animal Welfare Committee, Cameron Thurston to the Board of Election Supervisors, Aiina De Triana to the Rec Board, and to reappoint Todd Larsen to the CBE and Kathy Rodeffer to the AWC. The motion passed 7-0.**

### **MAYOR AND COUNCIL REPORTS/COMMENTS:**

Councilmember Mitchell asked for the status of HB 396 regarding a permit plan for utility services.

Mayor Wojahn asked Council if they are interested in having SHA attend a Worksession for a follow-up discussion about the proposed I-495/I-270 widening and invite Four Cities elected officials to attend. Mitchell/Rigg 7-0.

Councilmember Rigg requested a future Worksession in response to the CPCUP request to honor the late Poet Laureate of the United States, Reed Whittemore, who was a College Park resident. Rigg/Brennan 7-0.

Mr. Tobin noted an article written by Deputy Student Liaison Serena Saunders for Women's History Month on the SGA Facebook page.

Ms. Saunders said that an SGA team would be working on service projects for Good Neighbor Day.

Mr. Somers suggested postponing the Budget Worksession that was supposed to be held after tonight's Regular Meeting to next week, due to the lateness of the hour. All were in favor.

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

**Stephanie Stulich, resident:** Discussed concerns about trash/litter in Old Town and asked if there are still regular clean-ups by student groups in Old Town on Sunday mornings. Mr. Tobin responded that they are regularly meeting at 11:00 a.m. on Fraternity Row for the clean-ups.

**ADJOURN:** A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adjourn the Regular Meeting, and with a vote of 7-0, the meeting was adjourned at 9:58 p.m.

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Janeen S. Miller, CMC  
City Clerk

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Date  
Approved