

**MINUTES**  
**College Park City Council Meeting**  
**Tuesday, April 11, 2023**  
**7:30 p.m. – 9:46 p.m.**

**This was a hybrid meeting: Online via Zoom.**  
**In-person in the Council Chambers of City Hall.**

**PRESENT:** Mayor Pro Tem Denise Mitchell; Councilmembers Kabir, Kennedy, Esters, Whitney, Adams, Rigg, and Mackie.

**ABSENT:** None.

**ALSO PRESENT:** Kenneth Young, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Miriam Bader, Director of Planning; Michael Williams, Economic Development Coordinator; Valerie Graham, Student Liaison and Adrian Andriessens, Deputy Student Liaison.

Mayor Pro Tem Mitchell opened the meeting at 7:30 p.m.

**Announcements:**

Councilmember Kabir announced the NCPA monthly meeting, a community clean up, and the shredding event.

Councilmember Esters asked for civility during the upcoming election, and said the Lakeland Civic Association meeting is Thursday.

Councilmember Whitney announced another community clean up.

Councilmember Adams announced the Mayoral Debate in City Hall tomorrow hosted by the College Park Estates and Yarrow Civic Associations; he thanked Code Enforcement for efforts over the weekend.

Councilmember Rigg is excited about the upcoming Route 1 Rampage.

Councilmember Mackie announced a drug take back event and Maryland Day.

Student Liaison Valerie Graham announced that recruiting is underway for the next Student Liaison.

Mayor Pro Tem Mitchell also thanked Code Enforcement.

**City Manager's Report:** Mr. Young provided information about the Special Election and gave an update on state legislation that the City was supporting. He spoke about the "vehicle burnout" incident at the intersection of Edgewood Road and Rhode Island Avenue on April 7 and described police response.

**Amendments To/Approval Of The Agenda:**

The agenda was approved without amendment, Rigg/Whitney, 8-0.

**Public Comment:**

**David Turcious, resident:** Former co-chair of College Park Boys and Girls Club. Reported an incident at Duvall Field last night. They were there for a pick-up game on the small baseball field. There was also a lacrosse game that was permitted on the large field. The lacrosse team seemed unhappy that the pick-up game was going on, and became verbally abusive toward the children in the pick-up game. Asked the City of College Park to step in.

**CONSENT AGENDA: A motion was made by Councilmember Esters and seconded by Councilmember Whitney to adopt the Consent Agenda, which consisted of these items:**

- 23-R-04      Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission For Application Number CEO-2023-01, 9400 49th Avenue, College Park, Maryland, Recommending Approval Of Variances From City Code §87-23.C, To Permit The Installation Of A 5-Foot-High Board-On-Board Fence Along The Side Yard Of A Street
  
- 23-G-58      To authorize the City to participate in the National (Opioid) Settlement Agreements with Walgreens, Walmart, Allergan and Teva, to authorize the City Manager to sign the Participation Form for the settlements, and to take any other action necessary to give effect to this authorization, and to

authorize the City to enter into the State-Subdivision Agreement with the State of Maryland in substantially the form attached, subject to review and approval by the City Attorney, and to authorize the City Manager to sign the State-Subdivision Agreement Approval Form. If any of the National Settlement Agreements fails to go forward, the State-Subdivision Agreement will be void and create no rights or duties between the State and the City with respect to that National Settlement Agreement. I further move to align with the State of Maryland with respect to the CVS proposed settlement and to wait until a State approved settlement is reached.

- 23-G-59 To authorize the Mayor Pro Tem to sign the attached letter of support for the University of Maryland's grant application to the Federal Transit Administration for the purchase of 35 electric buses and charging infrastructure.
- 23-G-60 Approval of Minutes from the March 2, 2023, March 7, 2023 and March 11, 2023 meetings.
- 23-G-61 Approval to bypass the formal bid process and award a Consultant Agreement to Hagerty Consulting Inc., in substantially the form attached, for Services to support the City's ongoing CLFRF administrative needs for a cost not to exceed \$75,000 from April 2023 through January 31, 2024, and authorize the City Manager to sign. (extra-majority vote required)

**The motion passed 8-0.**

**1. PUBLIC HEARING AND POSSIBLE ADOPTION OF:**

**A. 23-CR-01**, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, "Mayor And Council", §C3-5, "Election" And §C3-6, "Vacancies"; And Article IV, §C4-2, "Registration Of Voters", §C4-3, "Supervisors Of Elections", §C4-4, "Other Election Officials", And §C4-5 "Petitions For Candidacy; Employees"; To Change The Date That A Petition For Candidacy For A Mayor Or Council Vacancy Must Be Withdrawn To Two Days After Said Petitions Are Due, Provide That Voter Registration For City Elections Shall Close 15 Days Prior To An Election, Provide That Supervisors Of Elections Will Be Appointed Or Re-Appointed On Or Before June 30 Of A Non-Election Year With Two Year Terms To Begin On July 1 Of That Year, Remove The Requirement That

City Elections Be Conducted As Nearly As Practicable To Prince George's County Elections, And Change The Last Day Of Candidacy Withdrawal In A General Election To 49 Days Before The Election, And To Make Non-Substantive Corrections, Remove Unnecessary Provisions, And Clarify Other Provisions.

Ms. Miller reviewed the staff report to explain the Charter Amendment and the amendment to the "Whereas" clause regarding the date that voter registration closes for City elections. The Voter Eligibility date will be 15 days, and the Administrative Close date will be 28 days. Mayor Pro Tem Mitchell opened the Public Hearing. There was no one to testify on this matter. The Public Hearing was closed.

**A motion was made by Councilmember Rigg and seconded by Councilmember Mackie to adopt the Charter Amendment. The motion passed 8-0.**

**B. 23-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, §34-6, "Absentee Balloting"; And Article III, "Fair Election Practices", §34-11, "Appointment Of Treasurer By Candidates And Political Committees"; To Redefine Ballot And Electronic Signature And To Define Mail-In Ballot, Reflect Maryland Law With Respect To Mail-In Ballots And Absentee Ballots, Accept Certain Signatures Electronically, Set A Time By Which Applications For Mail-In Ballots Must Be Made, Make Provision That Qualified Voters Who Have Opted To Receive A Mail-In Ballot For Federal Or State Of Maryland Elections Will Automatically Receive A Mail-In Ballot For City Elections Without The Necessity Of Filing An Application And Clarify Who Can Be Appointed As A Treasurer For An Political Candidate.

Ms. Miller provided an overview of this Ordinance. She said that beginning in the General Election, any voter on the state's Permanent Vote By Mail list will automatically receive a ballot for City elections. Mayor Pro Tem Mitchell opened the Public Hearing. There was no one to testify on this matter. The Public Hearing was closed.

**A motion was made by Councilmember Mackie and seconded by Councilmember Esters to adopt the Ordinance. The motion passed 8-0.**

**C. 23-O-02**, Amended Ordinance of the Mayor and Council of the City of College Park amending Chapter 190 "Zoning", Article I "Revitalization Overlay District" by renaming the article and repealing and reenacting §190-3 "Powers and Duties of the City Advisory Planning Commission to conduct hearings", §190-4, Criteria for Granting Variances, §190-9 "Departures From Design Standards", and §190-17 "Appeal" to conform the Variance And Departure Provisions to County Law.

Ms. Ferguson said this Ordinance conforms the City Code to the new County Zoning Ordinance for Variances and Departures. Since it was introduced, an amendment to §190-5 has been added in. Mayor Pro Tem Mitchell opened the Public Hearing. There was no one to testify on this matter. The Public Hearing was closed.

**A motion was made by Councilmember Esters and seconded by Councilmember Whitney to adopt the Ordinance. The motion passed 8-0.**

**Presentations And Worksession Discussions:**

A. Budget Worksession Follow-up: Additions to FY2024 Proposed Budget and special tax rate for commercial/apartment properties – Gary Fields, Director of Finance and Kenny Young, City Manager

Mr. Young said our property tax rate has not kept pace with the cost of providing services to our residents. It has nothing to do with the Revitalization Tax Credit; it is because of the decreases to the property tax rate that have been adopted. We have lowered our tax rate two years in a row, and this is not sustainable. Mr. Fields said the proposed budget was a balanced budget. Mr. Fields reprojected revenues to fine tune them, costed out some Council requests, added a 20% increase in inspection fees, and determined additional budget cuts from programs, totaling \$75K. This still leaves a budget deficit of \$342,000. We either need to reduce Council requests or find funding sources for them.

Councilmember Adams asked if alternative funding sources could be used to offset the contributions to Fire Departments, Meals on Wheels, the literacy Lab and tutoring program. He asked about increasing the tax rate on apartments, condos, industrial and commercial by 3 cents. He discussed possible allocations of any additional tax revenue that would result from such as increase.

Mr. Fields and Mr. Young responded. Two tax rates would require two Constant Yield certifications: one on residential, one on commercial and apartments. Consider the response of those impacted by the 3-cent increase. Mr. Fields asked Council to verify that they are not considering lowering the current 30.18% tax rate on residential because that would be a problem. Mr. Fields and Mr. Young explained that we need to be at 32 cents to fund all the additional programs we have added over the years. Mr. Young said we don't know what the assessments are until June.

General discussion about a Senior Tax Credit program, the County's parameters, and when Council will discuss the City's parameters.

Mr. Fields said we may need to scale back our CIP. We have been lucky to have funds to cover CIP requests from the General Fund surplus and lost revenue recovery, but that is not sustainable. Mr. Young added that we will do a compensation survey in the coming year and may need to be prepared to increase our salaries to retain the best and the brightest. Mr. Fields explained the timing of advertising the Constant Yield Public Hearing. He needs to know tonight if they are interested in one tax rate or two tax rates so he knows what kind of advertisement to place. The consensus was to pursue two rates.

Mr. Fields reviewed the expenditures of ARPA Funds and remaining funds. Discussion about Attick Towers funding, Stormwater mitigation, Business Assistance programs, Family Assistance programs, and Food Service organizations.

#### B. Legislation – Bill Gardiner, Assistant City Manager

Mr. Gardiner reviewed the final bill summary from the lobbyists and informed Council about the bills the City supported. The lobbyists will brief the Council on the session in late May.

#### **Future Agenda Items:**

Esters/Whitney: Request to add to a future agenda - Parking and speeding issues near the VFW on Branchville Road, passed 8-0.

**Adjourn:**

A motion was made by Councilmember Whitney and seconded by Councilmember Esters to adjourn the meeting and reconvene into a Closed Session. Mayor Pro Tem Mitchell read the Closing Statement:

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, § 3-305(b), the Mayor Pro Tem and City Council of the City of College Park are providing notice that they will meet in a Closed Session after the Council meeting on April 11, 2023 for the following purposes:

1. To Consult with Counsel to obtain legal advice; 2. To discuss pending or potential litigation. They will not return to open session after the closed session ends.

The motion passed 8-0 and the regular meeting adjourned at 9:46 p.m.

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**Closed Session**  
**April 11, 2023**

At 9:46 p.m. on April 11, 2023, at the conclusion of the Council meeting, a motion was made by Councilmember Esters and seconded by Councilmember Whitney to adjourn into a Closed Session. Mayor Pro Tem Mitchell read the Closing Statement:

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, § 3-305(b), the Mayor Pro Tem and City Council of the City of College Park are providing notice that they will meet in a Closed Session after the Council meeting on April 11, 2023 for the following purposes:

1. To Consult with Counsel to obtain legal advice; 2. To discuss pending or potential litigation. They will not return to open session after the closed session ends.

The motion passed 8-0 and after a recess, the Closed Session began at 9:58 p.m.

Mayor Pro Tem Mitchell and Councilmembers Kabir, Kennedy, Esters, Whitney, Adams, Rigg, and Mackie were present. In addition, the meeting was attended by City Manager Kenneth A. Young, Assistant City Manager Bill Gardiner, City Clerk Janeen S Miller, and

City Attorney Suellen Ferguson. Everyone was in person in the Council Chambers. Mayor Pro Tem Mitchell was the Open Meetings Trainee.

The City Attorney briefed the Mayor and Council about a lawsuit filed against the City and advised about the merits of the complaint, various legal strategies and the implications of those strategies. The City Attorney will respond to the attorney for the plaintiff on behalf of the City. No action was taken.

At 10:15 p.m., on a motion by Councilmember Mackie that was seconded by Councilmember Whitney, the Closed Session was adjourned.

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