

MINUTES
College Park City Council Regular Meeting
Tuesday, May 10, 2022
Council Chambers
7:30 p.m. – 9:23 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie and Mitchell.

ABSENT: None.

ALSO PRESENT: Kenneth Young, City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Robert Marsili, Director of Public Works; Brenda Alexander, Deputy Director of Public Works; Teresa Way-Pezzuti, Director of Human Resources; Bob Ryan, Director of Public Services; Michael Williams, Economic Development Manager; Megha Sevalia, Student Liaison and Hayden Renaghan, Deputy Student Liaison.

Mayor Wojahn opened the meeting at 7:30 p.m.

Announcements:

Councilmember Kabir announced the virtual community meeting hosted by M-NCPPC to discuss the north College Park Community Center. The NCPCA meeting will follow on the same link.

Councilmember Esters announced the rabies and microchip clinic on Saturday, and said a draft of the Greenbelt Road Corridor Plan is available for public comment.

Councilmember Adams announced the Calvert Hills Civic Association meeting on Thursday.

City Manager's Report: Mr. Young announced the opening of the Farmers Market and announced vacancies on several City advisory boards. He discussed the Public Works schedule for clean ups. Our first Friday Night Live is this Friday in the City Hall Plaza.

Amendments to/Approval of the Agenda:

- Add Proclamation honoring Patti Stange, Rigg/Mitchell, passed 8-0
- Add 22-G-83, Letter to Prince George's County Council requesting an Economic Development Grant, Rigg/Mitchell to Consent, passed 8-0
- Add 22-G-84, Approval of 2022-2023 Student Liaison, Rigg/Mitchell to Consent, passed 8-0
- Mitchell/Esters, approve agenda as amended, passed 8-0

Proclamations: Mayor Wojahn read the Proclamations for Kids To Parks Day, Asian American Pacific Islander Month, Jewish American Heritage Month, Building Safety Month, and a Proclamation honoring AWC Member Patti Stange.

Public Comment On Consent and Non-Agenda Items:

Mayor Wojahn introduced the incoming Student Liaison, Valerie Graham, and Deputy Student Liaison, Adrian J. Andriessens, who introduced themselves.

Mary Cook, resident: This is also Older Americans Month.

Mary King, resident: Requested clarification about when she can speak on 21-O-09.

Judge Carol Cordera, non-resident, Prince George’s County Circuit Court Judge: Introduced herself to the Mayor and Council.

Public Hearing:

Ordinance 22-O-05, An Ordinance of the Mayor and Council of the City of College Park to Adopt the Fiscal Year 2023 General Fund, ARPA Allocation Fund, Capital Projects Fund and Debt Service Fund Budgets of the City Of College Park.

Mr. Fields gave an overview. Mayor Wojahn called for public comment.

There were no comments from the audience and Mayor Wojahn declared the Public Hearing as having been held.

Consent Agenda: A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to adopt the Consent Agenda, which consisted of the following items:

22-G-81	Approval of amended minutes from the March 23, 2021 Regular Meeting; and approval of minutes from the April 5, 2022 Special Session and from the April 12, 2022 Regular meeting.
22-G-80	Approval of a four-year contract for audit services at a total 4-year cost of \$85,627 with SB & Co.; and authorize the City Manager to execute an engagement agreement in a form satisfactory to the City Attorney.
22-G-79	Authorize the City Manager to execute the attached Letter of Agreement with Verizon, dated April 28, 2022, to remove the wooden utility pole at the corner of Knox Road and Baltimore Avenue, and place new conduit, as indicated in the attachment, and authorize the related payment of \$166,627 to Verizon. Half of this cost will be reimbursed by the University of Maryland.
22-G-82	Approval of free parking on summer weeknights after 5:00 p.m. and free all-day Saturday parking in the City’s downtown parking garage from May 28 to August 13, 2022.

22-G-75	Award of contract for the consultant to the Restorative Justice Commission to Radical Presence, LLC in an amount not to exceed \$75,000 for the first year, subject to the approval of the City Attorney.
Add 22-G-83	Letter to Prince George’s County Council requesting an Economic Development Grant
Add 22-G-84	Approval of 2022-2023 Student Liaison, Valerie Graham and Deputy Student Liaison, Adrien J. Andriessens.

The motion passed 8-0.

ACTION ITEMS

21-O-09 Adoption of Amended Ordinance 21-O-09, An Ordinance of the Mayor and Council of the City of College Park, to Amend Chapter 179, “Tree and Landscape Maintenance”, By Reserving §179-9 and Designating §§179-1 Through 179-9 As Article I, “General Provisions”; Amending §179-1, “Definitions”, and §179-5, “Tree and Landscape Board”; and adding Article II, “Tree Canopy Protection”, §179-10, “Permit Required”, §179-11, “Permit Issuance”, §179-12, “Tree Replacement”, §179-13, “Reconsideration”, §179-14, “Appeal”, and §179-15, “Enforcement”; and to Amend Chapter 110, “Fees and Penalties”. by Amending §110-2, “Penalties”; to Institute a Permit System For Removal or Pruning of Urban Forest Trees, To Provide For A Hardship, Reconsideration And Appeal Process, To Require Planting of Replacement Trees or Payment of a Fee, and to set a Fine For Non-Compliance

Ms. Alexander gave an update from last week’s Worksession. Last week’s agreed-upon amendments have been incorporated into the amended draft ordinance that was in the packet.

A motion was made by Councilmember Rigg and seconded by Councilmember Whitney to adopt Ordinance 21-O-09, as amended and included in the packet.

Comments from the audience:

Mary King, resident: She recounted the various statistics that have been provided since April 2021 when this was first introduced. She listed all the development in the City since then. She said we should improve our tree canopy in every zoning class in the City.

Robert O’Brien, resident: Chicago used to be lined with Elm trees until Dutch Elm Disease decimated them. It makes a difference and takes generations to replace a tree that is lost. In support.

Mary Cook, resident: Some residents will be uninformed about the ordinance and may be fined, which can cause undue stress. Residents may leave the City. Address the issue of carbon emissions. Oppose the ordinance.

Carol Macknis, resident: Not so much opposed to the ordinance, but to the way it is being pushed out. Many residents have no idea about this. Vote against it for now.

Linda Rioux, resident: Appreciates the changes that have been made; despite the downsides she recognizes the need for it, and will not put up any more objections.

Councilmember Whitney responded to some of the criticisms she has heard about the ordinance.

Amendment #1: Councilmember Kabir proposed an amendment to change the fine structure as follows: start with \$500 for the first 6 months, then increase to \$1,000 after six months. Councilmember Mackie seconded.

Councilmember Kabir said this allows time for public education before the full fine structure is implemented.

Comments on Amendment #1:

Robert O'Brien, resident: He is opposed to delaying the full fine. The City can make the tree companies aware of the ordinance.

Councilmember Kabir said this only applies to the fines.

Councilmember Mackie supports the amendment. It is in line with how the bulky trash fine was rolled out.

Ms. Ferguson said in this case no warning can be given.

Vote on Amendment #1:

Yes: Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie, Mitchell

No: None.

Amendment #1 passed 8-0.

Amendment #2: Councilmember Mackie proposed an amendment which was seconded by Councilmember Kabir that the City reimburse the resident up to \$300 to purchase and plant a tree that meets TCEP guidelines.

Mary King, resident: supports the amendment.

Councilmember Whitney asked if this would be redundant with other measures.

Councilmember Kabir mentioned the proposal to increase the TCEP amount from \$150 to \$250, and said Takoma Park provides a full-service tree planting program.

Councilmember Adams clarified the TCEP is just to purchase the tree, not plant it. He discussed the County's program.

Councilmember Whitney asked if this would disqualify a resident from getting the rain check rebate? Ms. Ferguson said this would incentivize the resident – this would make it available as an alternative.

Councilmember Rigg said we can tweak this in the future if we find that it somehow disadvantages a resident.

John Lea-Cox, City Forester: Suggested a rubric to help residents navigate where they can get funding.

Vote on Amendment #2:

Yes: Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie, Mitchell

No: None.

Amendment #2 passes 8-0.

Councilmember Adams raised the options shown in 179-E3 between “undesirable” or “adversely impact.”

Amendment #3: Motion by Councilmember Adams and seconded by Councilmember Esters to move forward with the term “adversely impact.”

Mary King, resident: Supports the amendment.

Mary Cook, resident: Thinks adversely impact is still subjective.

Ms. Ferguson said it would still be objectively determined.

Councilmember Mitchell said we need to discuss the educational campaign. She will not support.

Vote on Amendment #3:

Yes: Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie, Mitchell

No: None.

Amendment #3 passed 8-0.

Vote on Ordinance 21-O-09, as amended by the three amendments noted above:

Councilmember Mackie expressed her concerns.

Councilmember Kabir acknowledges it is not a perfect ordinance but he will support.

Councilmember Adams said we need to move forward with an ordinance that requires replacement.

Councilmember Rigg applauds the amount of engagement around this ordinance.

Councilmember Kennedy stressed the importance of resident education.

Mayor Wojahn said this is not the only part of our strategy to restore the tree canopy; we will continue to find ways to work with other stakeholders.

Vote on the main motion as amended three times:

Yes: Kabir, Kennedy, Esters, Whitney, Adams, Rigg

No: Mitchell

Abstain: Mackie (because of what she has heard from her residents).

The amended ordinance was adopted with a vote of 6-1-1.

ADJOURN: Motion by Councilmember Rigg, seconded by Councilmember Whitney, passed 8-0, at 9:23 p.m.

Janeen S. Miller, City Clerk