

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 20, 2021
7:30 p.m. – 9:44 p.m.

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

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

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; Teresa Way-Pezzuti, Director of Human Resources; Bob Ryan, Director of Public Services; Kiaisha Barber, Director of Youth, Family and Senior Services; Robert Marsili, Director of Public Works; Brenda Alexander, Assistant Director Public Works; Jim Miller, Parking Enforcement Manager; Megha Sevalia, Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir discussed last week's ribbon cutting for the Hollywood Dog Park and had a question about the Hollywood Streetscape Project.

Councilmember Kennedy discussed the Hollywood Farmers Market.

CITY MANAGER'S REPORT: Mr. Gardiner said the Hollywood Dog Park is open from sunup to sundown. He announced National Night Out on Tuesday, August 3, and Movie Night on July 30 at Duvall Field.

AMENDMENTS TO AND APPROVAL OF THE AGENDA:

ADD 21-G-93: A motion was made by Councilmember Kabir and seconded by Councilmember Mackie to add the Education Advisory Committee recommendation regarding the Literacy Lab as an Action item. Motion carried 8-0.

A motion was made to approve the agenda as amended by Councilmember Mitchell, seconded by Councilmember Mackie, passed 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Mady Segal, resident: Flabbergasted by some of the things taking place in the City. Alarmed at the proposed tree ordinance and the financial penalties for failure to comply.

David Gray, resident: The approved budget for FY'22 is not posted on the website. He asked questions about expenses for the two previous City Managers. There are a lot of trees on his property; efforts to control what residents do with trees on their property are ill-advised and unpopular.

Ian Mather, resident: Upset by the proposed tree ordinance. He is passionate about trees, but the Council has no business telling him what to do in his yard.

Almaz, resident: Loves trees and likes the shade, but has a tree near her house that worries her that might need to come down. How can someone tell her what to do on her property.

Mary King, resident: To make good decisions, you need good information, but the SavATree report has erroneous information, which she outlined. This proposal does not foster the goal of increasing tree canopy.

Peter King, resident: He had a discussion with a member of the TLB on NextDoor which is publicly available. The tree canopy assessment is based on flawed data. Much more needs to be done before creating a tree ordinance.

Bev Gardiner, resident: She does not need the City to interfere in her management of the trees on her property. The residents should not be held responsible for the tree canopy.

CONSENT AGENDA:

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

- 21-R-11 Resolution commenting on the proposed Prince George's County Climate Action Plan.**

- 21-G-84 Award of a contract to Petroleum Management, Inc. for the replacement of diesel/gasoline storage tank at the Public Works facility, riding a contract with Frederick County, MD, in the amount of \$111,781, subject to the approval of the City Attorney.**

- 21-G-85 Approval of minutes from the April 27 Regular Meeting; May 4 Special Session; May 4 Worksession; May 11 Regular Meeting; May 18 Special Session; May 18 Worksession; June 8 Worksession; June 15 Regular Meeting; and July 6 Special Meeting.**

- 21-G-92 Approval of a Contract Extension with Veo Ride.**

- 21-G-90 Approval of appointments to the Airport Authority.**

The motion passed 8-0.

ACTION ITEMS

21-G-86 Consideration of a request to park a prohibited vehicle (trailer) in the 5000 block of Delaware Street.

Mr. Miller reviewed the staff report. This trailer is 8 ½ feet wide. There is a concern that a truck would have trouble passing through if there is a vehicle parked on the other side of the street. There is a curb cut for a driveway but there is no driveway. Mr. Miller reviewed the legislative history for prohibited vehicles. The applicant was invited to attend the meeting but is not here. The application was made on April 5; enforcement has been suspended until tonight.

Councilmember Kabir will not support this application due to safety reasons. He would support a driveway option, and also would support providing a dedicated area in the City where residents can park these vehicles.

Councilmember Kennedy suggested a motion of denial with a grace period of two months to figure out the driveway option. Councilmember Kabir is hesitant to take the safety risk. Ms. Ferguson said that the property may require a variance to construct a driveway, which can't be prejudged by Council through a motion.

A motion was made by Councilmember Kabir and seconded by Councilmember Esters to deny this application for safety reasons.

Comments from the audience:

Mary King, resident: The applicant is not here; you should delay this until they can answer the questions.

Mayor Wojahn suggested we could postpone this and give the applicant another opportunity to appear.

A motion was made by Councilmember Kennedy to amend the motion to give them a month to start the variance application process for driveway and to allow them to continue to park the trailer on the street during the month. They could come back and ask for an extension if they need it. The motion failed for lack of a second.

Councilmember Esters is sensitive to the safety issues that have been raised. Councilmember Mackie echoed the safety concerns. Councilmember Rigg is unenthusiastic about residents using City streets to park prohibited vehicles. We should either change what is prohibited or not allow applications for waivers.

The motion carried 8-0.

21-G-87 Consideration of a request to park a prohibited vehicle (trailer) in the 9700 Block of Narragansett Parkway.

Mr. Miller reviewed the staff report. This trailer is also 8½ feet wide. There is no driveway curb cut for the concrete strips where their boat is parked. This street is narrow so they were parking the trailer partially on the grass to get out of the travel lane. This resident has a driveway but it won't accommodate both the boat and trailer.

A motion was made by Councilmember Kabir and seconded by Councilmember Kennedy to deny this application due to safety concerns.

Comments from the audience:

Mary King, resident: Safety is a big concern and the applicant is not here.

Carol Macknis, resident: It is hard to accommodate two-way traffic on this block when cars are parked on the side, so parking a wider vehicle would make it even harder.

Councilmember Mitchell asked about enforcement if the application is denied. Mr. Miller said it would be subject to citation and a \$35 fine.

The motion passed 8-0.

21-G-88 Consideration of a request to park a prohibited vehicle (trailer) in the 9700 Block of 52nd Avenue

Mr. Miller reviewed the staff report. This property is owned by the applicant's mother and the applicant visits on occasion. This is a smaller trailer than the previous items and does not create a problem with traffic flow because it is not wider than a standard car. There is a driveway but it can be difficult to maneuver into the driveway which is why the waiver has been requested. It is a corner property; the exemption would allow them to park either on 52nd Avenue or Lackawanna.

A motion was made by Councilmember Kabir and seconded by Councilmember Mackie to approve the request.

Comments from the audience:

Michael Reese, the applicant: His family has lived in this house since 1965 and he visits his mother several weeks a month. The trailer is smaller than the vehicle he tows it with and has lights and reflectors. He asked about repairing the fence – staff will reach out about that.

Councilmember Rigg asked why it can't be parked in the driveway.

The motion passed 7-1 (Rigg opposed).

21-G-89 Approval of Strategic Plan One-Year Objectives and Key Results (OKRs).

Mr. Gardiner said this is a follow up to last month's presentation and reviewed the staff report and attachments.

Councilmember Kabir asked about the possibility of a high-level, read-only dashboard. Failing that, can the data in the packet be posted on the website.

Mayor Wojahn noted some of the objectives cannot be accomplished by the end of the quarter and also asked about viewing progress reports.

A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to approve the one-year OKRs as recommended by staff.

Comments from the Audience:

David Gray, resident: The term "key results" sounds like something that has already been accomplished. He suggested the term "goals."

Councilmember Mitchell hopes when this is displayed on the website it will be in a clear and user-friendly format.

The motion passed 8-0.

21-O-09 Introduction of 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 §§179-2 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 Reconsideration And Appeal Process, To Require Planting Of Replacement Trees Or Payment Of A Fee, And To Set A Fine For Non-Compliance.

A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to introduce Ordinance 21-O-09 as drafted.

Mayor Wojahn read the title and noted that the Public Hearing will be held on August 10, 2021 at 7:30 p.m.

21-O-10 Introduction of Ordinance 21-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 38, “Code Of Ethics”, By Repealing And Reenacting Article I, “General Provisions”, § 38-1, “Purpose”; Article II, “Ethics Commission”, §38-6, “Duties And Powers”; And Article IV, “Required Disclosures”, § 38-15 “Required Disclosure By City Elected Officials And Candidates To Be City Elected Officials” To Update References To The State Code And Make Other Non-Substantive Corrections.

Ms. Ferguson said the Ethics Commission legal counsel has suggested these changes to the City Code which are non-substantive corrections.

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to introduce the ordinance as drafted.

Mayor Wojahn said the Public Hearing will be held on August 10, 2021 at 7:30 p.m.

ADD 21-G-93 Education Advisory Commission recommendation regarding the Literacy Lab

A motion was made by Councilmember Mackie and seconded by Councilmember Kabir to approve staff negotiating an agreement, subject to approval by the City Attorney, with the Literacy Lab to provide specific services at Hollywood Elementary School, contingent upon approval by the school and/or PGCPs in an amount not to exceed \$40,000 in FY '22.

Councilmember Mackie said this will be a pilot program for grades K-3 to improve reading skills. The Literacy Lab is committed to working with UMD and CPA students to nurture them to be tutors. She hopes this will help our children who have suffered greatly during the pandemic.

Ms. Barber added the EAC discussed this last night and voted to recommend approval of the pilot project contingent upon agreement to terms by the parties.

Comments from the audience:

Mary King, resident: This program has great possibilities, but the City can't go on and on just giving money to education; you should choose between all the programs. She thinks this program wins.

Councilmember Mitchell asked what kind of a report The Literacy Lab will provide at the end of the year, and what the benchmarks will be for expansion to other schools in College Park.

Councilmember Day said this has not been approved yet by the County; what is their feeling about it? Ms. Barber said the principal believes he can obtain the appropriate approval for the program, and this approval would be contingent

Councilmember Day has to abstain from the vote because he is the Chair of the Board of College Park Academy and his wife is a member of the EAC.

Councilmember Rigg is in support but would like to seek matching county funds for schools that have less than 50% of College Park residents. He would like children in his district to also have access to this program.

Councilmember Kabir said maybe we can have a tutoring program for all of our students outside of the school system.

The motion passed 7-0-1 (Day abstained for reasons stated).

General Comments from the audience:

David Gray, resident: Discussed the number of Council votes required to change the City Code or to fire the City Manager. He still hasn't gotten the answer as to why we haven't received all of the rent from the prior City garage retail tenant. It should have been part of a public discussion.

Mary King, resident: She and her husband worked hard to critique the SavATree Report and found many mistakes. She sent the critique to Council and spoke about this previously. She is disappointed that the Council moved forward with introduction of the ordinance tonight without discussing the issues she raised.

ADJOURN

A motion was made by Councilmember Kennedy and seconded by Councilmember Esters to adjourn the regular meeting and enter into a Closed Session. Mayor Wojahn read the Closing Statement: "Pursuant to the statutory authority of 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 to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction. The Mayor and Council will not return to public session after the closed session ends." The motion passed 8-0 and the Regular Meeting was adjourned at 9:44 p.m.

Janeen S. Miller
City Clerk

Date
Approved

CLOSED SESSION
June 29, 2021

On Tuesday, June 29, 2021, the Mayor and Council met in a virtual open meeting at 8:00 p.m. for the purpose of holding a closed session. The open meeting was attended by Mayor Wojahn and Councilmembers Kabir, Kennedy, Esters, Dennis, Day, Rigg and Mackie.

A motion was made by Councilmember Kennedy and seconded by Councilmember Esters to enter into the closed session. Mayor Wojahn read the closing statement:

Pursuant to the statutory authority of the Maryland Annotated Code General Provisions Art. § 3-305(b), the Mayor and Council of the City of College Park are providing notice that they will meet in a closed session at 8:00 p.m. tonight for the following purposes: to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals; and to consult with Counsel to obtain legal advice. The Mayor and Council will not return to public session after the Closed Session ends.

The motion passed 7-0 and the open meeting was adjourned.

At 8:04 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, and Mackie were in attendance. Councilmember Mitchell attended a portion of the meeting. Interim City Manager Bill Gardiner, City Attorney Suellen Ferguson, Human Resources Director Teresa Way-Pezzuti and City Clerk Janeen Miller also attended the meeting.

The Mayor and Council discussed the recent statement by Natasha Hampton. The City Attorney provided legal advice. No action was taken.

At 8:51 p.m. a motion was made by Councilmember Dennis and seconded by Councilmember Mackie to adjourn the Closed Session, and with a vote of 8-0, the closed session was adjourned.

CLOSED SESSION
July 13, 2021

On Tuesday, July 13, 2021, at the conclusion of the Worksession, a motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to enter into a Closed Session. Mayor Wojahn read the closing statement:

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Art. § 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 Worksession to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals. The Mayor and Council will discuss the City Attorney's evaluation. The Mayor and Council will not return to public session after the closed session ends.

The motion passed 8-0 and the Worksession was adjourned at 10:33 p.m.

At 10:38 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. Interim City Manager Bill Gardiner attended a portion of the meeting.

The Mayor and Council discussed the performance evaluation of the City Attorney.

No action was taken.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to adjourn the Closed Session, and with a vote of 8-0, the closed session was adjourned at 10:56 p.m.

CLOSED SESSION
July 20, 2021

On Tuesday, July 20, at the conclusion of the Regular Meeting, a motion was made by Councilmember Kennedy and seconded by Councilmember Esters to adjourn the regular meeting and enter into a Closed Session. Mayor Wojahn read the Closing Statement:

Pursuant to the statutory authority of 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 to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction. The Mayor and Council will not return to public session after the closed session ends.

The motion passed 8-0 and the Regular Meeting was adjourned at 9:44 p.m.

At 9:49 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. Interim City Manager Bill Gardiner, Human Resources Director Teresa Way-Pezzuti, and representatives from Baker Tilley also attended the meeting.

The Mayor and Council discussed the appointment of the City Manager.

No action was taken.

A motion was made by Councilmember Rigg and seconded by Councilmember Esters to adjourn the Closed Session, and with a vote of 8-0, the closed session was adjourned at 10:46 p.m.
