

MINUTES
Regular Meeting of the College Park City Council
August 11, 2020
7:30 p.m. – 10:13 p.m.

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

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

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Gary Fields, Director of Finance; Terry Schum, Director of Planning; Bridgette L. Johnson, Economic Development Manager; Ryna Luckert Quiñones, Communications & Events Manager; Steve Halpern, Chief Engineer; Wayne Kolb, Information Systems Specialist; and Adam Rosenbaum, Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir thanked everyone who joined the Zoom Police Community Meeting on Monday August 10. The next meeting will be held on September 14, 2020 at 7:30 p.m.

Councilmember Kennedy announced that a group of concerned residents came together to start Route 1 Communities Care. With your donation, you will help provide healthy meals to neighbors in need and keep local restaurants open. For more information, visit the Central Kenilworth Avenue Revitalization Community Development Corporation site.

Councilmember Rigg announced on Sunday, August 23, from 7:00 p.m. to 8:30 p.m. he and Councilmember Day will conduct a Zoom community meeting to discuss the proposed changes in the Calvert Hills neighborhood and trolley trail issues. Please contact Councilmember Rigg if you would like to attend.

Councilmember Mitchell announced that August is National Immunization Awareness Month and stressed the importance of vaccinations.

Councilmember Dennis announced that the Coffee Club will be meeting by Zoom on Wednesday.

Mayor Wojahn stated that the University of Maryland postponed the opening to September 14, and they will only allow 10% of classes to meet in person. The UMD is allowing students to cancel their on-campus housing agreements. The City and the University will continue to work closely together on this issue. The City may ask the County to request that all bars and restaurants close early. The City will be working diligently to make sure that we protect the safety of all residents and visitors.

CITY MANAGER’S REPORT: Mr. Somers said that the City, County and UMD are working together to ensure the safety of our residents and students and advised residents to monitor our website for additional information. He gave an update on the COVID-19 Assistance Grant program. Join us on Thursday, August 20th for another Town Hall on Community and Race Relations in College Park. He also announced that College Park Day will be cancelled. Mr. Somers introduced Bridgette Johnson who was selected as the first Economic Development Manager for the City of College Park. Ms. Johnson began working with the City yesterday.

APPROVAL OF THE AGENDA: A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to adopt the agenda without amendment. Motion passed 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Carol Macknis, resident: All Big 10 sports have been cancelled this Fall. Sports will be reevaluated in the Spring. At the last Worksession, there was no information in the packet regarding the Senior and Community Recreation Needs Assessment. Information should be provided to the residents prior to the meeting to comply with the Maryland Open Meeting Act especially since Mayor and Council received the information prior to the meeting. In respect to the Amicus Brief, the Mayor and Council should not have added that item to the agenda.

Leo Shapiro, resident: Thanked the Mayor for sending out his weekly newsletter which keeps the residents up to date on what the City is doing. Businesses may not be taking advantage of the COVID-19 Assistance Grant program due to not being aware that this money is available to them. It’s important for the City to reach out to businesses to apply for the grants.

Mary Cook, resident: The Hyattsville Community Newspaper is hurting due to the COVID pandemic and the \$60,000 should come out of the grant money instead of the general fund.

Peter King, resident: He has noticed some increasing dog issues in the neighborhood. Are we planning on replacing the Animal Control Officer? City Manager Somers stated that we just made an offer to a replacement officer and she will be starting in a few weeks.

PUBLIC HEARING:

- A. Ordinance 20-O-09, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 4 “Administrative Organization”, by repealing and Reenacting §4-3 “Departments” and §4-87“; Chapter 87, “Building Construction”, §87-19 "Appeals"; Chapter 125, “Housing Regulations”, §125-31 "Lakeland Urban Renewal Area"; Chapter 175 “Taxation”, to change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department to recognize that Economic Development is no longer a responsibility of the Department, and to make conforming changes.**

Mr. Somers said this ordinance will change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department, and changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director.

There were no comments from the Council or public. Public Hearing closed at 8:07 p.m.

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to move Agenda Item 20-G-137 to the top of the agenda. Motion passed 7-0-0 (Councilmember Dennis lost connection to the meeting).

ACTION ITEM

20-G-137 Consideration of signing on to the Supreme Court Amicus Brief Opportunity in Case Challenging Philadelphia’s Non-Discrimination Provisions - Kiaisha Barber, Director of Youth, Family and Senior Services

Ms. Barber stated that if approved, the City Attorney will sign on to the Amicus Brief on behalf of the City. This Amicus Brief will be filed by the City of New York in the case of *Fulton v. City of Philadelphia*. It involves the denial of a preliminary injunction against the City of Philadelphia, requested by a non-government entity (Catholic Social Services, or CSS) that had a contract with the City to assist in identifying eligible parents to accept children in foster care. CSS refused to consider same sex couples as parents suitable for placement of foster children, stating they believe certifying same-sex couples would “endorse” the couple’s relationship as acceptable, which is barred by their religious beliefs. Philadelphia terminated its relationship with CSS for these services. This request for an injunction by CSS to prevent Philadelphia from terminating the contract was denied at the Federal, District, and Circuit Court levels and is now to be taken up by the Supreme Court.

This collision between religious beliefs and Philadelphia’s need to act in a non-discriminatory way is relevant to decisions the City of College Park makes. After review by the City Attorney, there are no legal concerns with the City joining in the Amicus Brief that support Philadelphia’s position.

A response from our municipality is requested by the August 17th deadline.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to authorize the City Attorney to add the City to the Amicus Brief in the case of *Fulton v. City of Philadelphia*.

Councilmember Rigg stated that same sex couples should have the same rights as opposite sex couples. The City of Philadelphia is striving to make their social services reflect the community commitment to diversity and equality. The right thing to do is to sign on to the Amicus Brief to follow our non-discrimination policy. Everyone should have the same rights as reflected in our equality statement.

Carol Macknis, resident: Not in support of the City signing the Amicus Brief.

Jameel Aalim-Johnson, nonresident: Not in support of the City signing the Amicus Brief.

David Toledo, resident: Is in favor of the City signing the Amicus Brief.

Millie Tansill, resident: Is in favor of the City signing the Amicus Brief.

Dylan Burns, resident: Is in favor of the City signing the Amicus Brief.

Plato Chen, nonresident, Chinese Bible Church: Is not in favor of the City signing the Amicus Brief.

William Burton, resident: Is in favor of the City signing the Amicus Brief.

Lea Wade, resident: Is in favor of the City signing the Amicus Brief.

Mary King, resident: Not in support of the City signing on the Amicus Brief since we do not have information from Catholic Social Services.

Peter King, resident: Not in support of the City signing the Amicus Brief.

Ibrahim Aziz, nonresident: Not in support of the City signing the Amicus Brief.

Shamila Hashim, resident: Not in support of the City signing the Amicus Brief.

Dr. Jeff Howard, resident: Is in favor of the City signing the Amicus Brief.

Minhaj Hasan, nonresident: Not in support of the City signing the Amicus Brief.

Talib Karim, nonresident: Not in support of the City signing the Amicus Brief.

Lee Havis, resident: Not in support of the City signing the Amicus Brief.

Pat Noone, resident: Is in favor of the City signing the Amicus Brief.

Larry Bleau, resident: Not in support of the City signing the Amicus Brief.

Oscar Gregory, resident: Not in favor of the City signing the Amicus Brief.

Jameelah Malik, nonresident: Not in support of the City signing the Amicus Brief. More time and information is needed.

Adam Rosenbaum, resident: Not in support of the City signing the Amicus Brief. More time and information is needed.

Mayor Wojahn asked the City Attorney to clarify what city contracts will be impacted by us signing on to the Amicus Brief.

Ms. Ferguson explained that the City has adopted a charter resolution that prohibits discrimination on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information or political affiliation. All City contracts must include a certification that they do not discriminate on the basis of age, race, color, creed, pregnancy, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity, physical characteristic or other unlawful basis of discrimination.

The Supreme Court is the deciding factor to rule if this case is considered discrimination and will direct the City of Philadelphia on how they will go forward in terms of interpreting their law. The District and Circuit Court ruled in favor of the City of Philadelphia. For the City to grant a contract to a contractor who will not serve all its residents, is in violation of the law. This collision between religious beliefs and the City's need to act in a non-discriminatory way is very relevant to decisions the City of College Park must make.

Councilmember Kabir thanked everyone who spoke or wrote to us regarding this item. He reviewed the Amicus Brief that is on file. The Supreme Court Justices will be looking into the first amendment right of the Catholic Social Services to exercise their faith. No one can be discriminated based on their sexual orientation. But can it be equally said that a faith-based organization denied funding because of their religious beliefs? Councilmember Kabir doesn't believe that Catholic Social Services is a discriminatory or a hateful group. If, they were, they wouldn't be offering help to same-sex couples by referring them to another foster care service. College Park is a diverse and pluralistic community and both LGBT and the faith groups are very important and strong parts of our community. We all want both groups to live here with peace and dignity. Councilmember Kabir will not be voting in favor of the City signing on to the Amicus Brief.

Councilmember Mackie stated that the Mayor contacted her on Monday to express his concerns about her words being hateful and discriminatory to the residents and the LGBT community regarding this subject. Councilmember Mackie stated that it is not her intention to discriminate against anyone and thanked everyone for their comments and emails. She further stated that her district is a changing community but still very conservative. She has received many concerns about signing on to the Amicus Brief. She feels this issue is about the right of faith-based organizations to have their right to exercise their faith. The courts nor the legislature should take that right away. The City of College Park should not be voting on this issue.

Councilmember Day stated that he is not a fan of church and state blending. There should be separation as you cannot have both without major conflicts. Councilmember Day further stated that he is taking the faith out of this issue as any kind of discrimination is not acceptable. The City should not provide funds to people who do not represent our values. All humans should be treated in the same fashion with love and compassion to one another.

Councilmember Kennedy stated that she has listened to everyone who doesn't support the City signing on to this Amicus Brief. She understands that some feel that this is taking away from their religious freedom. The core of this Amicus Brief is about discrimination. The church and state should be separated, and public funds should not be allowed to be spent on an organization that discriminates against others.

Councilmember Brennan stated that he is a gay man and married to a wonderful person and they have adopted two beautiful children. He is thankful and fortunate for the rights afforded to him by our government to live an equal life to those that are different from him. If the courts decide to rule in favor of the faith community, this would be in direct conflict with the positions that the City has taken. This is about religious institutions taking tax paying dollars and not providing services to all. Catholic charities will still be able to provide foster services with their own funds.

Councilmember Mitchell stated that being a Councilperson is very tough at times since you are elected by your constituents. Part of your job is to listen to your constituents. The constituents who reached out to her clearly stated that this is not about discrimination, most are concerned that we are getting involved in a state and church issue. She will vote on behalf of her constituents. Councilmember Mitchell further stated that no member on this Council should be bullied or belittled by their vote as they are voting in favor of their constituents.

Mayor Wojahn stated that CSS has a policy not to work with same sex couples in providing foster care. The Mayor believes that this is blatant discrimination. The Constitution may approve them to have their religious beliefs, but they should not spend taxpayer dollars to support their ability to discriminate against others.

The motion passed 5-3-0 (Councilmembers Kabir, Mackie and Mitchell opposed).

PRESENTATION – 4th Quarter FY 2020 Budget Update: Mr. Fields reviewed the unaudited General Fund and provided a summary of revenue and expenditure projections for the Fiscal Year ending June 2020 (attached).

CONSENT AGENDA: A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to adopt the Consent Agenda, which included the following:

20-G-135	Approval of a Contract Amendment with NZI in the amount of \$82,458.00 for the construction of a pedestrian bridge at the end of Beechwood Road, subject to approval of the City Attorney, and authorization for the City Manager to sign.
20-G-136	Approval of a Driveway Apron Variance to Construct a Double Wide Concrete Curb-Cut and Driveway Apron at 4609 Clemson Road, subject to the homeowner entering into a Declaration of Covenants with the City.
20-R-19	Adoption of a Resolution 20-R-19, extending the terms for advisory board members to September 30, 2020.
20-R-20	Adoption of a Resolution 20-R-20, declaring Juneteenth a City Holiday.
20-G-139	Authorize the City Manager to negotiate and enter into a 12-month agreement with the Hyattsville Community Newspaper, Inc. (soon to be called “Streetcar Suburbs Publishing, Inc.”) in an amount not to exceed \$60,000 for advertising in the College Park Here & Now newspaper.
20-G-141	Approval of modifications to the COVID-19 Small Business Assistance Grants Program and Approval of the College Park Business Voucher Program.
20-G-140	Approval of the minutes from June 9, 2020 Regular Meeting, July 7, 2020 Worksession, and July 14, 2020 Regular Meeting.

The motion passed 7-0-1 (Councilmember Brennan abstained due to a conflict with item 20-G-136).

ACTION ITEMS:

20-G-138 Discussion of Elementary, Middle, and High school award in honor of EAC member Doris Ellis

Ms. Barber reviewed the staff report. The Education Advisory Committee (EAC) is proposing a one-time essay contest to honor the memory of Doris Ellis. Ms. Ellis, a retired Physical Education teacher, served on the EAC for 10 years until her death this April. Over the years, Ms. Ellis was a strong proponent of programs and grants that enabled College Park children to participate in athletic activities and build leadership skills. She was active in developing the proposal for the University of Maryland Summer Camp Scholarship initiative. At EAC meetings where scholarships were awarded, Ms. Ellis always reminded the committee members of the important role sports and fitness activities have in developing leadership and good character.

Ms. Barber reviewed the proposal. The essay question is: How have you kept your mind and body active during the pandemic?

The EAC believes this contest not only honors Ms. Ellis, but also supports our schools in their eventual reopening. The EAC would like to utilize \$7,800 in non-expended funds which were budgeted in FY 20 and rolled over to FY 21 for Public Education Grants

A motion was made by Councilmember Mitchell and seconded by Councilmember Mackie to approve the recommendations of the EAC to develop a one-time essay contest and awards totaling \$7,800. The motion passed 8-0-0.

20-O-09 Adoption of Ordinance 20-O-09, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 4 “Administrative Organization”, by repealing and Reenacting §4-3 “Departments” and §4-87“; Chapter 87, “Building Construction”, §87-19 "Appeals"; Chapter 125, “Housing Regulations”, §125-31 "Lakeland Urban Renewal Area"; Chapter 175 “Taxation”, to change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department to recognize that Economic Development is no longer a responsibility of the Department, and to make conforming

A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to adopt Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director.

The motion passed 8-0-0.

GENERAL COMMENTS FROM THE AUDIENCE:

Carol Macknis, resident: What is the last day to apply for an appointment to an advisory board? We should thank everyone who applied for a position.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn the meeting, and with a vote of 8-0-0, the meeting was adjourned at 10:13 p.m.

Yvette Allen, CMC
Assistant City Clerk

Date
Approved

CLOSED SESSION
August 4, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session after the Worksession on August 4, 2020 for the following purposes: To discuss the appointment of individuals over whom this public body has jurisdiction.

At 11:03 p.m., at the end of the Mayor and Council Worksession of August 4, 2020, a motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to enter into the closed session. The motion passed 8-0-0 and after a recess the City Council began the closed session at 11:10 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee. All Councilmembers were present. In addition, the meeting was attended by City Manager Scott Somers; Assistant City Manager Bill Gardiner; City Clerk Janeen Miller; and Assistant City Clerk Yvette Allen.

The Mayor and Council discussed each Advisory Board application received.

No action was taken.

ADJOURN: At 11:59 p.m., a motion was made by Councilmember Brennan and second by Councilmember Mackie to adjourn the closed session. The motion passed 8-0-0.
