

MINUTES
Regular Meeting of the College Park City Council
Tuesday, August 13, 2019
Council Chambers
7:30 p.m. – 10:01 p.m.

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

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Gary Fields, Director of Finance.

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

ANNOUNCEMENTS:

Councilmember Kabir announced the clean-up of the garden at Attick Towers.

Councilmember Kennedy said residents love the speed bumps on Muskogee and talked about S'mores Day at the Farmers Market.

Councilmember Dennis announced the Coffee Club schedule.

Councilmember Rigg discussed the public meeting to provide input about an art feature at the College Park Airport/Aviation Museum.

CITY MANAGER'S REPORT: Mr. Somers reviewed the Lay-On-The-Table item; announced the upcoming Campus Drive lane closure due to the Purple Line project; announced the Business Recognition Program; Free Summer Parking ends on August 18; and the free movie in the park.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: Add "Approval of minutes from the June 4, 2019 Worksession and the June 11, 2019 Regular Meeting" to item 19-G-117 (Kennedy/Brennan 8-0). Approve agenda as amended Mitchell/Rigg 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Dave Dorsch, resident: Install the safety rail on US 1 before the students come back. Open Rhode Island Avenue to Campus Drive soon. Phone/cable lines are hanging down from poles all over the City; can we do anything about it?

Dylan Burns, resident: He is a resident who was planning to run for City Council but the City Charter stopped him because he didn't register to vote a year ago, he waited until he turned 18. He believes this provision was put in the Charter so University of Maryland students couldn't run for office. He is fighting to get the Charter changed. The Charter should have a residency requirement, not a registration requirement.

Jake Burdett, non-resident: He is the youngest elected member of the Maryland State Democratic Central Committee. Young people are an underrepresented demographic and we need to make it as easy as possible for them to get involved. Supports Mr. Burns efforts.

Kiah Patterson, resident: Being a young person interested in politics can be challenging. Mr. Burns slipped through the cracks – the City Charter prevented him from running. This is a procedural roadblock that should be corrected.

David Sanders IV, resident: Read a letter from Frostburg in support of Mr. Burns cause.

Michael Goldsmith, non-resident: Date of voter registration isn't the best way to prove residency. The City should find a way to correct this.

Dash Yeatts-Lonske, soon-to-be-resident: Understands the intent of having a residency requirement but it is clear the intent was not to stop someone like Mr. Burns from running.

Carol Nezzo, resident: Excited that so many residents want to be involved in a new City Hall but too bad it's a crisis. We should have an open house so people can see where we work. Consider the Hyattsville model of doing a video recap of each Council meeting. Their Council members talk to people in restaurants.

Council requested to add discussion of the Charter requirement that candidates be registered to vote for one year prior to running for office to a future agenda, and asked that the Board of Election Supervisors be asked to explore other ways in which a person can prove residency besides voter registration.

PRESENTATIONS: Quarterly Financial Presentation: Mr. Fields presented the 4th quarter financial report. Council asked to have the real estate property tax revenue broken down between residential vs. business and between residential rental vs. owner occupied.

PUBLIC HEARING: 19-O-11, an Ordinance of the Mayor and Council of the City of College Park, authorizing and empowering the City to sell and issue, upon its full faith and credit, one or more series of (1)(A) general obligation bonds and (B) general obligation bond anticipation notes, each in an original aggregate principal amount not exceeding \$19 million, and (2) general obligation refunding bonds, subject to the limitations provided for in the Ordinance, for the public purpose of financing, reimbursing or refinancing a new City Hall and Duvall Field renovations.

Mr. Fields said this is enabling legislation that authorizes the City to issue general obligation bonds for up to \$14M for City Hall and up to \$5M for Duvall Field renovations, for a maximum of \$19M. Details of the bond will be provided for in a subsequent resolution. This ordinance does not create a financial obligation. The bonds will be sold on October 3.

Mayor Wojahn invited public comment.

Mary Cook, President, North College Park Community Association: She previously submitted a letter requesting a referendum to approve funding for the new City Hall.

Karen Needles, resident: The City needs to be fiscally responsible. She wants to see a community center with an indoor pool, a conference center, and include City Hall there. Do more to encourage young families to move here. We are not the City of the University of Maryland. Agrees that this should go to referendum.

Christine Winderlin, resident: She started a petition to see if people supported a new City Hall [the petitions are attached to the meeting minutes] and said this is fiscally irresponsible, taxes keep going up, and we all vote.

Mary King, resident: Council has not heard the residents' input on the Duvall Field consultant report. She submitted a petition with signatures against artificial turf [the petitions are attached to the meeting minutes]. Heat on artificial turf can be a problem. The field looks good and already has a sprinkler system. We don't need to spend the money to redo the field.

Tim Miller, resident: Artificial turf is not needed at Duvall. How will the money be repaid? Will taxes go up?

Brooks Boliek, resident: Supports a new City Hall. Now is the time to borrow.

Dave Dorsch, resident: There hasn't been a lot of input from residents on City Hall. The new building will have two owners – City and UMD. Concerned that problems will arise. The City should own it all and lease to the UMD. We are becoming a company town.

Oscar Gregory, resident: Opposed to City Hall and the bond. Concerns about lack of space at this building can be address by teleworking. We should focus our tax dollars on crumbling infrastructure and neighborhoods. The building won't last 30 years but we are paying for 30 years.

Carol Nezzo, resident: Wording of the bond payment is powerful and makes people scared. It sounds like are property taxes will increase. People want to be able to vote on this.

There being no further public comment, Mayor Wojahn closed the Public Hearing.

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

19-R-15 Adoption Of 19-R-15, Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Departure Number CPD-2019-01, 9515 Baltimore Avenue, College Park, Maryland, Next Day Sign Express, Recommending Approval Of A Departure To Permit A Free-Standing Sign.

19-R-16 Adoption Of 19-R-16, Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2019-06, 4610 Guilford Road, College Park, Maryland, Recommending Approval Of A Front Yard Setback Variance From The Prince George's County Zoning Ordinance

Sec. 27-442 (E) Table IV Which Specifies A Minimum Front Yard Setback Of 25-Feet In The R-55 Zone To Construct A Front Porch.

- 19-R-08** Adoption Of 19-R-08, Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2019-03, 9604 51st Place, College Park, Maryland, Recommending Approval Of A Front Yard Setback Variance From The Prince George’s County Zoning Ordinance Sec. 27-442(E) For An Existing Front Porch With Conditions And Denial Of A Lot Coverage Variance.
- 19-R-14** Adoption of 19-R-14, Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2019-04, 5105 Iroquois Street, College Park, Maryland, Recommending Approval Of A Variance From The Prince George’s County Zoning Ordinance Sec. 27-120.01(C) To Validate An Existing Driveway Partially In The Front Yard Of A Dwelling And Denial Of A Variance For Widening Of The Driveway.
- 19-G-107** Award of contract RFP-CP-19-05 for Design Build & Demolition Services for the College Park Woods Swimming Club property subject to approval by the City Attorney to Broughton Construction Company, 4832 Nannie Helen Burroughs Avenue, NE, Washington, DC 20019 in an amount not to exceed \$554,670.36, funded from CIP Project Number 181015.
- 19-G-108** Approval of a replacement tribute marker for Alexander Radichevich in Calvert Hills for a cost not to exceed \$1,000.
- 19-G-109** Approval of a contract for on-call Surveying Services to Charles P. Johnson and Associates, Inc., subject to the approval of the City Attorney.
- 19-G-110** Approval of a contract in substantially the form attached to substitute “MCCi” for Unity Business Systems, to approve an amendment to the scope of work to include scanning services for the Department of Youth, Family and Senior Services and for the next phase of scanning for the Department of Public Services.
- 19-G-116** Approval of an expenditure of approximately \$47,000 for the extension of a pedestrian safety barrier on the east side of Baltimore Avenue south to Hartwick Road to be funded from CIP Department Capital (\$40K) and Facility Reserve (\$7K).
- 19-G-111** Approval of the City signing on to a letter to President Trump in support of resettlement of at least 95,000 refugees in Fiscal Year 2020.
- 19-G-117** Approval of minutes from the May 28, 2019 Regular Meeting, the June 4, 2019 Worksession, the June 11, 2019 Regular Meeting, and Approval of transcript in

lieu of minutes for the July 9 Oral Arguments in CPV-2019-03, 9604 51st Place and CPV-2019-04, 5105 Iroquois Street.

The motion passed 8-0.

ACTION ITEMS

19-O-11 Adoption of 19-O-11, Ordinance of the Mayor and Council of the City of College Park, authorizing and empowering the City to sell and issue, upon its full faith and credit, one or more series of (1)(A) general obligation bonds and (B) general obligation bond anticipation notes, each in an original aggregate principal amount not exceeding \$19 million, and (2) general obligation refunding bonds, subject to the limitations provided for in the Ordinance, for the public purpose of financing, reimbursing or refinancing a new City Hall and Duvall Field renovations

A motion was made by Councilmember Rigg and seconded by Councilmember Dennis to adopt Ordinance 19-O-11, an Ordinance of the Mayor and Council of the City of College Park, authorizing and empowering the City to sell and issue, upon its full faith and credit, one or more series of (1)(A) general obligation bonds and (B) general obligation bond anticipation notes, each in an original aggregate principal amount not exceeding \$19 million, and (2) general obligation refunding bonds, subject to the limitations provided for in the Ordinance, for the public purpose of financing, reimbursing or refinancing a new City Hall and Duvall Field renovations.

Councilmember Kennedy asked about the impact of lower interest rates on this bond, about fiscal responsibility, and what the cost impact would be if we delayed this by putting it to referendum. She wanted people to know that the Duvall Field turf question has not been discussed and resolved yet; that will take place some time in the future.

Joe Mason, Davenport and Associates, the City's financial advisor, said interest rates in the municipal market don't necessarily follow the fed rate, that the 10-year treasury might be a better indicator, but that these things ebb and flow. He said this is a good time to borrow and lock in rates; the longer you are exposed the longer the time period is for risk. Mr. Fields said our sunk costs since July 1, 2016 are \$2.173M, the bulk of which was \$1.6M for the purchase of the Baltimore Avenue properties. We are under contract for \$7.2M. If we delayed the project and shut down, certain costs would be lost, and start-up costs would be incurred.

Councilmember Kabir said this is the first time we have borrowed so much money. He thanked the residents for their questions and input. It is important to allow the residents to speak on this item.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to postpone adoption of Ordinance 19-O-11 until the Mayor and Council refer the financing of the new City Hall to an advisory referendum on the upcoming November 5, 2019 election.

Mayor Wojahn said this motion is subject to debate and a majority vote.

Councilmember Kabir said the cost of the project has gone up very significantly in the past few months and residents are interested in new projects. We would be passing along this large payment to future generations over the next 30 years. Residents should be given the chance to speak on this at the election. It is a delay of just a few months.

Karen Needles, resident: Artificial turf causes cancer; is the City willing to take on the liability if something happens? There is a new high-rise going on Route 1 where Quality Inn was. Why are we giving them a tax break when it could pay for this? The people need to be able to tell the Council what we want.

Mary Cook, resident: Supports the motion. We need the Council to be fiscally responsible. You are spending taxpayers' money.

Suchitra Balachandran, resident: Prince George's County puts its bond bills to referendum every two years and they rarely fail. Asking people where they stand on the issue should not be a difficult thing to do.

Tim Miller, resident: Agrees this should be put to referendum, and thinks the two projects (City Hall and Duvall Field) should be split. How much money are the other owners of City Hall kicking in? That hasn't been put to the residents, either.

Oscar Gregory, resident: Opposed to the City Hall bonding. It was the Council that voted to get us into this situation. Most of the people he talks to are opposed to this. Why are you afraid to put this to a vote? He supports the motion.

Carol Nezzo, resident: Opposed to bonding; in favor of the motion. Going ahead with something people haven't participated in is like steamrolling them. Good government is listening to people. Have to have the referendum if you want people participating in government.

Carol Macknis, resident: Supports the motion. It seems that the Council is trying to ram this through. A delay of 3-4 months is not that significant. A referendum is not binding, so what is Council afraid of? This is a major issue.

Councilmember Dennis is not in favor of the motion and called the question to close debate. Councilmember Kennedy seconded.

Motion to call the question (must pass by 2/3 majority):

Yes: Kennedy, Brennan, Dennis, Day, Rigg

No: Kabir, Kujawa, Mitchell

Motion failed 5-3 (did not get 2/3 majority).

Councilmember Mitchell said her phone rang for days asking why we aren't allowing the residents to have a voice in this. She supports the motion to postpone to let this question go to the voters.

Vote on motion to postpone adoption of Ordinance 19-O-11 until the Mayor and Council refer the financing of the new City Hall to an advisory referendum on the upcoming November 5, 2019 election:

Yes: Kabir, Kujawa, Mitchell

No: Kennedy, Brennan, Dennis, Day, Rigg

Motion failed 3-5.

Vote on the motion to adopt 19-O-11:

Yes: Kennedy, Brennan, Dennis, Day, Rigg, Kujawa

No: Kabir, Mitchell

Motion passed 6-2.

19-G-112 Consideration and possible action on a request for exemption from prohibited vehicle ordinance requirement in the 9900 block of 51st Terrace

Bob Ryan explained the request by Mr. Williams for an exception to the City's prohibited vehicle ordinance. Shawn Williams explained that this is a work vehicle that he takes home because he is on-call and might get called to a job anywhere in a six-state area. He parks it only in front of his house. This vehicle is 50 lbs. over the prohibited weight.

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir that the City Council approve an exemption pursuant to Section 184-8(B) of the City Code to allow Mr. Williams to part a Mercedes van, MD Tag #9BD6742 on 51st Terrace near his home.

Comment from the audience:

Tim Miller, resident: His next personal vehicle, an F350, will be over the weight limit. Will he need to get an exemption to park his personal vehicle on the street?

The motion passed 8-0.

19-G-113 Approval of the wording of advisory ballot questions for the November 5 ballot regarding 2- or 4-year terms for elected officials

Ms. Ferguson said this language is coming back for Council approval tonight and hopes the revisions have clarified the questions that came up last week.

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adopt the language in the packet and to place these questions on the ballot.

Comment from the audience:

Bill Orleans, non-resident: Did not read the language of the question but did read the report of the Charter Review Commission. The Commission asked what would get more people to participate in

College Park government and turn out for City elections. The majority of people expressed opposition to the question so he doesn't understand why Council would now want to take this to referendum. The Commission heard comments on other questions, none of which will be included on the referendum question.

Oscar Gregory, resident: Appreciates this advisory question going on the ballot. The Charter Review Commission report mentioned that many municipalities have a recall provision, but College Park does not. He would like to see that added to the ballot.

Councilmember Kabir is in support of putting this on the ballot and wishes Council had agreed to do so on other matters.

Councilmember Kennedy does not believe all questions should go to the residents, but when it is about us, she believes it should.

Councilmember Brennan reminded residents to review the Charter Review Commission report which will help inform them about this question.

The motion passed 8-0.

19-G-114 Appointments to Boards and Committees

A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to appoint Councilmember Dennis, Robert Catlin and Sean Perry to the Jack Perry Award Nomination Committee; to appoint Jane Miller to the Recreation Board; to reappoint Darlene Nowlin to the Seniors Committee; Doris Ellis to the Education Advisory Committee; to reappoint Judith Oarr to the Recreation Board; to appoint Arelis Perez to the Complete Count Committee. The motion passed 8-0.

Mayor and Council Comments:

Councilmember Mitchell asked if Boards and Committee meetings can be accommodated at Davis Hall after City Hall closes. Ms. Miller said yes, those arrangements have been made.

Mayor Wojahn reflected on the closing of City Hall and on this last meeting in the Council Chambers. When the Council reconvenes in September, they will be meeting in Davis Hall.

Comments from the Audience:

Karen Needles, resident: Commented on how bad US 1 is right now and said residents need a way out of their neighborhoods without going on US 1. Suggested an upper deck on US 1 that is a direct connection from Beechwood to I-495, or a trolley line up Route 1 that goes to IKEA.

Oscar Gregory, resident: Objected to a comment from Councilmember Brennan earlier this evening and thinks he should be admonished. Discussed the need for a place for homeless people to stay, and the problem with "ghost" voters on the rolls.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn the Regular Meeting and enter into a Closed Session to consult with Counsel to obtain legal advice and to discuss pending or potential litigation. The motion carried 8-0 and the Regular Meeting was adjourned at 10:01 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Closed Session Statement

Pursuant to the statutory authority of the Maryland Annotated Code General Provisions Article Section 3-305, the Mayor and Council of the City of College Park met in a Closed Session in the Council Chambers at City Hall on August 7, 2019 to consult with Counsel to obtain legal advice and to consult with staff and other individuals about pending or potential litigation. At 10:28 p.m. a motion was made by Councilmember Kennedy and seconded by Councilmember Mitchell to enter into the Closed Session. The motion passed 8-0. After a brief recess, the closed session began at 10:33 p.m.

Mayor Wojahn and Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Kujawa and Mitchell were in attendance. The Closed Session was also attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, and City Attorney Suellen Ferguson. Mayor Wojahn was the designated Open Meetings Trainee.

The City Attorney provided legal advice to the Mayor and Council about a Judge's ruling in a litigation matter and advised the Mayor and Council on legal strategies. The Mayor and Council provided direction to the City Attorney.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn the Closed Session. With a vote of 8-0, the Closed Session was adjourned at 10:56 p.m.

Closed Session Statement

Pursuant to the statutory authority of the Maryland Annotated Code General Provisions Article Section 3-305, the Mayor and Council of the City of College Park met in a Closed Session in the Council Chambers at City Hall on August 13, 2019 to consult with Counsel to obtain legal advice and to consult with staff and other individuals about pending or potential litigation. At 10:01 p.m. a motion was made by Councilmember Brennan and seconded by Councilmember Day to enter into the Closed Session. The motion passed 8-0. After a brief recess, the closed session began at 10:06 p.m.

Mayor Wojahn and Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Kujawa and Mitchell were in attendance. The Closed Session was also attended by City Manager Scott Somers,

Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, and City Attorney Suellen Ferguson. Mayor Wojahn was the designated Open Meetings Trainee.

The City Attorney provided legal advice to the Mayor and Council about a Judge's ruling in a litigation matter and advised the Mayor and Council on legal strategies. The Mayor and Council provided direction to the City Attorney.

A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy to adjourn the Closed Session. With a vote of 8-0, the Closed Session was adjourned at 10:28 p.m.
