

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 10, 2019
Davis Hall, 9217 51st Avenue
7:30 p.m. – 8:37 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Brennan, Dennis, Day, Rigg, Kujawa (arrived at 7:37 p.m.), and Mitchell.

ABSENT: Councilmember Kennedy

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; Gary Fields, Director of Finance; Dan Alpert, Student Liaison; Julia Nikhinson, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmembers Kabir and Brennan thanked volunteers for helping with the garden clean-up at Attick Towers.

Councilmember Dennis announced the Coffee Club and the Lakeland Civic Association meeting.

Councilmember Rigg announced the marker being installed on the Trolley Trail to commemorate former US Poet Laureate Reed Wittemore.

Councilmember Kabir announced the North College Park Community Association meeting.

Mayor Wojahn discussed the upcoming trip to New York City to make presentations to Moody's and S&P, the credit rating agencies.

CITY MANAGER'S REPORT: Mr. Somers discussed College Park Day on October 5.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to move item 19-G-119 to the Consent Agenda. The motion passed 7-0. A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to approve the agenda as amended. The motion passed 7-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Dr. Stephen Thomas, resident: Discussed the Mid-Maryland Mission of Mercy free Dental Clinic being held at the Xfinity Center on Friday and Saturday.

Mary Cook, resident, President, NCPA: Officially welcomed the Mayor and Council to north College Park and said "North College Park has character."

Carol Macknis, resident: How are we addressing safety at the new City Hall, especially in the public plaza? A Diamondback article stated that the Council referred to College Park as young and vibrant. What about the rest of the population? Don't emphasize just one segment.

Lisa Miller, non-resident, president, Prince George's Property Owners Association: The unruly gatherings ordinance strikes at the heart of the first amendment. What is the goal. Go after the specific behaviors you want to address.

Dave Dorsch, resident: Why isn't the safety rail installed on US 1 yet. Open Rhode Island Avenue to Campus Drive soon. The nuisance ordinance isn't well thought out. It is wrong to try to hold the property owners accountable.

Rob Davis, resident: Nuisance ordinance is not well written. Should not hold the landlord accountable.

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

19-G-118 Approval of Jack Perry Award recipients

19-R-19 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-2019-07, 8906 35th Avenue, College Park, Maryland, Recommending Approval of a Side Yard Setback Variance from the Prince George's County Zoning Ordinance Sec. 27-442(E) to Reconstruct an Existing Deck with a Condition

19-R-18 Resolution of the Mayor and Council of the City of College Park Adopting the Recommendation of the Advisory Planning Commission Regarding Appeal Number CEO-2019-01, 4801 Lackawanna Street, College Park, Maryland, Recommending Approval of a Variance from City Code §87-23 C To Permit the Construction of a Fence More Than 3-Foot High In The Front Yard

19-G-122 Approval of \$3,000 of additional travel funds for Mayor Wojahn in connection with his appointment as Vice-Chair for City Livability/Bicycling of the Transportation and Communications Standing Committee of the United States Conference of Mayors

19-G-124 Approve minutes of the July 2, 2019 Worksession; the August 7, 2019 Worksession.

19-G-119 Approval of request for sponsorship from the University System of Maryland Foundation for \$5,000 for the Mid-Maryland Mission of Mercy & Health Equity Festival being held on September 13 & 14.

The motion passed 7-0.

ACTION ITEMS

19-R-20 Adoption of Resolution 19-R-20 Authorizing and Empowering the City of College Park to Issue and Sell a Series of its General Obligation Bonds in the Original Aggregate Principal Amount of \$19,000,000 - Gary Fields, Director of Finance

Mr. Fields said this resolution is the next step toward selling bonds to finance the construction of City Hall and renovations at Duvall Field. An ordinance was approved last month. The resolution provides more of the detail.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to adopt Resolution 19-R-20, Authorizing and Empowering the City of College Park to Issue and Sell a Series of its General Obligation Bonds in the Original Aggregate Principal Amount of \$19,000,000.

Mary Cook, resident: Some members of the Council are being short sighted. Urged opposition to the Resolution.

Councilmember Kabir supports both projects but is concerned about the cost. He would support a lower amount.

The motion passed 5-2-0 (Kabir and Mitchell opposed).

19-G-120 Support an appeal of the Federal Communications Commission (FCC) Cable In-Kind and Mixed Use Order (3rd Report and Order 15-311) and authorize retention of cable counsel, Best, Best and Krieger, and expenditure of up to \$10,000 in legal fees.

Ms. Ferguson said this is a request to join the appeal of the most recent FCC order that limits the amount of P.E.G. funds coming to the City and limits the number of complimentary drops. Best, Best & Krieger, the cable law firm, is spearheading a national effort to request a stay. The FCC order would change 35 years of history. The cost to the City is up to \$10,000.

A motion was made by Councilmember Kabir and seconded by Councilmember Dennis to support an appeal of the Federal Communications Commission (FCC) Cable In-Kind and Mixed Use Order (3rd Report and Order 15-311) and authorize retention of cable counsel, Best, Best and Krieger, and expenditure of up to \$10,000 in legal fees.

The motion passed 7-0.

19-G-123 Update on the Maryland Municipal League's Legislative Action Requests

Councilmember Mitchell and Mr. Somers are on the MML Legislative Committee. They said MML has identified several legislative priorities for the 2020 session. The City is requested to consider which item(s) to support.

A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis that the City support LR 2020-04, Municipal Highway User Revenue, Restoration and LR 2020-05, Retention of Authority, Small Cellular Infrastructure.

The motion passed 7-0.

19-O-09 Introduction of Ordinance 19-O-09, Amending City Code Chapter 138 “Noise”, §§138-2, “Definitions”, 138-5, “Prohibited Acts”, and 138-6, “Violations and Penalties” to Define Construction Activity and Noise Disturbance, Change the Hours Included in the Definitions of Day and Night, include Noise Disturbance as a Violation, Clarify the Noise Measurement Point for Multi-Family Dwellings, Include Reference to Various Noise Activities that are Prohibited by or Exempted from this Chapter through the State Environmental Article, Specifically Authorize the Noise Board to hear certain cases, and to make other clarifying and conforming changes.

A motion was made by Councilmember Kabir and seconded by Councilmember Rigg to introduce Ordinance 19-O-09.

Councilmember Kabir read the title of the Ordinance and said the Public Hearing will be held on September 24, 2019 at 7:30 p.m. at Davis Hall.

19-O-13 Introduction of Ordinance 19-O-13, Amending Chapter 141, “Nuisances”, by Repealing and Re-Enacting Article §141-1, “Nuisances Outlined”; Adopting §141-12, “Definitions”, §141-13, “Unruly Social Gathering Prohibited, And §141-14, “Violations and Penalties”; by Dividing Chapter 141 into Two Articles, and by Reserving Various Sections in Article I; by Repealing and Re-Enacting Chapter 110 “Fees and Penalties”, §110-2, “Penalties”; and by Repealing and Re-Enacting Chapter 15 “Boards, Commissions and Committees”, §15-19, “Powers and Duties”, To Clarify that Creating or Allowing a Nuisance is a Violation of the City Code, to include Unruly Social Gatherings as a Prohibited Nuisance, to Institute a Fine for Violations and to make provision for suspension or revocation of a City Occupancy Permit for repeated violations.

A motion was made by Councilmember Rigg and seconded by Councilmember Kabir to introduce Ordinance 19-O-13.

Councilmember Rigg read the title of the Ordinance and said the Public Hearing will be held on September 24, 2019 at 7:30 p.m. at Davis Hall.

19-G-121 Appointments to Boards and Committees

A motion was made by Councilmember Dennis and seconded by Councilmember Rigg to reappoint Santosh Chelliah to the Advisory Planning Commission, Bob Catlin to the College Park Housing Authority, Joe Theis to the Ethics Commission, Anna Sandberg to the Airport Authority, Taimi Anderson to the Animal Welfare Committee, Mark Shroder to the Noise Control Board, and to appoint Ann Bolduc to the Seniors Committee. The motion passed 7-0.

Mayor and Council Comments:

Councilmember Mitchell requested more information on CB-73-2019, County food truck legislation.

In response to an earlier question, Mr. Somers said the City receives approximately \$180,000 in P.E.G. funds from Comcast and \$120,000 in P.E.G. funds from Verizon each year.

Comments from the Audience:

Dave Dorsch, resident: Why is the retail in the new City Hall being handled by the Terrapin Development Corporation? The design drawings on the new City Hall are far from complete and we don't have permits yet. Nothing is being done on the Stormwater Management project in Calvert Hills.

Councilmember Rigg responded that in response to a letter from the City, County Executive Alsobrooks said the project would be accelerated.

Lisa Miller, non-resident, President, PGPOA: How can we ask for changes to the ordinances that were introduced tonight?

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Day to adjourn the Regular Meeting and enter into a Closed Session pursuant to the authority of General Provisions Article 3-305 to consider the acquisition of real property for a public purpose; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the state; to consult with Counsel to obtain legal advice; and to discuss a negotiating strategy before a contract is awarded. The motion passed 7-0 and the regular meeting was adjourned at 8:37 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Closed Session Statement

Pursuant to the Maryland Annotated Code, General Provisions Article, Section 3-305, on September 10, 2019 at 8:37 p.m. at Davis Hall, 9217 51st Avenue, a motion was made by Councilmember Mitchell and seconded by Councilmember Day that the Mayor and Council of the City of College Park meet in a Closed Session for the following purposes: To consult with Counsel to obtain legal advice; To consider the acquisition of real property for a public purpose and matters directly related thereto; To discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal; To consider a matter that concerns the proposal for a business to locate in the State. The motion passed 7-0, and after a brief recess, the closed session began at 8:45 p.m.

All Mayor and Councilmember except for Councilmember Kennedy were present. Others invited to attend were Scott Somers, City Manager; Suellen Ferguson, City Attorney; Janeen S. Miller, City Clerk; Bill Gardiner, Assistant City Manager; and Tanner Dudley from HR&A.

The City Attorney advised the Mayor and Council on terms for the Joint Development Agreement with the University of Maryland on the City Hall project, on negotiating strategies regarding same, and on the possible acquisition of real property for a public purpose in relation to the project. The City Attorney also provided legal advice to the Counsel on promoting non-City entities and material.

At 9:42 p.m. a motion was made by Councilmember Mitchell and seconded by Councilmember Day to adjourn the closed session, and with a vote of 7-0, the closed session was adjourned.
