

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, January 26, 2021**  
**7:30 p.m. – 9:10 p.m.**

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

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

**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 Finance; Bob Ryan, Director of Public Services; Gary Fields, Director of Finance; Adam Rosenbaum, Student Liaison; Julia Nihkinson, Deputy Student Liaison.

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

**ANNOUNCEMENTS:**

Councilmember Kabir announced that the Hollywood Farmers Market has a winter market on Saturdays from 12 – 1 in the Duvall Field Parking lot; pre-orders are required by Wednesday. There is a Community meeting on Monday, February 8 about protected bike lanes on Rhode Island Avenue. The Virtual community police meeting will be moved to Wednesday.

Councilmember Dennis reported that he received his first COVID vaccine today.

Councilmember Esters commented on last night's forum on Lakeland, Urban Renewal and Restorative Justice.

Councilmember Mitchell added that she found last night's forum to be purposeful and meaningful. She reported COVID vaccination concerns.

**CITY MANAGER'S REPORT:** Mr. Gardiner provided updates on the availability of the COVID-19 vaccine and said a telephone hot line will open February 1 for telephone appointments. More info at: <https://covid19vaccination.princegeorgescountymd.gov/>

**AMENDMENTS TO AND APPROVAL OF THE AGENDA:**

A motion was made by Councilmember Day and seconded by Councilmember Mitchell to move 21-G-09 to Consent. Motion passed 8-0.

A motion was made by Councilmember Day and seconded by Councilmember Kabir to move 21-G-10 to Consent. Motion passed 8-0.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to add 21-G-13 to the Consent Agenda: Approval of a letter to WSSC following up on the January 11 special council meeting. Motion passed 8-0.

A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to approve the agenda as amended. Motion passed 8-0.

**PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:**

**Matt Tedesco, representing The Hub/Core Concepts, non-resident:** Thank you for moving the letter on this agenda item to the consent agenda and thank you for your support.

**Mary King, resident:** Re Gilbane request for Tax Credit. The City should not make an exception to allow the Revitalization Tax Credit. For them to say they are relying on approval of this incentive to start construction, or to say that they might have made changes had they known, does not make sense. She is dismayed that the Mayor had been in contact with Gilbane to help them procedurally.

**Carol Macknis, resident:** She also received her vaccine. The picture in the Municipal Scene shows leaves in the gutter; she suggests we come up with a better picture. Several weeks ago you went into a Closed Session before all the agenda items were addressed; it does a disservice to residents who are trying to follow along because they don't know how long it will be before you come back to Open session.

**Elizabeth Lynn, resident:** Thanked the Mayor for her upcoming appointment to the Housing Authority.

Mayor Wojahn said Ms. Lynn was previously appointed on an interim basis and tonight we are moving forward with her official appointment.

**PUBLIC HEARING:**

**Public Hearing on Ordinance 21-O-01, An Ordinance of the Mayor and Council of the City of College Park amending Chapter 141, Nuisances, for Clarification of Prior Notice Requirement for Nuisance Violations**

Ms. Ferguson said this is an ordinance to clarify that in emergency situations or where a state of emergency exists, prior notice to the violator is not required. In the past this chapter contained violations where cooperation and compliance is preferred, but in an emergency, there is no appropriate period of time to provide a warning.

Mr. Rosenbaum asked for concrete examples of where this has been used. Mr. Ryan said our CEO has cited this section when there have been large gatherings in violation of COVID-19 restrictions. Mr. Rosenbaum asked what the difference is between an "emergency occurrence" and something that is prohibited "due to a declared state of emergency." Ms. Ferguson said one example could be the release of a hazmat which would be an emergency situation that is dangerous to life and health, and in such case the City can cite an individual without providing a

warning period. This is to recognize that there are certain situations where giving prior notice is not applicable.

Mr. Rosenbaum said the language is vague and he is trying to understand the scope of its being applied outside of the pandemic. Ms. Ferguson added that the word “emergency” is defined as “a reasonable person would understand it.” We cannot name all of the emergency situations that can come up. The main focus of the clarification is to make clear when prior notice is required. We seek to gain compliance, but in an emergency situation there is no time for prior notice. The question is not whether you cite or don’t cite, but whether you give prior notice.

**Public Comment:**

**Dan Alpert, resident:** The concern is not whether someone would get a warning or not, it is about the process in which an emergency is declared. It is subjective and opens the door for biases to be present.

**Mary King, resident:** Listen again to how the City Attorney explained the use of the word emergency as a reasonable person’s standard. That should allay your fears.

There being no further public comment, Mayor Wojahn declared the Public Hearing as having been held.

**PRESENTATIONS:**

**FY 2020 Audit Presentation – Robert Diss and Aliasha Scarlett, Lindsay and Associates:** Mr. Fields recognized Finance staff for their assistance with the audit and introduced auditors. The audit was conducted virtually. Ms. Scarlett reviewed the 2020 CAFR (Comprehensive Annual Financial Report). This was a clean audit with no discrepancies found.

Councilmember Kabir asked for a breakdown of tax revenue between commercial and residential. He wants to see which properties have contributed to an increase in the tax base.

Councilmember Mitchell asked if there is a one-page summation that can go along with the CAFR?

Councilmember Kennedy thanked and congratulated Finance staff.

**FY 2021 Quarterly Financial Presentation:**

Mr. Fields reviewed the quarterly financial presentation.

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

21-G-11	Approval of minutes from the January 5, 2021 Worksession and the January 12, 2021 Regular Meeting.
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<b>21-G-12</b>	<b>Approval of the appointment of the College Park Housing Authority resident commissioner, Betsy Lynn</b>
<b>21-G-09</b>	<b>Approval of a letter to the Prince George’s County Council supporting a partial waiver of the School Facilities Surcharge for The Hub student housing development.</b>
<b>21-G-10</b>	<b>Award of contract to Wallace Montgomery for contract administration of the Hollywood Commercial District Streetscape Project in substantially the form attached in the amount of \$86,155.</b>
<b>21-G-13 ADD</b>	<b>Letter to WSSC as a follow up to the January 11 Community Meeting about sewer backflows in Calvert Hills.</b>

**The motion passed 8-0.**

#### **ACTION ITEMS**

**21-O-01 Adoption of Ordinance 21-O-01, An Ordinance of the Mayor and Council of the City of College Park amending Chapter 141, Nuisances, for Clarification of Prior Notice Requirement for Nuisance Violations**

**A motion was made by Councilmember Rigg and seconded by Councilmember Esters to adopt Ordinance 21-O-01, amending Chapter 141, Article I, §141-9 to clarify that prior notice of a violation is not required before a municipal infraction is issued in emergency situations, and situations involving conditions and/or activities that are prohibited due to a declared state of emergency.**

Councilmember Rigg said Mr. Rosenbaum raised a concern that this could be abused in an emergency situation and asked if Council can be notified when an MI is given without warning under this section to be sure this section of the Code is being enforced as we intended?

Mr. Rosenbaum said this is timely as it relates to COVID. He supports Councilmember Rigg’s request to notify the Council to make sure it is being applied appropriately. He asked why the term “clarification” is being used?

Mr. Ryan said any abuse of our Code by a CEO reflects on him and the department so he is concerned by the suggestion. This applies when there is any threat to life and health; he doesn’t envision it being misused. He prepares a summary report of MIs that is shared with the Mayor and Council so transparency is not a challenge.

Councilmember Kabir sees the nervousness in the community but has confidence in our staff and their experience. When we passed the nuisance law we decided to review it after one year. Can we review the application of this law as well? Mr. Ryan said yes, we can report out our citations based on this section of the Code.

Ms. Ferguson clarified that we are only talking about the first article of this chapter; we are not talking about unruly gatherings.

Councilmember Mitchell supports staff reporting these statistics to the Mayor and Council with their other reports.

Staff clarified that this will be an administrative matter and will not be included in the Ordinance or the Code.

**The motion passed 8-0.**

**21-O-02 Introduction of Ordinance 21-O-02, An FY 2021 Budget Amendment re Coronavirus Relief Funds (Amendment #2)**

Mr. Fields gave an overview of this budget amendment which is strictly related to the Coronavirus Relief Funds of \$1,965,000 allocated to the City by the County. We actually spent and will be reimbursed for \$1,909,000. He showed how the money was used and what the benefit was. He recognized the Economic Assistance Subcommittee for developing the programs that were put into place. The hard part was taking the theory and putting it into actual practice using the parameters that were set. He added that there was no guidebook to follow.

**A motion was made by Councilmember Dennis and seconded by Councilmember Rigg to introduce Ordinance 21-O-02, an ordinance of the Mayor and Council of the City of College Park, to amend the Fiscal Year 2021 Operating Budget of the City of College Park, Maryland (Amendment #2).**

Mayor Wojahn announced that the virtual Public Hearing will be held on February 9, 2021 at 7:30 p.m.

**ADJOURN:** Mayor Wojahn said that pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article § 3-305, the Mayor and Council will meet in a Closed Session after tonight's meeting to consult with Counsel to obtain legal advice. Specifically, the City Attorney will advise the Mayor and Council on a request for a Revitalization Tax Credit. The City Council will not return to public session after the Closed Session ends. Ms. Ferguson said that something has just come to her attention that should be included in the Closed Session and asked to add a discussion of potential litigation to the closing exception for tonight's meeting.

**A motion was made by Councilmember Dennis and seconded by Councilmember Esters to adjourn the Regular Meeting, and with a vote of 8-0, Mayor Wojahn adjourned the meeting at 9:10 p.m.**

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Janeen S. Miller  
City Clerk

Date  
Approved

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**CLOSED SESSION**  
**January 26, 2021**

On Tuesday, January 26, 2021, at 9:10 p.m., at the conclusion of the Regular Meeting, a motion was made by Councilmember Dennis and seconded by Councilmember Esters to adjourn 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, the Mayor and Council will meet in a Closed Session after tonight's meeting to consult with Counsel to obtain legal advice and to discuss potential litigation. Specifically, the City Attorney will advise the Mayor and Council on a request for a Revitalization Tax Credit and on a matter of potential litigation. Mayor Wojahn said the City Council will not return to public session after the Closed Session ends. The motion passed 8-0.

At 9:15 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. In addition, the meeting was attended by Interim City Manager Bill Gardiner; City Clerk Janeen Miller and City Attorney Suellen Ferguson.

The City Attorney provided legal advice to the Mayor and Council about a request by a developer to reinstate a Revitalization Tax Credit that had been granted by the City in error.

The City Attorney advised the Mayor and Council about a subpoena that was received last week.

No action was taken.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to adjourn the closed session, and with a vote of 8-0, the closed session was adjourned at 9:52 p.m.

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