

MINUTES
College Park City Council Regular Meeting
Tuesday, September 13, 2022
7:30 p.m. – 11:22 p.m.

**This was a hybrid meeting: Online via Zoom;
In-person in the Council Chambers of City Hall.**

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie and Mitchell.

ABSENT: None

ALSO PRESENT: Kenneth Young, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Fred Sussman, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Ryna Quinones, Communications and Events Manager; Kevin Blackerby, Events Coordinator; Michael Williams, Economic Development Manager; Student Liaison Valerie Graham and Deputy Student Liaison, Adrian Andriessens.

Mayor Wojahn opened the Worksession at 7:30 p.m.

ANNOUNCEMENTS:

Councilmember Kabir discussed emergency preparedness month.

Councilmember Brown Esters provided residents with the ready.gov website and the County “Are you Ready” site.

Councilmember Whitney said The Clarice is hosting a benefit for the College Park Food Pantry.

Councilmember Adams discussed the City’s successful Oktoberfest event and mentioned upcoming civic association events.

Councilmember Rigg announced a meeting on Thursday night of Calvert Hills and Old Town residents to discuss neighborhood quality of life matters.

Councilmember Mackie said a community meeting will be held by Zoom on the County’s new zoning ordinance; Good Neighbor Day is November 12.

Councilmember Mitchell discussed City events and said there will be a community meeting about school transportation issues.

Mayor Wojahn congratulated Francis Tiafoe on his semi-final tennis match at the US Open. On Thursday there is a PGCMA meeting at the Greenbelt City Hall.

CITY MANAGER’S REPORT: Mr. Young introduced Fred Sussman. He reported statistics on loud exhaust systems: 466 citations, 135 warnings and 99 EROs. Signs about modified exhaust systems in English and Spanish have been posted around the City. The Hollywood Gateway Park received a design award from the AIA. MHAA has approved a grant to the City for Phase 2 of the Lakeland Augmented Reality Tour. Our City Hall has received design awards from AIA Baltimore and AIA Maryland.

PROCLAMATIONS: Mayor Wojahn read the proclamations for Suicide Prevention Month and Hispanic Heritage Month.

AMENDMENTS AND APPROVAL OF THE AGENDA:

- Esters/Whitney: Add opposition to the pending County legislation related to zoning to the consent agenda. All five bills included in Council Member Glaros’ news blast. Agenda item 22-G-128. Motion passed 8-0.
- Rigg/Mitchell: Remove 22-G-126 from the agenda. Discussion. Comments from Dave Dorsch, Chair, College Park Airport Authority. Remove from tonight’s agenda and return in 2 weeks. Motion passed 8-0.
- Kabir/Adams: Move 22-G-124, Rhode Island Avenue Bike Lanes, from Consent to Action. Motion passed 8-0.
- Adopt agenda as amended, Mitchell/Adams, 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Dave Dorsch, Chair, Airport Authority: On behalf of the Airport Authority, requesting \$5,000 be paid to the College Park Airport to refinish the tables and chairs on the airport deck.

Gale Mamatova, resident: How is the City addressing race relations, specifically protecting our Hispanic residents from harassment. She referenced a video on NextDoor.

Mary King, resident: Get the bugs out of the Zoom.

Dave Dorsch, resident: Connect Rhode Island Avenue to Campus Drive to get traffic off of Route 1.

PRESENTATIONS:

Mayor Wojahn presented awards to Fourth of July Parade Winners: Best appearing cultural organization to the College Park Arts Exchange, Melissa Sites, Executive Director; Best Boy Scout/Girl Scout Entry -- Boy Scout Troup 298, Mary Pat; Best Community/Civic Association -- College Park Moose Lodge, Debbie Herbert; and Best Classic Car -- College Park Moose Lodge, Mike Templeton.

1. PUBLIC HEARINGS:

- A. Ordinance 22-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park, To Amend Chapter 148, “Peace And Good Order”, By**

Renaming The Chapter, Repealing And Re-Enacting §148-1, “Unlawful Acts”, Enacting §148-2, “Adoption Of Rules And Regulations For City Recreational Facilities”, Repealing, Re-Enacting, Renaming And Renumbering §148-2, “Violations And Penalties; Intimidating Or Impeding City Employees; And To Amend Chapter 110, “Fees And Penalties,” By Repealing And Re-Enacting §110-12 “Penalties,” To Delete A Number Of The Provisions That Have Been Included In Other City Ordinances Or Are Better Enforced At The State Or County Level, To Authorize The Adoption Of Certain Rules And Regulations For Use Of City Recreational Facilities By Council Resolution, And To Set A Fine For Non-Compliance.

Mr. Ryan said City staff is recommending changes to Chapter 148 of the City Code to update the City’s rules for use of parks, playgrounds and fields. The City Attorney recommended additional changes in Chapter 148 to bring it up to date. If adopted, the updated rules will be brought forward for approval.

Councilmember Rigg asked why this is necessary. Mr. Ryan said some items are better enforced by the police, some are addressed in County Code, and some are addressed in another section of the City Code.

Mayor Wojahn invited public comment:

Mary King, resident: If someone wanted to have a birthday party at Duvall Field, would they need to get liability insurance, and if so, what does that cost. Flexibility is allowed for small family gatherings.

Dave Dorsch, resident: Supports adoption of the ordinance.

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

B. Public Hearing on the Petition Request for Traffic Calming in the 9000 block of 51st Avenue, between Branchville Road and Blackfoot Place

Mr. Halpern reviewed the results of the traffic study that was conducted. Neither the volume nor the speed warrants for traffic calming were met.

Councilmember Rigg asked how much City staff time it takes to conduct a traffic study.

Mayor Wojahn invited public comment:

Anna Shipley, resident: Asked where the traffic counter was placed. 60% of the residents signed the petition to say speeding was a problem. There are no sidewalks on the street. Mr. Halpern said a traffic counter was placed at both 9016 and 9003, and the study used the worst traffic data.

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

CONSENT AGENDA:

A motion was made by Councilmember Rigg and seconded by Councilmember Esters to approve the Consent Agenda, which consisted of the following items:

22-G-123	Approval of a task order under the on-call engineering services contract with Charles P. Johnson and Associates (CPJ) in the amount of \$145,805 to design a sidewalk on 52nd Avenue between Narragansett Parkway and Huron Street.
ADD: 22-G-128	County zoning legislation, letters of opposition to five bills: CB-69, CB-77, CB-78, CB-91, and CB-92.

The motion passed 8-0.

ACTION ITEMS:

22-G-127 Consideration of a petition request for traffic calming devices in the 9000 block of 51st Avenue – Steve Halpern, City Engineer

A motion was made by Councilmember Whitney and seconded by Councilmember Esters to authorize staff to install traffic calming devices in the 9000 block of 51st Avenue.

Councilmember Whitney said we have heard concerns from residents. Councilmember Brown Esters walks in this area often and has spoken to the residents. Speeding is an issue and since there are no sidewalks, individuals walk on the street.

Councilmember Rigg asked why we require such an in-depth traffic study when we ignore the results when we consider the request. He urges residents who are interested in pedestrian safety to consider sidewalks.

Mr. Halpern said the traffic study is important because it provides information about what is happening on the street. It is good to have the data. This is standard industry practice.

The motion carried 8-0.

22-O-07 Adoption of Ordinance 22-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park, To Amend Chapter 148, “Peace And Good Order”, By Renaming The Chapter, Repealing And Re-Enacting §148-1, “Unlawful Acts,” Enacting §148-2, “Adoption Of Rules And Regulations For City Recreational Facilities,” Repealing, Re-Enacting, Renaming And Renumbering §148-2, “Violations And Penalties; Intimidating Or Impeding CityEmployees;” And To Amend Chapter 110, “Fees And Penalties,” By Repealing And Re-Enacting §110-12 “Penalties,” To Delete A Number Of The Provisions That Have Been Included In Other City Ordinances Or Are Better Enforced At The State Or County Level, To Authorize The Adoption

Of Certain Rules And Regulations For Use Of City Recreational Facilities By Council Resolution, And To Set A Fine For Non-Compliance

A motion was made by Councilmember Rigg and seconded by Councilmember Esters to adopt Ordinance 22-O-07.

A motion to amend the ordinance was made by Councilmember Adams and seconded by Councilmember Rigg to insert the following in Section 2, 148-1, Unlawful Acts:

D: PUBLIC URINATION OR DEFECATION. NO PERSON MAY URINATE OR DEFECATE IN PUBLIC, UNLESS THERE IS A PLACE SPECIFICALLY DESIGNATED FOR THAT PURPOSE, OR IN ANY OTHER PLACE WHERE THE PERSON MAY BE SEEN FROM A PUBLIC THOROUGHFARE OR PUBLIC PROPERTY.

No comments from the audience on the amendment.

It was stated that Code Enforcement Officers can't enforce this provision; they do not detain persons and do not write criminal citations. Mayor Wojahn expressed concern about strict laws that criminalize homelessness.

The Amendment passed 8-0.

Ordinance 22-O-07, as amended, passed 8-0.

22-G-124 Approval of a contract amendment in the amount of \$426,585 with NZI Construction Corporation for construction of the Rhode Island Avenue Bike Lane and to ratify and extend the term of the Agreement for concrete and asphalt work through June 30, 2023

Ms. Schum said this project had an extensive amount of public input; three community meetings have been held since 2018. It is highly unusual to change the project after it has gone out to bid. She reviewed the history of the project. The consultant recommended lowering the speed limit from 35 to 30 mph. At the time we did not own the road so we didn't have the authority to do so. Design is for a 5-foot bike lane, then a 2-foot painted buffer, then the travel lane. A vertical protection element is provided only at the intersections.

Councilmember Kabir said there has been a lot of public comment recently about protecting the bike lanes with physical barriers. He asked if some solid barriers could be added. Ms. Schum said if the design is going to change, we would have to go back to the Fire Department, our Department of Public Works, and the community, and reengage our consultant. Ms. Schum said

the SHA standard for US 1 is for a 5-foot bike lane with a 1-foot painted buffer, with no solid protection.

Discussion about pros and cons of physical barriers. Interest in moving this forward tonight and then move immediately to address the matter of adding a physical barrier.

A motion was made by Councilmember Adams and seconded by Councilmember Kabir to approve and ratify a Third Amendment to the Agreement with NZI Construction Corporation, in substantially the form attached, for construction of the Rhode Island Avenue buffered bike lanes in the amount of \$426,585, and to extend the term of the Agreement to and until June 30, 2023, and to move forward with design and implementation of further protections of the bike lane as feasible.

Comments from the audience:

Alaina Pitt, resident: Appreciates the Council listening to the community comments. Having safe passage is extremely important. Unconscionable to move forward with something that could kill people.

Ms. Hercules, resident: Stressed the importance of protection.

John Evans, resident: Has personally been run off the road by a bus when he was in an unprotected bike lane. Thankful for the Council wanting to make this improvement.

Carol Macknis, resident: Supports the protected bike lanes but City also needs to educate cyclists that they have to obey rules of the road.

The motion passed 8-0.

DISCUSSION ITEM

1. Presentation on 60% design plans for Duvall Field - Terry Schum, Director of Planning

The consultant reviewed the PowerPoint. The decision points are the Splash pad; A/V and storage for proposed amphitheater; digital or static signage; and dog waste stations. Discussion:

- What is the demand for each sport on the playing field
- Would schools want to use our field
- What is the status of the Boys and Girls Club
- Expected lifespan of amphitheater
- Cost of additional storage to accommodate both B&G Club and Events needs.
- Consideration for use of solar power for lighting
- Splash Pad can be bid as an add alternate: They haven't done a detailed design yet; we think LGIT would cover liability under our policy; hours of operation; safety of children; cost of maintenance and upkeep; do we need to staff it; are there other costs associated with running the splash pad.

- Can we add some of these items later? Yes, we will get an itemized cost breakdown to help decide.
- First aid station?
- Go back to recreational needs analysis to determine the priorities
- Signs: simple, not flashy. Not tacky or garish so they are not a distraction to drivers or nearby homes.

[10:30 p.m., Mitchell/Adams to extend the meeting to 11:00 p.m., passed 8-0.]

[11:00 p.m., Kennedy/Adams to suspend the rules, passed 8-0.]

Do further research and return to Council with responses so decisions can be made at the time of contract award. The splash pad and the storage room will be quoted as an add-alternate; they were not part of the original design. Consultant will need to fully vet all of the questions, then design the elements, then give cost estimate. The Audio Visual at the amphitheater still needs to be explored with Events Staff.

ADJOURN: Motion by Councilmember Adams, seconded by Councilmember Rigg, 11:22 p.m., passed 8-0.

Janeen S. Miller

City Clerk

**Closed Session
September 6, 2022**

At 7:08 p.m. on Tuesday, September 6, at the beginning of the Worksession, a motion was made by Councilmember Kennedy and seconded by Councilmember Esters to enter into a Closed Session. Mayor Wojahn read the Closing Statement:

Pursuant to the Statutory Authority of the General Provisions Art. § 3-305(b) 4), the Mayor and Council will meet in a Closed Session at the beginning of the meeting to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

The motion passed 8-0.

Mayor Wojahn; Councilmembers Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie and Mitchell attended. In addition, the meeting was attended by City Manager Kenneth A. Young; Assistant City Manager Bill Gardiner; City Attorney Suellen Ferguson; City Clerk Janeen S. Miller, and Economic Development Manager Michael Williams. Mayor Wojahn was the Open Meetings Trainee.

The Mayor and Council were briefed on a proposal from a business that wanted to locate in the City and discussed possible incentives that could be used to support them. No action was taken.

At 7:59 p.m., on a motion by Councilmember Kabir and second by Councilmember Rigg, the Closed Session was adjourned, 8-0. The Council reconvened in the Worksession.
