

MINUTES
Regular Meeting of the College Park City Council
Tuesday,
Tuesday, March 9, 2021
7:30 p.m. – 9:27 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 Planning; Miriam Bader, Senior Planner; Teresa Way-Pezzuti, Director of Human Resources; Adam Rosenbaum, Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir announced the North College Park Community Association meeting on Thursday, and reported on last night's Community Police meeting.

Councilmember Kennedy attended the COG Chesapeake Bay Policy Committee meeting and the NLC Congressional Cities Conference.

Councilmember Esters also attended the NLC conference this week. She acknowledged the work on the bike lane on Rhode Island at Greenbelt Road.

Councilmember Dennis announced the virtual Prince George's County District 1 Coffee Club tomorrow morning.

Councilmember Mitchell announced that Districts 1 and will hold their annual budget town hall on Saturday, March 20. March is Women's History Month. The City's Committee for a Better Environment has an environmental survey out now. She also attended the NLC conference.

Councilmember Mackie commented on the County Executive's women's history month activities, and said that Saturday is Pi Day (3/14).

Mayor Wojahn discussed the passage of the latest Coronavirus Emergency Relief bill this week. It includes relief for state and local governments which we hope can help with our budget and the relief programs we had in place last year. The County has reestablished the emergency rental assistance program for anyone in need which can cover delinquent rent.

CITY MANAGER'S REPORT: Mr. Gardiner also announced the CBE's sustainability survey; the WSSC community meeting on the claims process will be on Wednesday, March 24; there is a large water main replacement project on Cherry Hill Road and will last until January 2022; we are still seeking applicants for the Restorative Justice Steering Committee; and gave an update on COVID restrictions and vaccines.

Councilmember Rigg asked about the status of the other WSSC information we had requested related to backflow preventers. Staff will follow up.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: The agenda was approved without amendment (Rigg/Mitchell) 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Mary King, resident: Student housing seems to be profitable. She reviewed how the number of off-campus beds has grown.

PUBLIC HEARING:

Ordinance 21-O-03, an Ordinance amending Chapter 175 "Taxation", Article IV, "Revitalization Tax Credit", Section §175-13 "Waiver", to establish an additional Revitalization Tax Credit, set the criteria for the Tax Credit, prohibit a waiver of Eligibility Requirements for the Tax Credit, correct an error, and make conforming changes, to enable a Revitalization Tax Credit for the Tempo Student Housing Project.

Ms. Ferguson described the narrow exception provided in this ordinance that could be applied to the Tempo Student Housing project if it is adopted. It does not set the amount of the tax credit, and Council would need to take a separate action by Resolution to approve a tax credit in any amount. She provided background on the City's Revitalization Tax Credit (RTC) program.

Mayor Wojahn invited public comment:

Tom Haller, Attorney for Gilbane Development Corporation: He spoke in support of this ordinance which would benefit his client. He said redevelopment incentives are important.

Suchitra Balachandran, resident: She spoke in opposition to the ordinance. In 2015 the Mayor and Council decided to remove undergraduate student housing from eligibility for the RTC. Tell Gilbane you are sorry the mistake was made; be responsible to the taxpayers.

Mary King, resident: She feels the City Attorney's remarks were incorrect. Creating this legislation is a mistake. The City does not know the extent to which the tax credit will impact the project. Don't make up for a staff mistake by giving away half a million dollars.

Mary Cook, resident: Had someone explained what the RTC was prior to the vote, we wouldn't have made this mistake. You should own that you made the mistake. She is opposed to this ordinance.

Peter King, resident: He filed a freedom of information request with the City to determine the nature of the error, who was responsible, and the extent to which the developer was aware of this mistake. He hasn't received the documents yet so can't speak to this yet. You should delay action on adopting this ordinance tonight until he can get to the bottom of the error.

Christian Cerria, Gilbane: Discussed the unique attributes of this project and the amount of effort it took to make the project happen. They relied on approval of this tax credit. He personally applied for the RTC after meeting with City staff and nothing on the application mentioned that it precluded student housing.

Richard Abendroth, resident: Regardless of whether the Council approved it, it is on the developer to meet the criteria of the RTC, and this development is excluded by law. There is language in the guidelines to address this kind of thing.

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

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

21-G-36	Award of renewal contracts for employees' health and dental insurance coverages, worker's compensation, and the City's general liability insurances for FY 2022 for a total budgeted cost of \$1,836,580.
21-R-02	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-2021-01, 5127 Lackawanna Street, College Park, Maryland, Recommending Approval Of A Variance From Section 27-442(C) Table II Of The Prince George's County Zoning Ordinance, To Lengthen A Driveway.
21-R-03	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-2021-02, 5005 Stewart Court, College Park, Maryland, Recommending Approval Of Variances From Section 27-120.01 (C) And Section 27-442 (C) Table II From The Prince George's County Zoning Ordinance, To Expand A Driveway.
21-G-38	Approval of the Education Advisory Committee's recommendation for a Public School Education grant award to the College Park Academy in the amount of \$1,250 for their Environmental Club program.
21-G-39	Approval of minutes from the February 2, 2021 Worksession, February 2, 2021 Special Session and February 9, 2021 Regular Meeting.

The motion passed 8-0.

ACTION ITEMS

21-O-03 Adoption of Ordinance 21-O-03, an Ordinance of the Mayor and Council of the City of College Park amending Chapter 175 “Taxation”, Article IV, “Revitalization Tax Credit”, Section §175-13 “Waiver”, to establish an additional Revitalization Tax Credit, set the criteria for the Tax Credit, prohibit a waiver of Eligibility Requirements for the Tax Credit, correct an error, and make conforming changes, to enable a Revitalization Tax Credit for the Tempo Student Housing Project

A motion was made by Councilmember Dennis and seconded by Councilmember Rigg to adopt Ordinance of the Mayor and Council of the City of College Park amending Chapter 175 “Taxation”, Article IV, “Revitalization Tax Credit”, Section §175-13 “Waiver”, to establish an additional Revitalization Tax Credit, set the criteria for the Tax Credit, prohibit a waiver of Eligibility Requirements for the Tax Credit, correct an error, and make conforming changes, to enable a Revitalization Tax Credit for the Tempo Student Housing Project.

Councilmember Dennis said there has been a lot said about the error and whether the Tempo project should be granted a Revitalization Tax Credit (RTC). He spoke to the advantages of this project and its benefits to the City as a whole that merit reconsideration of the tax credit. This is only enabling legislation and will allow the Mayor and Council to later consider whether to grant a RTC.

Councilmember Kabir said this ordinance is to change a law because the City made an error in applying that law. We say we’re sorry when the error is made. This is not the right way to fix our reputation. If we pass this amendment it will damage our reputation. He is opposed to the ordinance.

Councilmember Mitchell appreciates the development but grapples with the situation that is before them now. She will not support.

Councilmember Rigg said the City promised a benefit to an organization in exchange for a public good and then reneged on it. The Council voted unanimously in support of the tax credit. The City should be accountable for this error. Gilbane has been an important partner in development in the City. He will support.

Councilmember Esters acknowledged the complexities of the situation. This would allow us to move forward and have a future conversation, and input from the residents will help inform that discussion.

Student Liaison Rosenbaum said cleaning up a mistake by making a one-time exception is not the best thing. We should ask ourselves if we are prepared to make this the rule, not the exception. The RTC does not have a “but for” test. Student rents will not go down if this is granted. This could set a precedent.

Councilmember Kennedy appreciates the comments about the larger conversation about tax credits. She will support this. She thinks she will lean toward a partial tax credit.

Councilmember Mackie said we should not respond to an error by making another error. Tempo does not qualify for the RTC. Council deliberated in 2015 when they agreed to remove undergraduate student housing from eligibility and we should not override that. She does not support.

Councilmember Day said we should stand up and make this right. The mistake was not found until six months later. Is there a way we can work through this together instead of just saying no. This is one part of a two-part discussion. He will support.

Councilmember Rigg addressed the question of whether this is precedential. In his opinion it is not because it is narrowly written.

Mayor Wojahn thinks we need to have further conversations about tax credits and how we can use them as a tool. We still need student housing, but should have a future discussion about affordable student housing. He supports this ordinance to honor our commitment to this developer for this project.

Roll Call Vote

Yes: Kennedy, Dennis, Esters, Rigg, Day.

No: Kabir, Mackie, Mitchell.

Motion passed 5-3.

21-G-37 Recommendation of support, with conditions, for the Conceptual Site Plan (CSP-20002) for Terrapin House, and approval of a Memorandum of Understanding with the owner

Ms. Schum reviewed the staff report and explained that the purpose of the CSP to rezone the property. As it moves forward, Council will see the Preliminary Plan and Detailed Site Plan. Last week's recommended conditions were tweaked only slightly. She outlined those changes. The conditions will be memorialized in a Memorandum of Understanding.

Ms. Ferguson said there are some revisions to the draft MOU that was sent around earlier today but not to the conditions.

Councilmember Rigg asked to what extent the conditions are legally binding upon the applicant, specifically the architecture.

Matt Tedesco, Attorney for the applicant: explained the expectations at the time of Conceptual Site Plan, Preliminary Plan and Detailed Site Plan. They felt an MOU was appropriate at this time.

Councilmember Mackie said the CSP process is new to her. She reviewed some of the public comment. She is concerned about having a highrise on that side of US 1 and hopes the neighborhood won't be compromised.

A motion was made by Councilmember Day and seconded by Councilmember Rigg that the City Council recommend approval of CSP-20002 with conditions per the City Staff Report and subject to a Memorandum of Understanding with the City in substantially the form attached.

Councilmember Day said they are trying to redevelop a site they developed many years ago, and he hopes we can see the businesses come back.

Comments from the audience: None.

Councilmember Rigg appreciates the concern about a highrise on the east side of US 1 but it is in the City's central business district. In order to have a voice in the future development it is better to support the project with conditions.

Councilmember Kabir shares concerns about a highrise close to a residential neighborhood. Tonight we are just supporting a change to the zoning. The developer should be mindful of the design concerns when they come back with their DSP.

Mr. Rosenbaum said it is exciting that the City has more say in development.

The motion passed 7-1-0 (Mackie opposed).

21-O-04 Introduction of Ordinance 21-O-04 to amend Chapter 34, Elections, Article I, "General Provisions" §34-3, "Definitions"; Article II, Conduct Of Elections, § 34-5, "Polling Places; Hours Of Voting; Early Voting", §34-6, "Absentee Balloting", And §34-7, "Runoff Elections"; And Article III, "Fair Election Practices", §34-15, "Campaign Finance Reports; Independent Expenditure Report"; To Include Electronic Posting And Messaging In The Definition Of Political Matter, Change The Dates For Filing Of An Application For An Absentee Ballot And A Late Filing For An Absentee Ballot, Removing The Requirement That The Notice To Candidates And Treasurers Under § 34-15a(2) And (3) Concerning Filing Of Finance Reports And Independent Expenditure Reports Be Given By Ordinary Mail, And Make Certain Clarifying, Conforming And Numbering Changes.

A motion was made by Councilmember Kennedy and seconded by Councilmember Esters to Introduce Ordinance 21-O-04 and set the Public Hearing for March 23 at 7:30 p.m.

General Comments from the audience:

Student Liaison Rosenbaum: He wanted to make public for the record a comment he posted in the Zoom virtual chat about the Tempo Development: He was opposed to the ordinance and thinks meeting somewhere in the middle is the best solution. He likes the concept of considering tax credits in the future in exchange for affordable housing.

ADJOURN:

A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn the Regular Meeting, and with a vote of 8-0, Mayor Wojahn adjourned the meeting at 9:27 p.m.

Janeen S. Miller City Clerk	Date Approved
--------------------------------	------------------

CLOSED SESSION
March 2, 2021

On Tuesday, March 2, 2021 at 10:00 p.m., at the conclusion of the Worksession, a motion was made by Councilmember Mitchell and seconded by Councilmember Rigg 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(b), the Mayor and Council of the City of College Park are providing notice that they will meet in a closed session after the Worksession on March 2, 2021 to discuss the appointment of individuals over whom this public body has jurisdiction. Specifically, the Mayor and Council will review applications for appointment to the Restorative Justice Steering Committee. The Mayor and Council will not return to public session after the closed session ends.

The motion passed 8-0.

At 10:05 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 and City Clerk Janeen Miller.

The Mayor and Council discussed applicants for the Restorative Justice Steering Committee. No action was taken.

At 10:35 p.m., a motion was made by Councilmember Rigg and seconded by Councilmember Dennis to adjourn from the Closed Session, and with a vote of 8-0, the meeting was adjourned.