

**WORKSESSION MINUTES**  
**College Park City Council**  
**Tuesday, May 5, 2020**  
**7:30 P.M. – 11:07 P.M.**

**Due to the COVID-19 Pandemic, this was a WebEx Virtual Meeting**

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

**ABSENT:** None.

**ALSO PRESENT:** Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Gary Fields, Director of Finance; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Dan Alpert, Student Liaison.

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

**CITY MANAGER’S REPORT:** Mr. Somers said that with tonight’s meeting we have resumed broadcast over the City’s Cable channels and live streaming over Granicus; he gave the latest COVID-19 update; and he reminded residents about the changes to the collection of bulk trash that took effect on May 1.

**APPROVAL OF THE AGENDA:** The agenda was approved without amendment (Brennan/Rigg) 8-0.

**1. Preliminary Plan of Subdivision for The Standard student housing project on Hartwick Road**

Ms. Schum said this is a Preliminary Plan of Subdivision for a proposal to redevelop the Hartwick Building, which is currently an office building. The Planning Board date is May 14. The Detailed Site Plan will return in June. Revised conditions were circulated earlier today.

Ms. Bader reviewed the PPT presentation. This is mixed use student housing and retail called “The Standard” at 4321 Hartwick Road. It is zoned MUI in a “Walkable Node-University Character” area and is in the Aviation Policy Area. Compliance will be reviewed at time of DSP. There is a new road along the eastern boundary of the site proposed by Bozzuto which is adjacent. Ms. Bader reviewed Adequate Public Facilities and BPIS (Bicycle and Pedestrian infrastructure) requirements. Floodplain mitigation measures have been reviewed and approved by DPIE. The applicant is proposing a new Guilford Road Pocket Park.

Ms. Bader reviewed the revised conditions dated May 4 and circulated today:

City staff recommends approval of Preliminary Plan 4-19047 and the associated PUE variation request with the following conditions:

1. Prior to Final Plat of Subdivision:
  - a. Show right-of-way dedication or a combination of dedication and public access easements to the City of College Park to accommodate a 24-foot roadway (curb to curb), a minimum 5-foot-wide sidewalk, and a landscape strip to the extent practicable along the eastern site boundary.
  - b. Provide a public use easement to allow public access to the proposed Guilford Pocket Park.
2. Prior to issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit to the Historic Preservation Section a completed Maryland Inventory of Historic Property (MIHP) form for the standing structure located at 4321 Hartwick Road. The building shall be documented by a 36 CFR qualified architectural historian and the submitted documentation shall include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds with a copy provided to the City of College Park.
3. Total development within the subject property shall be limited to uses that would generate no more than 172 AM and 209 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of the adequacy of transportation facilities.
4. Prior to the approval of the first building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (SHA) for signalization at the intersection of US 1 and Hartwick Road, if required. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with SHA prior to the release of any building permits within the subject property and install it at a time directed by SHA.
5. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
  - a. 475 linear feet of six-foot-wide sidewalk along the north side of Hartwick Road across from the subject site.
6. Prior to detailed site plan approval, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the Required Off-Site Facilities necessary to

meet pedestrian and bicyclist adequacy, consistent with Section 24-124.01(f) and provide a copy to the City of College Park for review and approval.

7. Prior to detailed site plan approval, the Applicant shall give consideration to the following:
  - a. Provide a sidewalk along the western boundary of the site to connect between Hartwick Road and Guilford Road.
8. Prior to Planning Board approval of the Detailed Site Plan, execute a Declaration of Covenants Agreement with the City that includes, at a minimum, the following provisions:
  - a. PILOT to City if the property is sold to a non-profit or UMD.
  - b. Unitary management and condominium conversion requirements.
  - c. Acknowledgement of responsibility for maintenance of pedestrian light fixtures, landscaping, and sidewalks.
  - d. Public access easements to the City of College Park for the pocket park and any sidewalk not in City right-of-way.
  - e. Provision of a public art feature, which can be matched by City funds (up to \$15,000).
  - f. NGBS Bronze certification.

Ms. Bader said changes were made to conditions 1A, 6, and 7, and that the applicant has asked for NGBS Bronze instead of LEED Silver certification.

The Mayor asked if developer is in agreement with all the conditions?

The Applicant is represented by Chris Hatcher (not available tonight) and Chip Reed. Mr. Reed responded "Yes," the applicant is in agreement with these conditions. Eric Leath, Landmark Properties, gave the presentation. He was joined by Mike Lenheart, traffic engineer, and Joe DiMarco, civil engineer. Landmark Properties will be developer, owner operator and property manager. They are based in Athens Georgia.

Ms. Nikhinson asked about the rental cost per bed. Mr. Leath said it is in line with market rents. There is a mix of unit types from studios through 5 BR units; the rental price will vary based on unit type. They have 5-bedroom units which can bring down the price per bed.

Councilmember Rigg asked about the size and location of the pocket park.

Councilmember Brennan asked about the alignment of new road: is there a possibility to extend the road further? Ms. Schum said "Yes," this will set the stage to allow a new north-south road parallel to US 1 as properties to the north redevelop. Ms. Schum said this project has two frontages: Hartwick (primary) and Guilford (secondary). The new road is a two-way street with streetscape elements and will handle the loading and garage access so there is no impact to Hartwick and Guilford for those purposes.

Questions about height restrictions and step-backs will be addressed at the time of the DSP. This building has an underground parking garage.

Discussion about compensatory storage and treatment of stormwater and the flood management areas. The new development will do a better job of retaining and treating stormwater than what is there now. DPIE has reviewed and issued a waiver.

Councilmember Mackie asked about green space requirements. Ms. Schum said the courtyards meet the requirement to provide recreational facilities.

Councilmember Kabir asked where the retail will be located. Mr. Leath said the 6,600 sq. ft. of retail will be on the corner of Hartwick and new road. They hope for one retail tenant to take the entire space.

Per Council Rules, Councilmember Rigg disclosed his prior conversation with the applicant more than a year ago. He asked about the relationship between this development and the Bozzuto development and said he hopes that the developments will be complementary and would direct foot traffic between the two developments. Mr. Leath said yes, they are thinking about that, and have been in touch with Bozzuto.

Discussion about NGBS bronze v. LEED silver designations. Council asked for a report / matrix describing the similarities and differences.

Discussion about whether the building will block sunlight to the Guilford Run trees and vegetation. Mr. Reed said this will be addressed at DSP stage.

Councilmember Rigg to agenda.

#### **4 College Park Metro Apartments / Atworth (Gilbane) request for amendment to PILOT provision and to grant a revitalization tax credit**

Mr. Somers said the question before Council is whether to approve a change of practice in the PILOT (Payment In Lieu of Taxes) provision in the City's Declaration of Covenants (DOC) and to consider granting a standard Revitalization Tax Credit (RTC) to the developer. He reviewed the staff report. This apartment project is on the WMATA land next to College Park Metro. Last fall the City supported the Preliminary Plan and Detailed Site Plan, and Gilbane requested a City RTC. The City's standard DOC includes PILOT language. At that time, Gilbane didn't agree to the PILOT language, so the City wouldn't consider their request for a RTC. Gilbane is now asking the City to reconsider their request for a RTC in exchange for modified (not our standard) PILOT language, which says 'if the developer receives the RTC and if for whatever reason the property becomes tax exempt, the developer would be required to pay back the RTC and then the PILOT language would cease.' The developer agreed to this language.

Mr. Somers reviewed the RTC calculation spreadsheet.

Ms. Ferguson spoke with Mr. Haller and wants to include a provision that ‘if the property is sold to a non-taxable entity by the developer or a successor and the option of paying back the city RTC was selected, then what gets paid back would have the CPIU applied to it, so the City would get back the value of the tax credit that it gave in prior years.’ That has been agreed to.

Mr. Haller said they have agreed to revised language that was presented. He reviewed the history: Last June the City recommended approval of the DSP and as part of the conditions the applicant agreed to pay \$50K for improvements to the pedestrian tunnel, and made agreements regarding green building certification, the provision of a public park, unitary management and the maintenance of streetlights on River Road. The issue they had with the PILOT language was that, due to the location of the property and the fact that it is market rate housing, not student housing, the likelihood of conveyance to a non-taxable entity was not very high, and their concern was that the diminution of value to a subsequent purchaser might not make it worthwhile. They are comfortable going forward with the revised language and renewing their request for a RTC. He added that the RTC is based on increase in value of property. Because it is owned by WMATA, the City isn’t receiving any tax revenue now, so the tax dollars received will be greater than reflected in the chart.

Robert Gilbane, current status: They are continuing to work through the COVID-19 shutdown. They anticipate breaking ground in June.

Councilmember Kabir asked about the non-taxable entity, do you mean the UMD? Mr. Haller said that is the only one he can imagine. Councilmember Kabir asked if they break ground this June completion, when will construction be done. Mr. Gilbane said in September of 2022, but with a phased-in lease period. Question about when the revenue would hit our tax base? Mr. Fields estimated fiscal year 2023.

Councilmember Brennan summarized that last June the Council’s position was to provide a RTC only if the PILOT was agreed to, but since it was not agreed to, Council did not grant the tax credit. If we grant the RTC now and the developer ends up selling to a non-taxable entity, they would pay the tax credit back, but moving forward, the project would not have to pay any taxes. So there would be an immediate return on the tax credit, but moving forward, there would be no continuing obligation to pay taxes. Ms. Ferguson responded the sale could be to any government entity, not just the UMD, and if sold to a non-taxable entity there would be no obligation to pay real estate taxes going forward. Councilmember Brennan believes this sweetens the deal for the applicant: they can use the tax credit up front for financing purposes then when they have better cash flow they can sell and pay off the tax credit. His concern is waiving the PILOT provision does potentially set a precedent and the building could pay no taxes for the substantial life of the building.

Mr. Haller clarified that the applicant didn’t come up with this language; it was offered to them by the City. Mr. Somers said it is a compromise and an option that staff wanted to float. Ms. Ferguson said this is a decision for the Council to make, there is no staff recommendation, and it would represent a change in how Council has handled this issue in the past.

Mayor Wojahn is also concerned about precedent and how future developer might perceive it.

Mr. Somers said this is a unique situation because the developer qualifies but isn't willing to agree to the standard PILOT language. He doesn't know that it is a win-win, but it is an option they wanted to bring forth for council consideration.

Mr. Haller said they have been working to resolve this since last October and have been trying to get on the Council's agenda. The timing to be here in the middle of the crisis is coincidental and they are not trying to take advantage of the situation. Mr. Somers agreed no one could have predicted the current situation.

Councilmember Rigg discussed the inflationary factor. He is leery of using CPIU and would rather use something that is positive and fixed, such as an interest rate, since we are going into a recession. Mayor Wojahn agreed and said this is, in effect, a loan. Alternatives were discussed. Councilmember Kennedy added that she would like to see a comparison of the various options discussed.

Mr. Gilbane said this is the 4<sup>th</sup> project to be considered on this site in 20 years; the others have not moved forward. It falls under the qualifications for the RTC because the City has incentivized this type of development. If nothing happens here, then nothing is gained. The applicant has accepted the language that was proposed to them by the City, so it is difficult to understand the concern. They are not considering selling the development to the UMD. He asked why they aren't getting the same support as the Bozzuto project.

Mayor Wojahn said the Council's concern is that the developer is unwilling to agree to the standard PILOT provision that other developers have agreed to. Mr. Gilbane said there hasn't been a negotiation process; they agree with this revised language presented by staff to them and to the Council tonight. The only reason they didn't agree to the PILOT last fall was because it was presented to them the night before the DSP and they needed time to understand it more fully.

Staff and the developer will continue to discuss in the coming week.

## **2 Discussion of potential emergency assistance to local businesses due to the impacts of the COVID-19 Pandemic**

Mr. Somers reviewed the staff report. Last month Council authorized \$12,000 each to Meals on Wheels and the Community Food Bank. Additional options for small business have been discussed over the last month and are presented in the report.

Councilmember Day asked about the "50 employee" figure in Option #2: is that full-time employees, the number prior to COVID, etc? Mr. Somers said they haven't discussed that detail and it can be structured in any way, but they didn't feel that would be the best support because 80% have already paid their tax.

Councilmember Mitchell asked about Option #1: If we decided to move forward, how would it impact our revenue. Mr. Somers said it would depend on if the payment was delayed or forgiven. He reviewed the figures in the staff report. If Council wanted to forego the permit fees of \$140,000 it could be taken from contingency and you would have \$110,000 left in contingency.

Councilmember Kabir asked about the timing and when it would impact the budget – FY 20 and FY 21? Mr. Somers said the impact will move into FY 21; we haven't started to discuss FY 22. He asked how many businesses have 50 or fewer employees. Mr. Somers said if Council is interested in pursuing this option, we can do that research. We can postpone discussion of this option since those taxes aren't usually paid until November.

Councilmember Kennedy would like to see a bigger vision and a list of businesses in the City and how each of these options might benefit them. She doesn't see the option of a direct grant listed. Mr. Somers said Option #4 could be modified to be a direct grant for operating expenses and the matching portion could be eliminated. He added that local jurisdictions are sharing ideas and reviewed the Middleburg, Va. program.

Feedback on #1: Councilmember Rigg doesn't want to offer subsidies to businesses that don't need them (such as liquor stores), that are franchisees, that are contrary to the public health (such as vape shops), or that are fundamentally weak and wouldn't survive the summer even without COVID. He would support some ongoing subsistence for business that can stay the course, and to send signals to new business that might want to come in. He would extend #1 through the next fiscal year along with a marketing scheme that highlights our commitment to small businesses such as restaurants with 50 or fewer employees that are not franchisees.

Feedback on #2: Councilmember Rigg would support tailoring this option to pick out small minority owned businesses that don't negatively affect public health.

Councilmember Brennan said our initiatives should be meaningful, impactful and make a difference. He would like to see stronger recommendations from staff and get input from our businesses to say what would help them. We might want to wait to get input from our new economic development manager. This list seems like a "let's throw it on the wall and see if it sticks" approach.

Mr. Somers suggested a small ad hoc subgroup of Councilmembers to vet the recommendations.

Councilmember Dennis mentioned the utility relief programs and agrees we need to figure out what will have the most impact to benefit our businesses.

Ms. Ferguson added that matters of tax forgiveness need to be checked out in the tax code.

Councilmember Mackie said knowing what people need and meeting those needs is important to her.

Mayor Wojahn requested clarification on #8, the letter from the Mayor to landlords encouraging them to allow rental deferment – is that only commercial landlords? Mr. Somers suggested it would include residential rental property landlords as well.

Discussion of whether the City can pick which businesses can receive waiver of a permit fee and if there would be an application process.

Mr. Somers suggested we move forward with #1, #6, #7, #8 next week in order to do something more immediate, and to let the subgroup vet the others.

Subgroup: Wojahn, Dennis, Rigg, Kennedy, Mackie to address #2, #3, #4, #5, and any other new ideas.

#1, #6, #7, #8 to Consent next week. Subgroup to return in the future with other recommendations.

[Motion Rigg/Day to extend the meeting to 11:00 p.m. Motion carried 8-0.]

### **3 Update and direction on the 2020-2025 Strategic Plan**

Mr. Somers said this is a difficult time to work on a Strategic Plan. We had anticipated community meetings in March and April, but those meetings were delayed due to COVID. We are tentatively scheduled to have meetings in June as virtual meetings. We are suggesting 9 virtual meetings at 1 hour each. We suggest dividing them into 3 invitation-only and 6 open meetings. For the invitation-only meetings, Councilmembers would invite 3 people from their districts to reflect broad interest, diversity and people we don't normally hear from.

He asked for feedback on the draft questions and said a simplified version would be included in an online survey so everyone can participate. The contract also includes two stakeholder meetings, but we haven't identified the stakeholders.

Mayor Wojahn said people may bring a lot of ideas and we may need a sense of priorities given the current constraints.

Councilmember Rigg says one unexamined area is how we can retain our student residents after they graduate and asked how we can engage them. Mr. Alpert wants to establish an SGA City landlord working group and thinks that will help engage students. We can also work with the next Student Liaison.

Council consensus to move forward as suggested.

**5 Authorize the Mayor to sign a letter on behalf of the City urging federal officials to take actions to address a potential census undercount in university communities: See Special Session minutes for 20-G-88.**

**6 Appointments to the Board of the College Park City-University Partnership:**  
To Consent next week as written.

**7 Requests for/Status of Future Agenda Items**  
Councilmember Kabir: Safety improvements at Edgewood Road @ US 1. Mayor Wojahn asked for the purpose of the Worksession. Mr. Somers said it could provide direction to make this project a higher priority. There are budget implications.  
1st step: Ask Staff to tell us how much right-of-way we have to provide for an extra lane. Provide an information report to Council with that information and then decide how to proceed.

**8 Mayor and Councilmember Comments:**

- Councilmember Day - Request to SHA about the wall on Kenilworth Avenue. Racing down Kenilworth.
- Councilmembers Kabir, Mitchell and Mackie holding a virtual budget town hall.
- Councilmember Kennedy and Mayor Wojahn held a Facebook event on the budget.
- Councilmember Mackie said the Pregnancy Aid Center needs supplies and help with their food bank.
- Mayor Wojahn said the Hollywood Farmers Market moved forward with the market last week. The College Park Community Food bank continues to need donations.

**ADJOURN:** A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn the Worksession, and at 11:07 p.m. the Worksession was adjourned with a vote of 8-0.

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Janeen S. Miller  
City Clerk

Date  
Approved

**SPECIAL SESSION MINUTES**  
**College Park City Council**  
**Tuesday, May 5, 2020**  
**10:42 p.m.**

(Due to the COVID-19 Pandemic, this was a WebEx Virtual Meeting)

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

**ABSENT:** None.

**ALSO PRESENT:** Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Dan Alpert, Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Day and seconded by Councilmember Rigg to enter into a Special Session. The possibility of the Special Session was listed on the Worksession agenda. The motion passed 8-0 and the Council entered Special Session at 10:42 p.m.

**ACTION ITEM:**

**20-G-88**      **Authorize the Mayor to sign a letter on behalf of the City urging federal officials to take actions to address a potential census undercount in university communities.**

**A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to authorize the Mayor to sign and submit electronically the attached letter to federal representatives urging them to address the possible census undercount in university communities.**

Councilmember Day said this comes up every time we do a census. We need to send this letter and get our numbers counted correctly.

Councilmember Kabir said the letter is nice but we need to take other steps to engage the UMD community. Our response rate is 39%; one reason is because the University of Maryland hasn't reported their group housing numbers yet.

Councilmember Day said our Complete Count Committee, of which he and Councilmember Mitchell are members, is working closely with the University's CCC on this. COVID came at a bad time because it was where you were on April 1. We will continue to push on it.

**The motion passed 8-0.**

**ADJOURN:** A motion to adjourn from Special Session was made by Councilmember Dennis and seconded by Councilmember Day, and with a vote of 8-0, the Special Session was adjourned at 10:47 p.m.

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Janeen S. Miller

Date Approved