

MINUTES
Regular Meeting of the College Park City Council
May 12, 2020
7:30 p.m. – 9:32 p.m.

Due to the COVID-19 Pandemic, this was a 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; Julia Nikhinson, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir talked about last Saturday's Budget Town Hall for Districts 1 and 4 and added that the North College Park Community Association will hold their virtual meeting Thursday.

Councilmember Kennedy explained how the Hollywood Farmers Market is working now.

Councilmember Dennis said the Lakeland Civic Association will have their virtual meeting on Thursday.

Councilmember Rigg said the Calvert Hills Citizens Association will hold a virtual meeting on Wednesday. He discussed a recent food drive.

Councilmember Mitchell discussed the County's COVID -19 emergency rental assistance program. She said this is National Mental Health Month.

Councilmember Mackie talked about Council Member Dernoga's meal distribution and asked people to properly dispose of rubber gloves.

Mr. Alpert commented that the Baltimore City Council passed legislation to prevent raising rents. He said The Diamondback released their annual report card and the City is mentioned.

Mayor Wojahn said he is participating in a UMD work group on how/whether students will be able to return to campus for in-person instruction this fall. They hope to announce in June.

CITY MANAGER'S REPORT

Mr. Somers discussed the virtual meetings for the Strategic Plan; reminded people to review the COVID-19 page on City website; and encouraged everyone to complete the 2020 census. He

announced a CBE virtual event on May 30. There were questions about the City's Memorial Day program. Mr. Somers replied we will not have an observance at the memorial this year.

AMENDMENTS TO AND APPROVAL OF THE AGENDA

A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to add a proclamation to the agenda to recognize Municipal Clerk's Week. Motion carried 8-0. A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to approve the agenda as amended. Motion carried 8-0.

PROCLAMATIONS AND AWARDS: Mayor Wojahn read proclamations for:

- Municipal Clerk's Week
- "Parks To Kids" Day on May 16
- Public Service Recognition Week

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS

David Gray, resident: He asked about the rent that Ledo's Restaurant is paying for the parking garage property. The payment is lower than the projection. Why is that?

Carol Macknis, resident: She said the City should try to publicize the free parking more widely.

Lisa Miller, non-resident: She confirmed the Council had information about the TerpX project to help keep items out of the landfill and to help with subletting. She asked the City Council to help the landlords by lowering the fees they pay so they can pass those savings on to their tenants.

PUBLIC HEARINGS:

Ordinance 20-O-07, an Ordinance of the Mayor and Council of the City of College Park to Adopt the Fiscal Year 2021 General Fund, Capital Projects Fund and Debt Service Fund Budgets of the City of College Park, and Public Hearing on the Constant Yield Tax Rate.

Mr. Fields said we have two public hearings tonight: one on the budget ordinance and one on the Constant Yield. He said adjustments to the budget were made after the Budget Worksession, and that the budget ordinance was introduced on April 28. The Constant Yield hearing was advertised on April 30 in the Washington Post. He explained the Constant Yield Tax Rate: the FY '21 budget proposes to maintain the current Tax Rate of \$.325 which is in excess of the Constant Yield rate of \$.3148. The additional tax on a home valued at \$350,000 is \$36 per year. He discussed the City's financial position.

Comments from the Audience:

David Gray, resident: We should reduce the tax rate to the Constant Yield rate. People are unemployed now. His assessment went up. You are taking money from City residents to pay for what? You have \$60K of travel in the Council's budget for trips that aren't going to be held. There is fluff in the Communications budget. Why don't you cut everyone a break?

Oscar Gregory, resident: City residents are struggling with unemployment and illnesses due to the pandemic. The additional tax will hit them while they are down. They are paying for the tax credits you are giving to new developments. The City should enact the Constant Yield tax rate and put a

moratorium on further CIP projects until the economy is restored. The pandemic brings to light the benefits of telework.

Mary Cook, resident: We should reduce the tax rate to the Constant Yield. She hasn't heard what the extra money would be spent on, such as a new case manager for our Seniors, for a Community Center, a Senior Legal Clinic, or to improve the animal shelter. On behalf of the NCPCA she said the Association will be voting in support of the Hollywood Streetscape Project.

Carol Macknis, resident: She has heard that UMD sporting events will be curtailed in the fall so the City's tax revenue will decline. She is concerned that the City is underestimating the loss of revenue.

Mary King, resident: She agrees that we have to be conservative with our budget. We should not be imposing more taxes on the citizens. You are getting all this extra money from development but the long-term residents are not seeing the benefit.

There being no further public comment, Mayor Wojahn closed the public hearing.

CONSENT AGENDA: A motion was made by Councilmember Mitchell and seconded by Councilmember Kennedy to adopt the consent agenda, which consisted of:

20-G-89	Approval of a Cooperation Agreement for the Community Development Block Grant (CDBG) Urban County Qualification for Federal Fiscal Years beginning July 1, 2020 and ending June 30, 2023
20-G-90	Approval of Minutes from the February 25, 2020 Regular Meeting; and the March 10, 2020 Regular Meeting.
20-G-96	Reappointment of Mayor Patrick Wojahn and Steve Brayman as Class B Directors; and of David Iannucci as a Class C Director, to the College Park City-University Partnership, with all terms to expire on June 30, 2023.
20-G-92	Reappointment of Arelis Perez to the College Park Housing Authority

The motion passed 8-0.

ACTION ITEMS

20-G-91 **Recommend approval, with conditions, to the Prince George's County Planning Board, of Preliminary Plan of Subdivision 4-19047 for "The Standard" student housing project on Hartwick Road, subject to the applicant entering into a Declaration of Covenants with the City.**

Ms. Schum said this is the Preliminary Plan of Subdivision application for a student housing project called The Standard on Hartwick Road which will replace an existing office building. It is being developed by Landmark Properties of Athens Georgia. It will be a mixed-use building that contains 282 dwelling units (951 beds) and 6,671 sq. ft. of retail. The Planning Board date is May 14. After last

week's Worksession staff continued to work with applicant and have proposed revisions to last week's conditions, which are in the packet. She reviewed the changes to conditions:

1A – About the new roadway, not substantive. The County uses “public use easement.” Delete the text in parenthesis.

1B – Clarifies who the public use easement would go to.

1C – Previously listed as condition #7 last week but fits better here and clarifies that the easement is to the City.

4 – Deleted in its entirety. Confirmed that Bozzuto has already bonded for the new signal at Hartwick and US 1.

7 – Delete; has become #1C

8 and 9 – These are new conditions coming from County's technical staff report and are important to include.

10 – This is a prospective condition regarding the Declaration of Covenants which will be completed at time of DSP.

10F re green certification – They proposed NGBS bronze last week. Staff wants to remove this from consideration at this time because it will be discussed further during DSP review on June 2. In this area a LEED Silver certification is a mandatory requirement or else they must request a modification from the development standard. We're not sure what they are going to do. A memo was sent earlier today from Ms. Foster about the difference between NGBS and LEED. There is more time for applicant and Council to consider this item, so staff recommends removing it from the PPSD conditions.

Ms. Ferguson asked about the language in 1B: Can the City be part of the easement, or at least allowed to enforce? Ms. Schum said Park and Planning is asking for this easement as they did previously on the Northgate project. Staff will make the request of the Planning Board.

Councilmember Rigg asked about the Shadow Study. Eric Leith, applicant, provided the orientation: the top of page is north. It was prepared to answer the question of potential shading of trees on Guilford drive. There does not appear to be any significant shading of trees in Guilford run.

Chris Hatcher, attorney for applicant, said they will be back on the DSP next month. Tonight they wanted to be responsive on the shadow study, and to introduce Michelle Foster from Home Innovation Research Lab, which oversees NGBS certification for single family homes and multifamily buildings. NGBS is similar to LEED with two main differences where NGBS is more rigorous: 1) they need to meet minimum thresholds in all of the categories, and 2) they have an in-field verifier go to the building twice to make sure what was designed is actually what was built. NGBS also addresses operation and maintenance of the building.

Mayor Wojahn asked about the equivalency of LEED Silver to NGBS Bronze. Ms. Foster said they could be equivalent depending on where the points come from. He said if we are to support this development at the DSP phase, we would need to see more detailed reasoning about why the development could not meet Silver certification and why we are being asked to live with the Bronze certification.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to recommend approval of Preliminary Plan 4-19047 with conditions consistent with the City staff recommendations dated May 8, 2020, amended by the removal of the parenthetical reference in 1A.

Comments from the audience:

Mary King, resident: There are so many changes from last week to this week she doesn't see how the Council can properly consider this tonight.

There were no comments from the Council.

The motion passed 8-0.

20-R-12 Approval of a Resolution granting a City Revitalization Tax Credit to the Gilbane Development Company for College Park Metro Apartments (The Atworth), and approval of a Declaration of Covenants.

Mr. Somers reviewed the staff report. This is a continuation of the conversation at last week's Worksession. Mr. Haller and Mr. Somers spoke after the Worksession and the applicant has now agreed to execute the Declaration of Covenants with the standard PILOT language included. City staff is recommending approval of 20-R-12.

Mr. Haller said since last week's Worksession they have discussed, and the applicant has agreed to the DOC with the standard PILOT language the City usually adopts.

A motion was made by Councilmember Day and seconded by Councilmember Rigg that 20-R-12 approving a City Revitalization Tax Credit to the Gilbane Development Company for The Atworth mixed-use development project be approved.

Comments from the audience:

Mary King, resident: She appreciates how the Council worked last week to make sure this project is treated like any other project and she appreciates the outcome.

Councilmember Rigg feels a project was inevitable at this site but we are in a different time now due to COVID. This project is deserving of a RTC and this is part of our development strategy.

Councilmember Kabir appreciates the applicant's agreement to the PILOT, however he is worried about the current financial situation and what the future might hold. We want to be careful not to lose money that can be used to benefit our taxpayers. He would prefer to wait on this matter which is allowed under the City Code.

Councilmember Rigg thinks it is important to help get projects in the ground at this time to benefit the region and our City.

Roll Call Vote:

Yes: Kennedy, Brennan, Dennis, Day, Rigg

No: Kabir, Mackie, Mitchell

Motion carried 5-3

20-G-93 Approval of the following COVID-19-related relief efforts: 1) Waiver of business license renewal fees through the end of FY21; 2) Suspend commercial sign and banner code enforcement; and 3) Encourage landlords to delay or forego rental payments from their tenants if financially feasible.

Mr. Somers reviewed the staff report and said there are 3 items for consideration tonight. Additional proposals will be considered by the subcommittee and return at a future time. He added a reminder that the City is already providing free parking through the end of the summer in our garage.

A motion was made by Councilmember Kabir and seconded by Councilmember Mackie that the Council authorize the following actions: waive the Non-residential Occupancy Permit fee through the end of FY 21; suspend commercial sign and banner code enforcement; and encourage landlords to delay or forego rental payments from their tenants if financially feasible.

Comments from the audience:

David Gray, resident: He agrees with this for the commercial properties but is less certain about the hotels because many of them are owned by corporations that aren't based here. They are not going to go out of business because of this.

The motion passed 8-0.

20-G-94 Award of contract for RFP-CP-20-03 for a feasibility study about establishing a City department of Building Code, Permitting and Enforcement, subject to approval of the City Attorney.

Mr. Ryan reviewed the staff report. We had interest from 5 groups; 2 proposals were received. There was a significant difference in the prices between the two proposals. Staff recommends award of the contract to the low bidder, IBTS.

A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to award a contract in substantially the form attached, subject to approval by the City Attorney, in an amount not to exceed \$51,720.00 to IBTS to conduct a study to determine the feasibility of the City assuming the responsibility for building construction permits and inspections, and to authorize the City Manager to sign the contract.

Councilmember Rigg said there is an interest in trying to improve the customer service experience for our residents. This is an area where the City could provide excellent high value service to our residents. This is just a first, exploratory step; there will be future conversations.

Comments from the audience:

Mary King, resident: She said there are fees involved when you get a permit from the County, and she doesn't understand why we think the County would want to hand over those fees to the City.

There were no comments from the Council.

The motion passed 8-0.

20-R-13 Resolution Of The Mayor And Council Of The City Of College Park To Accept The Dedication Of Amherst Avenue As A Publicly Dedicated Street, Based Upon The Delineations On The Subdivision Plat Entitled "Johnson & Curriden's Subdivision Of College Park"

Ms. Ferguson said this area is of interest to many due to the biodiversity of the Sentinel Swamp. The City has been trying to determine who owns it to see if title could be transferred to the City. Title work was done by a Real Estate Attorney, Mr. Demma, who has told us the property was previously dedicated for public use. That dedication can be accepted by the City. We would take over jurisdiction, control, and maintenance of the area. This Resolution is the formal process to accept dedication of Amherst Avenue.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to accept the dedication of Amherst Avenue as a publicly dedicated street/right-of-way, based upon the delineations in the "Johnson & Curriden's Subdivision of College Park," recorded among the Land Records of Prince George's County, Maryland in Liber JWB 5 at Folio 479 and in Plat Book A as Plat Number 50, and being more particularly described in the Maryland State Plane Datum, NAD83 (2011), and further described in a survey and sketch dated May 6, 2020, by Charles P. Johnson & Associates, Inc., and to exercise jurisdiction, dominion and control of the area.

Councilmember Rigg said this has been a long-time labor of love by City staff, residents and students. The Old Town playlot adjoins this part of the community also-known-as the "Frog Pond." It presents an opportunity for our City to preserve public land as it existed before development. There is tremendous biodiversity. He hopes we can explore acquisition of the adjacent WMATA property as well. There is interest in interpretive signage and a boardwalk in the future.

Councilmember Day said interest in this property began years ago when we cleaned out the Frog Pond at a Good Neighbor event. Its interesting to see what's down there and is great to have this place of nature right in our City.

The motion passed 8-0.

GENERAL COMMENTS FROM THE AUDIENCE

David Gray, resident: He asked a question earlier about what is going on with Ledo's rent and didn't get an answer. Ledo's had a good rate when they moved in there and they have done OK. Why are we offering a large discount on rent for a business that has offered itself for sale?

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adjourn the Regular Meeting, and with a vote of 8-0, the meeting was adjourned at 9:32 p.m.

Janeen S. Miller
City Clerk

Date
Approved